



SD School for the Blind and Visually Impaired

GENERAL HANDBOOK

TABLE OF CONTENTS

GENERAL HANDBOOK (Blue)

DIRECT DEPOSIT	14
EDUCATIONAL RECORDS.....	22
AMENDMENT	23
COMPLAINT	23
DESTRUCTION	24
FEES	24
HEARING PROCESS AND RIGHTS	23
LIMITATIONS	24
STUDENT DIRECTORY INFORMATION.....	24
STUDENT RIGHTS	24
SUBPOENA.....	24
EDUCATIONAL RELEASE TIME.....	16
EMPLOYEE RECORDS	2
EMPLOYMENT PERIOD.....	2
EVALUATION POLICY	17
GRIEVANCE PROCEDURE.....	18
HOLIDAYS	2
ILLNESS, NOTIFICATION OF	4
IN-SERVICE AND STAFF DEVELOPMENT POLICY	16
INVENTORY	25
KEYS	25
LAYOFF PLAN AND REEMPLOYMENT PROCEDURES	18

LEAVE AND LEAVE REQUEST	4
ANNUAL LEAVE.....	5
COURT AND JURY LEAVE	8
DONATION OF LEAVE	6
LEAVE WITHOUT PAY	7
MILITARY SERVICE AND VETERANS RIGHTS.....	8
PERSONAL LEAVE.....	5
SICK LEAVE.....	4
VOLUNTEER FIREFIGHTERS	7
LEAVE PAYMENTS	8
ACCRUED VACATION HOURS	8
FAMILY (MEDICAL) LEAVE	9
SICK LEAVE.....	9
TERMINAL VACATION	8
LOBBYING	26
LONGEVITY PAY	3
LOUNGE	25
MAINTENANCE REQUESTS	26
NAMETAGS.....	1
NON-UNIT FACULTY EXEMPT	6
OFF-CAMPUS ACTIVITIES.....	25
PARKING	22
PAYDAY	2
POLITICAL ACTIVITY	26
REDUCED TUITION, APPLICATION FOR (STATE OF SOUTH DAKOTA)	15
REDUCED TUITION BENEFITS, SDBOR.....	15
REPRESENTING SDSBVI.....	26
RESIGNATION OF STATE EMPLOYEES.....	17
SCHOOL CLOSING (ADMINISTRATIVE LEAVE).....	14

SCHOOL FACILITIES, USE OF.....	25
SCHOOL-WORK ADJUSTMENT POLICY (SWAP).....	13
APPROVAL OF EMPLOYEES' WORK SCHEDULES	13
ELIGIBLE EMPLOYEES	13
ELIGIBLE SCHOOL SUPPORT ACTIVITIES	13
HOURS WORKED.....	13
SERVICE ANIMAL POLICY.....	28
ADDITIONAL ITEMS	29
DAY STUDENTS.....	28
VISITORS.....	28
RESIDENCE STUDENTS	29
STAFF AND VOLUNTEERS.....	28
SERVICE PLAQUES, SDSBVI.....	4
STATE SERVICE PINS	4
TERMINATION OF STATE EMPLOYEES.....	17
VOLUNTEER POLICY	27
DUTY OF 24 HOURS OR MORE.....	27
NON-SDSBVI-SPONSORED EVENTS.....	27
SDSBVI-SPONSORED EVENTS.....	27
WELLNESS POLICY	29
NUTRITION EDUCATION.....	30
NUTRITION STANDARDS	29
OTHER SCHOOL-BASED ACTIVITIES	30
PHYSICAL ACTIVITY	30
WORK-STUDY POSITIONS	1
WORKDAY AND WORKWEEK.....	1

(CONTINUED ON NEXT PAGE)

ALSO REFER TO:

- APPENDIX I: INTRODUCTION
- APPENDIX II: BUSINESS OFFICE PROCEDURES
- APPENDIX III: CONFIDENTIALITY
- APPENDIX IV: COMMUNICABLE DISEASE & AIDS
- APPENDIX V: COMMUNICATIONS
- APPENDIX VI: FIRE AND LIFE SAFETY & WORKING CONDITIONS
- APPENDIX VII: EMPLOYEE AND EMPLOYER PAID BENEFITS
- APPENDIX VIII: STATE VEHICLES AND TRAVEL

WORKDAY AND WORKWEEK

A forty (40) hour workweek is basic for most departments. Office working hours are from 7:30 a.m. to 5:00 p.m., Monday through Friday. Certain operations require different hours of rotating schedules for weekend assignments. All employees are to be at work on time and leave when scheduled to leave. Being late for work makes it inconvenient of those people already on duty. If for some reason you must leave one or two hours early, please see your supervisor first or the administration prior to the date you wish to leave early. Employees, when on duty, are expected to eat at the school; employees who have a duty-free lunch may leave if time permits.

The working calendar at the South Dakota School for the Blind and Visually Impaired is from 12:01 a.m. on the first day of every month through 12:00 midnight (a.m.) on the last day of every month. Hours in excess of forty (40) hours per week constitute overtime [12:01 a.m. Sunday morning to 12:00 midnight (a.m.) Saturday night], and will be authorized only in emergencies or unusual circumstance. Employees who are eligible for overtime are FLSA employees. Refer to "Overtime and Compensatory Time" in the CAREER SERVICE EMPLOYEE HANDBOOK for positions covered by FLSA. Overtime must be requested by the supervisor and approved by the Superintendent or Director of Human Resources in advance. Requests should be in writing stating the reason and approximate number of hours required.

Note: Every employee is to be on duty during scheduled working hours unless permission to be absent has been approved in advance by the immediate supervisor or Superintendent. Sickness or emergency are the only exceptions. Please use the sign-out board next to the Front Office.

Please see "FLSA Employees" and "Non-FLSA Employees" in the CAREER SERVICE EMPLOYEE HANDBOOK for rules governing FLSA and Non-FLSA employees.

Safe Harbor: It is the policy of the South Dakota School for the Blind and Visually Impaired to abide by all federal and state wage and hour laws. SDSBVI prohibits improper pay practices and improper deductions. Employees with concerns about possible violations of wage and hour laws should contact the Human Resource Director or the Business Manager. Every effort will be made to investigate the concern and promptly rectify any inadvertent errors.

NAMETAGS

A SDSBVI nametag is issued to each permanent employee upon hire. You are expected to wear your nametag while at work. If you misplace your nametag, contact the Administrative Assistant to get a replacement. Student interns, student teachers, and volunteers will be issued temporary nametags by the front office staff.

WORK-STUDY POSITIONS

These positions were created to assist staff. At no time are these positions to have anyone fill in for them during their absence. These positions are supervised help.

EMPLOYMENT PERIOD

Each employee is given a contract and/or letter of appointment that indicates the dates he/she will be employed during the fiscal or school year. The salary and/or hourly wage is also indicated in the contract and/or letter of appointment.

EMPLOYEE RECORDS

Employee records are confidential records and must be treated as such. Employee records maintained by the SDSBVI must be kept in a secure location, except when they are being reviewed or supplemented by an authorized employee. Employee records never leave the Human Resource Office, except as permitted by the Director of Human Resources.

PAYDAY

Payday is the last working weekday of the month. Paystubs are available for viewing and printing in SNAP one day prior to payday.

HOLIDAYS

55:01:21:02. Holiday Pay. To be eligible for holiday pay, the following qualifications must be met:

1. The employee worked the last scheduled shift prior to the holiday and the first scheduled shift after the holiday unless on approved paid leave (not on leave without pay).
2. If the employee was scheduled to work on the holiday and refused to do so, no payment will be made for the holiday.
3. Employees who work less than full-time will be given prorated holiday pay, determined by calculating an average for the past five pay periods.
4. New employees who report to work on the day following a holiday will not be allowed holiday pay.
5. Employees who are on leave without pay during the week when a holiday occurs will not receive holiday pay.

Source: SL 1975, ch 16, s 1; 2 SDR 16, effective September 8, 1985; 3 SDR 58, effective February 17, 1977; 4 SDR 82, effective June 1, 1978.

General Authority: SDCL 3-6-10.1

Law Implemented: SDCL 3-6A-29.

The South Dakota School for the Blind and Visually Impaired observes the following holidays:

- January 1**, New Year's Day
- Second Monday in January**, Martin Luther King
- Third Monday in February**, Lincoln's & Washington's Birthday
- Last Monday in May**, Memorial Day
- July 4**, Independence Day
- First Monday in September**, Labor Day
- Second Monday in October**, Native American Day
- November 11**, Veteran's Day
- Fourth Thursday in November**, Thanksgiving Day
- December 25**, Christmas Day

Note: SDCL 1-5-1. Holidays enumerated:

If the first day of January, the fourth day of July, the eleventh day of November, or the twenty-fifth day of December falls upon Sunday, the Monday following is a legal holiday and shall be so observed; and if any such day falls upon a Saturday, the preceding Friday is a legal holiday and shall be so observed.

Note: A schedule will be arranged for some Career Service employees who will be required to work on Veterans Day, November 11. School will be in session for faculty and students. Those Career Service employees who work on the traditional Veterans Day will, in lieu, receive one additional day to be scheduled by the administration at Thanksgiving.

Career Service and Exempt employees who are scheduled to work on a holiday will be allowed to take their holiday as soon as possible after the holiday -- but not before.

Faculty: See COHE Contract, Article 8.30 and Regents Manual.

LONGEVITY PAY

Current "non-faculty" "A" and "B" type employees are eligible for longevity who also have completed seven (7) or more years of total state service. A lump sum payment will be made during the anniversary month of total state service.

If an employee who is eligible for longevity pay is on layoff status at the time of his/her anniversary date, that employee is NOT eligible to receive a longevity check. Lay-off employees who return to permanent state employment within a year will be allowed to count the layoff period as continuous service. Eligible employees who die prior to their anniversary date are still eligible to receive a longevity check. The check will be sent to the immediate family.

<u>Years of Service</u>	<u>Longevity Amount</u>
7 years - 9 years	\$100
10 years - 14 years	\$ 10 per year
15 years - 19 years	\$ 15 per year
20 years - 24 years	\$ 20 per year
25 years - 29 years	\$ 25 per year
30 years - 34 years	\$ 30 per year
35 years - 39 years	\$ 35 per year, etc

STATE SERVICE PINS

All permanent employees are eligible for a State Service Pin based on total years of state service. Pins are handed out on the employee's anniversary month of total years of service.

10 years	color
15 years	copper
20 years	bronze
30 years	silver

SDSBVI SERVICE PLAQUES

All SDSBVI employees are eligible for a (SDSBVI total years) service plaque for each five (5) years of continuous service. These plaques are presented to the employee at the Awards Banquet held each May at the SDSBVI.

NOTIFICATION OF ILLNESS

Notification of absence shall be given to the employee's immediate supervisor or the administration PRIOR to the employee's normal starting time for the day involved. Unauthorized and unreported absences shall be absence without leave, and deduction of pay shall be made for the period of absence. This also may be cause for disciplinary action. An employee who has been ill for three (3) days or longer may be required to have a letter from his/her doctor indicating the employee's ability to return to work fully and/or with any restrictions (lifting restrictions, number of hours able to work, etc.) Failure to provide this information to one's supervisor immediately upon return to work will result in disciplinary actions

LEAVE AND LEAVE REQUEST

All leave requests must be approved by the supervisor IN ADVANCE for a planned leave. For unplanned leave, leave request must be approved by the supervisor within eight (8) hours upon returning to work.

SICK LEAVE - Sick leave may be granted for personal illness, pregnancy, and related disabilities, exposure to contagious disease that would endanger the health of fellow employees and students, required eye and dental care, required medical examination and in-house counseling care. The minimum charge for sick leave shall be one (1) hour; additional time will be taken in fifteen (15) minute increments.

Reminder to staff: Sick leave is to be reported after doctor appointments, not before.

Sick leave is a privilege and as such should not be abused. The Superintendent and the Director of Human Resources have the authority to investigate the use of sick leave privilege. If it is found that sick leave has been used for other than the purpose stated above, the time off will be changed to leave without pay and may be cause for disciplinary action.

	ACCRUAL RATE:
Career Service Employees	.053846154 per hour worked (no more than 9.334 hours per month) (No Maximum)
All Exempt Employees	9.334 hours per month (no more than 9.334 hours per month) (No Maximum)
Faculty	.053846154 per hour worked (no more than 9.334 hours per month) (No Maximum)

Sick leave can only be taken during days in which the employee was actually scheduled for work.

Faculty: See COHE Contract 8.1 and Regents Policy Manual.

Faculty unit members who are employed fifty percent (50%), but less than one hundred percent (100%), during the full academic year will earn sick leave on a prorated basis of the above.

Employees who are retiring, voluntarily resigning, lay off or terminate for physical disability will be paid for one-fourth (1/4) (up to 480 hours) of their unused sick leave that has accrued. Employees must have worked for the state continuously for seven (7) years. Employees who have been terminated for cause are not eligible for payment of unused sick leave.

PERSONAL LEAVE - All state employees are allowed to use forty (40) hours of their accumulated sick leave for personal leave (based on a calendar year).

The use of sick leave for personal leave may be granted due to:

1. Death in the immediate family
2. Temporary care of members of the immediate family (home care, surgery, hospital stay)
3. Volunteer police or rescue work
4. Call to state active duty

Personal emergency leave will not be granted for any other purpose, such as accompany a family member to a scheduled medical appointment.

Personal leave may not exceed forty (40) hours per calendar year and may not be accumulated.

An employee's immediate family includes spouse, children, mother, father, mother-in-law, father-in-law, brother, sister, grandparents, grandchildren, stepchildren, stepparents, daughter-in-law and son-in-law. Spouse's grandparents are not included.

ANNUAL LEAVE - Career Service and Exempt Non-Faculty

Accumulated annual leave will be granted to career service and exempt non-faculty employees (faculty employees and non-unit faculty exempt do not accrue annual leave) upon completion of six (6) months of service.

Annual leave must be approved by the supervisor IN ADVANCE.

Leave can only be taken during the period employees are assigned to work and can only be taken during days in which the employee was actually scheduled for work. Annual leave can be used during SDEA break, Christmas and Easter breaks or any other designated breaks when all the students go home between the first day of in-service and the last day of school.

Annual leave may be granted as such time or times as will least interfere with the efficient operation of the school. Requests may be denied by the supervisor for appropriate reasons relating to scheduling conflicts or staffing problems.

All Career Service and exempt non-faculty employees will accumulate vacation leave credits according to the following schedule based on continuous years of state service:

Years of Service	Rate of Accumulation Hourly	Rate of Accumulation Salary
0-15 years of service	.0576925 hour per hour worked (no more than 10.00 hours/month)	10.00 hours per month
15 years of service and over	.076923125 hour per hour worked (no more than 13.33 hours/month)	13.33 hours per month

Employees may accumulate up to 320 hours (40 working days) for 15 or more years of service and 240 hours (30 working days) for 0-15 years of service.

Faculty

As specified in Section VIII - 8.1 all nine-month faculty unit members are entitled to receive two (2) days of annual leave per contract period. Leave requests must be approved by the supervisor in no less than five (5) calendar days. Effective contract year 1990.

Non-Unit Faculty Exempt

After completion of 15 years of service in a non-unit faculty exempt position, employee will receive two (2) days of annual leave per fiscal period. Hours do not carryover from year to year. Leave requests must be approved by the supervisor in no less than five (5) calendar days.

DONATION OF LEAVE - Recipient Requirements - An employee may receive donated vested leave if the following requirements are met:

1. He is employed in a permanent position for at least one year and is eligible for the accumulation of leave under SDCL 3-6-6 and 3-6-7;
2. He has been certified by a physician as:
 - a. terminally ill (life threatening) and unable to return to work; or
 - b. suffering from an acutely life threatening illness or injury which has prevented him from working for at least 90 consecutive days;
3. He has made a written request for and obtained the approval of the Commissioner to received donated vested leave; and
4. He has applied for any other public disability programs for which he may be eligible; and
5. He has exhausted all his leave benefits.

Donated leave benefits cease after 2080 hours of donated leave have been used, or after 1040 hours for a recipient employee as defined in subdivision (2) (b) of this section, or when other public disability benefits have been approved, or upon the death of the recipient employee. The rate of payment of donated leave is the recipient's current base pay. Sick and annual leave may not be accrued by a recipient employee on donated leave.

For every four (4) hours of sick leave donated by an employee, the recipient employee receives one (1) hour of sick leave. For every one (1) hour of annual leave donated by an employee, the recipient employee receives (1) hour of annual leave.

Donor Requirements - An employee is eligible to donate his vested leave if he is employed in a position eligible for the accumulation of leave under SDCL 3-6-6 and 3-6-7 and he has accumulated more than 80 hours of annual leave or 120 hours of sick leave. **The donating employee does not have to be employed within the same agency as the recipient employee.**

The donating employee may donate his annual leave in excess of 80 hours or his sick leave in excess of 120 hours. The minimum donation of vested annual leave is one (1) hour. The minimum donation of vested sick leave is four (4) hours. Sick leave must be donated in increments of four (4) hours. **The donating employee may donate leave to an employee who is at the same or lower pay grade as the donating employee.**

Procedure - An employee donating vested leave shall give written notice to his appointing authority of the amount and type of leave being donated and the name of the recipient of the leave and his place of employment.

The appointing authority receiving the notice of intent to donate shall forward the notice to the Commissioner. The Commissioner shall maintain a register including the name of the donating and recipient employee, the total hours and type of leave donated and the date the donation was made.

If a recipient receives a donation of leave from more than one donor, the leave shall be distributed in the order received.

LEAVE WITHOUT PAY - Leave without pay exceeding three (3) months requires the approval of the South Dakota Board of Regents (ARSD 55:01:22:06). Please see the Director of Human Resources for appropriate form. Employees granted leave without pay exceeding three (3) months must bear the cost of their group health/life add premiums if he/she desires to remain covered by the group policy. Employees granted leave without pay for up to a total of three (3) months will continue to have the employee's share of group health/life paid by the employer.

VOLUNTEER FIREFIGHTERS -- Any person engaged in fighting fire as a member of a local volunteer fire department is deemed to be fulfilling their assigned responsibilities and shall not be required to take leave when absent from their duty station.

MILITARY SERVICE AND VETERANS RIGHTS -- Any eligible employee of South Dakota's Unified System of Higher Education who is called for training or active duty in the uniformed services of the United States is eligible for military leave, provided the employee gives notice of his or her military obligations. In carrying out the terms of this policy and in all its dealings with employees regarding military leave issues, system complies fully with all federal and state laws granting leave and employment rights to employees serving in any branch of military or other uniformed services of the United States.

Compensation Procedures

Activated employees may choose from the following five (5) options or a combination of these options:

1. Up to 15 days of unused military training leave
2. Up to 40 hours of unused personal leave
3. Accrued vacation leave
4. Active military duty status without pay
5. Separation

In the case of military training leave or personal leave, the employee must not have already exhausted his or her annual allotment. All restrictions regarding these types of leave still apply.

(Please refer to SD BOR Policy 4:16 for additional information on Military Service and Veterans Rights.)

COURT AND JURY LEAVE - If a state employee is subpoenaed to testify in court, the employee shall receive both the employee's regular salary from the state without loss of leave credits and witness fees. If the employee is subpoenaed by either party to testify in any civil or criminal proceeding because of his official capacity, he shall receive his regular salary without loss of leave credits and may not receive witness fees. If an employee is a party to or witness who has not been subpoenaed for private litigation, the employee must use vacation leave or leave without pay. If a state employee is summoned to serve on a jury, the employee shall receive his regular salary without loss of leave credits and the per diem and mileage provided for by SDCL 16-13-46. A state employee summoned either as a witness or a juror shall notify his employer at once.

LEAVE PAYMENTS

TERMINAL VACATION - (For employees who have completed 1,040 hours of employment.) SDCL 3-6-6.2. Terminal vacation on retirement or resignation, lump sum payment option, payment upon death states: "Any employee who retires or voluntarily resigns shall have the option of terminating his employment at the end of his accrued vacation period or of receiving a lump sum payment for the unused vacation time which has accrued as of his final working day; provided, however, that in the case of death of the employee, payment for such accumulated leave of absence for vacation time shall be paid as provided under the provisions of 3-8-8 to 3-8-11, inclusive."

ACCRUED VACATION HOURS - Lump sum payment is authorized only when a status employee is terminating employment. Under no other conditions may an employee be paid for more hours than would be normally worked in a pay period.

SICK LEAVE - Every state employee, who has been continuously employed in a permanent position by the state of South Dakota or any department or agency thereof for at least seven (7) years prior to the date of his retirement, voluntary resignation, layoff, or termination for inability to perform job functions due to physical disability or death shall receive payment for one-fourth (1/4) of the unused leave of absence for sickness which has accrued as of his final day on payroll. Such payment may not exceed the sum of four hundred eighty (480) hours. Payment shall be made in a lump sum with the employee's last payroll warrant. Employees who have been terminated for cause are not eligible for payment of unused sick leave.

Faculty who complete seven (7) 9-month contracts become eligible for the payment as long as they meet the other requirements of the status.

FAMILY (MEDICAL) LEAVE -- Please see Human Resources for more information regarding the Family Medical Leave Act. Anything not included in this policy that is covered by federal or state regulations will be adhered to according to the law.

A. Family Medical Leave Definitions

1. **Benefit**— Employees eligible for family medical leave are entitled to twelve (12) weeks of paid or unpaid leave due to a serious health condition, birth, or adoption of a child, and for the care of a child, spouse, or parent who has a serious health condition. The use of paid leave must comply with SDCL 3-6-6, 3-6-7, and 3-6-8.
2. **12-month period**— The 12-month period is defined as a measuring forward period from the date of an employee's first qualifying event. For example, an employee has a child on April 1; therefore, the 12-month period is April 1 through March 31.
3. **Health Care Provider**— A doctor of medicine or osteopathy who is authorized to practice medicine or surgery by the State of South Dakota, or any person determined by the U.S. Secretary of Labor to be capable of providing health care services.
4. **Spouse**— A spouse is a husband or wife as defined or recognized under state law for the purposes of marriage. South Dakota does not recognize common law marriage.
5. **Parent**— This is a person who is the biological parent of the employee or an individual who stands or stood in as a parent to an employee when the employee was a child.
6. **Son or Daughter**— This is a biological, adopted, or foster child, a stepchild, a legal ward, or a child of a person standing in for the parent, who is under 18 years of age. It includes others who may be older if the son or daughter is not capable of self-care due to a mental or physical disability. A person who stands in as a parent includes a person who has the day-to-day responsibility to care for and financially support a child. In the case of an employee, this includes the person who had that responsibility for the employee when the employee was a child. A biological or legal relationship is not necessary.
7. **Next of Kin** – The term “next of kin” when used with respect to an individual, means the nearest blood relative of that individual.
8. **Serious Health Condition**—This is defined as an illness, injury, impairment, or physical or mental condition that involves:
 - a. Any period of incapacity or treatment in connection with or consequent to inpatient care in a hospital, hospice, or medical care facility;

- b. Any period of incapacity requiring absence from work, school, or other regular activities, of more than three calendar days, that also involves continuing treatment by a health care provider, or continuing treatment by a health care provider for a chronic or long-term health condition that is incurable or so serious that, if not treated, would likely result in a period of incapacity of more than three calendar days; and for prenatal care. The term is not intended to cover short-term conditions in which treatment and recovery are brief. These conditions are covered by the usual sick leave policy.
 - c. Examples— Examples of serious health conditions include but are not limited to: heart attacks, heart conditions requiring heart bypass or valve operations, most cancers, back conditions requiring extensive therapy or surgery, strokes, severe respiratory conditions, spinal injuries, appendicitis, pneumonia, emphysema, severe arthritis, severe nervous disorders, injuries caused by serious accidents on or off the job, ongoing pregnancy, miscarriages, complications or illness related to pregnancy, such as severe morning sickness, the need for prenatal care, childbirth and recovery from childbirth.
9. **Intermittent Leave**— This is leave taken in separate periods of time due to a single illness or injury, rather than for a continuous period of time. It may include leave periods from one hour or more to several weeks. Examples include leave taken on an occasional basis for medical appointments, or leave taken several days at a time spread over a period of months, such as for chemotherapy.
 10. **Reduced Leave Schedule**— This is a leave schedule that reduces the usual number of hours per workweek or workday of an employee.

B. Employee Eligibility Requirements

1. The employee must have worked at least 12 months for the state.
2. If the employee is subject to the overtime provisions of the Fair Labor Standards Act, the employee must have worked at least 1250 hours, excluding overtime, during the 12-month period immediately prior to the date the leave would begin.

C. Qualifying Events Eligible for Family Medical Leave

1. The birth or the care of the employee's newborn child;
2. The placement with the employee of a child for adoption or foster care;
3. The care of the employee's spouse, child, or parent with a serious health condition; and
4. The serious health condition of the employee that leaves the employee unable to perform the functions of his or her job.
5. Any qualifying exigency arising out of the fact that the spouse, son, daughter, or parent of the employee is on active duty, or has been notified of an impending call to active duty status, in support of contingency operation.

D. Length of Leave

1. Employees eligible for family medical leave are entitled to a total of twelve (12) weeks of family medical leave during the course of each 12-month period; however, employees utilizing family medical leave for the birth of a child, for the placement for adoption of a child in their home, or to provide foster care of a child can use only twelve (12) weeks for that purpose within one year of the date of birth or placement of the child.
2. Employees are able to take leave through a reduced schedule or for intermittent periods for their personal serious health conditions or to care for the employee's sick family member. However, if leave is taken due to the birth of a child or placement of a child for adoption or foster care, an employee may take leave intermittently or on a reduced schedule only with the approval of his/her supervisor.
3. Additional leave may be granted to employees beyond the amounts mandated by the Family Medical Leave Act. However, Board policies and CSA rules governing leaves continue to apply.

4. An eligible employee who is the spouse, son, daughter, parents, or next of kin of a covered service member who is recovering from a serious illness or injury sustained in the line of duty is entitled to up to 26 weeks in a single 12 month period to care for the service member. This military caregiver leave is available during a single 12 month period during which an eligible employee is entitled to a combined total of 26 weeks of all types of FMLA leave.

E. Coordination of Family Medical Leave With Other Leave Benefits

1. Consistent with state, Board policy, and the administrative rules governing leave usage, family medical leave is not necessarily paid leave. BOP and the SDBOR require all employees to use sick leave, annual leave, and/or personal leave for the qualifying event of a serious health condition for self and personal leave and/or annual leave for any other qualifying event. The use of paid leave must comply with SDCL 3-6-6, 3-6-7,
2. It is the practice that any eligible employee, as defined by the state, may take up to six (6) weeks of sick leave immediately following the birth or adoption of a child.
3. In accordance with SDCL and ARSD, employees may be allowed to receive donated leave after all other leave has been exhausted.
4. At no time will an employee be eligible for more than the allotted 12-weeks approved by federal law for the purpose of FMLA; however, with approval employee could utilize a leave of absence beyond the 12-weeks depending upon the circumstance.

F. Notification

1. Employees must provide their supervisor with at least 30 days notification if the family medical leave event is foreseeable. Typical foreseeable events are the birth or adoption of a child or the planned medical treatment for a serious health condition of the employee or the employee's family member. If the need for the leave is not foreseeable due to a change in circumstances or due to an emergency, the notice must be given as soon as practicable. Notice may be verbal, but a written request must be submitted to the supervisor to comply with record keeping requirements.
2. If an employee does not give timely advance notice of the need for family medical leave that is foreseeable, the employee's supervisor may deny the leave request until thirty (30) days after the employee provides the notice.

G. Medical Certification

1. The supervisor may, after consulting with Human Resources, require that the employee certify through a physician that a serious health condition does exist. If requested, the employee will have a reasonable time period (in most cases 15 days) in which to supply such certification. Employee may lose eligibility of the Family Medical Leave Act if proper certification is not completed prior to onset of leave or within 15 days of the onset of the serious health condition. This certification shall contain the following:
 - a. The date when the serious health condition began,
 - b. The probable duration of the condition,
 - c. The appropriate medical facts within the knowledge of the health care provider regarding the condition,
 - d. If the leave is due to the employee's serious health condition, the certificate must include a statement that the employee is unable to perform the functions of his or her position,
 - e. If planned medical treatment is the reason for the leave and employee wants intermittent leave or leave on a reduced time schedule, the date when the treatment begins and the estimated duration of the treatment,
 - f. If the leave request is necessitated by a serious medical condition of the employee or the employee's child, spouse or parent, the certificate shall state that there is a medical necessity for the leave and an estimate of how long the leave will be, and
 - g. Date and Signature of Health Care Provider.

2. The employee may be required to obtain a second opinion at the employer's cost from a second health care provider of the employer's choice. If the second opinion conflicts with the first opinion, the employer may request a third opinion at the employer's cost. The employer and the employee must jointly agree on the person providing the third opinion. The third opinion is final and binding.
3. If an employee has suffered from a serious health condition which would prevent the employee from performing the essential functions of the employee's job or which would jeopardize workplace safety, the supervisor may, after consulting with Human Resources, require medical certification before reinstating the employee.
4. The employer may request additional medical certifications as deemed necessary and in compliance with FMLA.

H. Benefits

1. Employees utilizing family medical leave will be allowed to continue to participate in the state health insurance plan as if the employee were not on leave. The institution will continue to pay the amount necessary to continue the employee's personal health insurance coverage on the same basis while the employee is participating in the leave program. However, the employee will be required to pay the amount needed to continue coverage beyond that provided as part of the state benefit package.
2. If the state provides a new health plan or revises the health plan during the employee's family medical leave, the employee is entitled to change his/her benefit selections just as if the employee were continuously employed.
3. If an employee does not return from a family medical leave, the state is entitled to recover the health premiums paid on behalf of the employee. However, a campus may not recover its share of the employee's health plan premium if the employee does not return to work due to the continuation, recurrence or onset of a serious health condition or other circumstances beyond the employee's control. A campus may not recover its share of health insurance premiums for any period of FMLA leave covered by paid leave.
4. Employees on an unpaid leave will not accrue sick or annual leave benefits.

I. Returning From Family Medical Leave

1. Upon returning to work from a family medical leave, an employee is entitled to the same or equivalent position. An equivalent position must have the same pay, benefits and working conditions, including privileges, perquisites, and status. It must involve the same or substantially similar duties and responsibilities, which must entail substantially equivalent skill, effort, responsibility, and authority.
2. Employees on family medical leave have no greater entitlements to continued employment or benefits than they would have had if they remained continuously employed during the family medical leave period.
3. Employer may request a return-to-work certificate to ensure employee is able to perform the essential functions of the position.

Non-FLSA employees who perform only satisfactory work and who are not fulfilling the responsibilities of their position will not be allowed reduced hours worked for a full day of work.

SCHOOL-WORK ADJUSTMENT POLICY (SWAP)

ELIGIBLE EMPLOYEES - All permanent full-time and part-time employees with at least six months of service may take advantage of the SWAP program. Participation is not limited to parents or grandparents of students. Employees may volunteer to assist with activities even if they do not have children in school.

ELIGIBLE SCHOOL SUPPORT ACTIVITIES - Employees may assist with any school-sponsored academic or extracurricular activity for grades K through 12 in any public or private school. Some examples of volunteer work include reading groups, tutoring, and field trips. Coaching or chaperoning extracurricular activities may also be included in this program. Work adjustment will not be granted as part of this program to employees to merely attend an activity as opposed to actively assisting students with an activity. Teaching religion classes is not an activity covered by this policy. Activities may be ongoing and regularly scheduled or one-time exercises.

SWAP activities are intended only for volunteer efforts. If an employee is receiving a salary or fee from the school district or other organization for the particular activity, the employee is not entitled to use the work adjustment option. Employees must take annual leave or leave without pay if remuneration is received for the duties performed for the school.

APPROVAL OF EMPLOYEES' WORK SCHEDULES - The employee must request, in writing, the work schedule adjustment from the immediate supervisor. The hours that may be adjusted without the use of annual leave or leave without pay will be limited to three hours every two weeks. If the school activity is ongoing and regularly scheduled throughout the semester or the request is for more than three hours per every two weeks, the approval of the Superintendent must be obtained. Employees must have written approval of the adjusted schedule before departing work. Approval of the adjusted work schedule must be based upon the workload and not the supervisor's evaluation of the value of the school activity. Every attempt should be made to accommodate the employee's request.

HOURS WORKED - The time spent in support of school activities is not to be considered hours worked unless the employee's job requires support of a school activity. The employee must arrange the work schedule so that the same number of hours donated to school activities during regularly scheduled work periods are worked during the same work period. For example, if an employee donates two hours to a school activity during the week, two hours must be worked at some other time during that same week. Adjustments to the work schedule must be accomplished within the work period, which is the 40 hour workweek for most employees.

If an employee is directed by the supervisor to support a school activity because of the employee's expertise in an area, those hours are considered hours worked and not hours to be adjusted. For example, if a biologist is asked by the supervisor to speak to a high school biology class, the hours are working time. The supervisor, in this instance, will not require the employee to work additional hours to make up for the time in support of a school activity. - Effective May 1, 1990

SCHOOL CLOSING (ADMINISTRATIVE LEAVE)

If an office or institution closes under any circumstances, e.g., inclement weather, power outages, broken pipes, inoperable furnace/air conditioner, civil disturbances, etc., employees will not be required to take any type of leave. The absence will be treated as a temporary reassignment of duty location to the employee's home and the employee will be paid for the normal hours worked. Hours accumulated during this time will not be used in computing overtime. If an office is closed, but essential employees are required to report to work these employees will, at the discretion of the appointing authority, either receive administrative leave hours off at straight time at a later date or cash payment at their regular hourly rate for the hours they are required to work during the emergency. In circumstances of inclement weather where the office is not closed, staff who cannot reach work will be required to take annual leave, leave without pay, or compensatory time.

Employees on paid or unpaid leave when an office is closed due to inclement weather are not entitled to adjust their leave by the number of hours the office was closed. The Commissioner shall be informed of all office closings.

Normally we will not close school if students are here. If we do close school, we will be obligated to make up the day elsewhere, which could mean extending the school year. It is in our best interests to conduct a full day of school activity

No state vehicles will be issued out when hazardous road conditions exist and a travel advisory has been issued by either the South Dakota Department of Transportation or the South Dakota Highway Patrol.

If travel conditions are so poor that law enforcement officials advise no travel in town or if the weather service has issued a blizzard warning, day students will be advised to stay at home. Information will be on KSDN (930), KGIM (1420) and KKAA (1560) radio. Staff members who cannot reach work will be required to take leave as detailed above. If travel conditions are so poor that you are not comfortable traveling...don't. Call in and notify your supervisor.

Some personnel will be needed at the school even during a blizzard. If travel is restricted, the Superintendent will determine which staff members are needed and, if necessary, request assistance from the police department for transportation.

Faculty: See COHE Contract.

DIRECT DEPOSIT

Direct Deposit allows employees to have their paycheck automatically deposited in their checking or savings account on payday. We can accommodate split deposits. Direct Deposit is mandatory and services are provided free to you.

SDBOR REDUCED TUITION BENEFITS (SDCL 3.20)

To receive reduced tuition benefits (for any state educational institution under the control and management of the South Dakota Board of Regents) you must:

1. Be employed in a permanent benefit eligible position.
2. Be employed continuously for the state of South Dakota for one (1) year or more.
3. Not currently on a prescriptive or work improvement plan.
4. Maintain a 2.0 or greater Grade Point Average.
5. Be a resident of the state of South Dakota.
6. Not be entitled to other reduced tuition benefits by law.
7. Six (6) credit hours maximum per semester. (All hours over these limits will be billed at full tuition rates.)

Employees wishing to take advantage of this reduced tuition benefit must:

1. Make application to the Board of Regents by completing form BOR-50.
2. Obtain certification by the employee's supervisor and Director of Human Resources.
3. Provide to the staff member for verification of space available.
4. Deliver this application to the Business Office or Registrar's Office for certification that all requirements have been met.

One hundred percent (100%) of all required fees and fifty percent (50%) of tuition must be paid. Entitlement to any other type of reduced tuition benefits would supersede this benefit.

STATE OF SOUTH DAKOTA APPLICATION FOR REDUCED TUITION (Elementary, Secondary, & Vocational Teachers) – SDCL 13-55-24

To receive reduced tuition benefits (for any state educational institution), you must:

1. Be a resident of the state of South Dakota.
2. Be a certified elementary (K-6) or secondary teacher or vocational instructor
3. Required by state law, administrative rules or an employment contract to attend college as a condition of employment or to maintain a certificate to teach
4. Not be entitled to other reduced tuition benefits by law
5. Maintain an academic grade point average of 3.0 or better
6. Not request reduced tuition for more than six (6) semester credit hours under this act in the current budget year (July 1-June 30).

Faculty wishing to take advantage of this reduced tuition benefit must:

1. Make application to the Superintendent by completing 55D-250-9S
2. Obtain certification by the Superintendent
3. Provide to the faculty member for verification of space available
4. Deliver this to the Business Office or Registrar's Office for certification that all requirements have been met.

EDUCATIONAL RELEASE TIME (Job Related Training)

All full-time overtime eligible non-faculty employees of the Board of Regents with one or more years of continuous full-time service immediately prior to the academic census date may request approval to take up to three clock hours per week of classwork without being required to make up this time.

- A. CSA and NFE overtime eligible positions:** Employees need to complete a request form and should forward requests through their supervisor to the Superintendent. The original signed form should be forwarded according to your institutional processes for leave reporting. Either supervisor can deny the request. All hours over the three-clock hours limitation must be made up. If time off is allowed to attend classes, the supervisor must assure that the job requirements are met. If the projected workload requires that projected overtime be worked for that semester, then the supervisor should not approve the educational release time. In the event the class is offered during off hours, on the Internet via asynchronous, or on weekends during that semester, then the release time may not be approved. All hours approved for release time will not be counted toward overtime and must be placed on the employee time sheet as paid educational leave.
- B. CSA and NFE exempt from overtime positions:** All full-time employees exempt from the overtime provisions of the Fair Labor Standards Act with one or more years of continuous service immediately prior to the academic census date may also request permission to enroll in classes held during normal business hours. As with overtime-eligible employees, employees need to complete a request form and the request must be approved by the employee's immediate supervisor and the Superintendent. The original signed form should be forwarded according to your institutional processes for leave reporting. If time off is allowed to attend classes, the supervisor must assure that the job requirements are met. In the event the class is offered during off hours, on the Internet via asynchronous, or on weekends during that semester, then the release time may not be approved.

IN-SERVICE AND STAFF DEVELOPMENT POLICY

The SDSBVI goals include providing educational leadership in statewide programming for students with visual impairments, professional growth and development for the SDSBVI faculty and staff and active participation in public education in the field of education for the blind. It is essential that our faculty and staff members maintain professional contacts within the state and increase our knowledge of the many aspects of educating children with visual impairments. We in turn have an obligation to share that information within our own school as well with parents, local public schools, and other agencies and groups throughout the state.

In keeping with those goals, the SDSBVI has committed itself to ongoing staff development and develops an annual Staff Development Plan. This is done in several ways.

The BOR/COHE Contract established no more than five (5) professional days, including one day or two half days exclusively for classroom preparation. A committee with both COHE and administration representatives is established under the contract to make recommendations and evaluate the content and format of such activities.

In addition each department is asked to assess its own needs for staff development and make recommendations to the Superintendent annually. Staff development should be consistent with and support the School Improvement Plan.

Attendance at off-campus professional activities and conferences is encouraged and will be considered for approval based upon identified school needs and budget limitations. Authorizations for travel forms must be completed and approved by the immediate supervisor. A copy of the agenda (if applicable) should be attached to the request. All travel must have the prior approval of the Superintendent.

EVALUATION POLICY

All SDSBVI employees shall be evaluated in accordance with established rules. Performance appraisals for Career Service Employees will be completed by immediate supervisors using the procedures established by the South Dakota Bureau of Personnel. Faculty members are evaluated as detailed in the BOR/COHE Contract. All exempt employees are evaluated annually by their supervisors. The Superintendent is evaluated annually by the South Dakota Board of Regents. Emergency and temporary employees will be evaluated annually by their immediate supervisor.

RESIGNATION OF STATE EMPLOYEES

The administration requests that any employee terminating employment should submit a written resignation to the Superintendent ten (10) working days prior to the effective date. When possible, more advanced notice should be given so that services to students are not adversely affected. Failure to provide the required notice shall be recorded in the employee's permanent file.

The Director of Human Resources will hold an exit meeting with the employee to answer any questions concerning termination procedure (i.e. pay, insurance, retirement benefits, etc.).

Any employee terminating employment will receive their last paycheck no later than the next regular stated payday or as soon thereafter as the employee returns to the SDSBVI all property of the school in the employee's possession.

TERMINATION OF STATE EMPLOYEES

A. CAREER SERVICE ACT EMPLOYEES

1. Before a status Career Service employee is terminated, demoted, suspended or reduced in pay for disciplinary reasons, he or she is entitled to notice and an opportunity to present reasons, either in person or in writing, why the proposed action should not be taken.
2. The employee must be informed of the reasons for the proposed action and given five (5) calendar days to respond to the charges. If the fifth calendar day is not a working day, the deadline is extended to the next working day. The disciplinary action may be taken only after the meeting or receipt of a written response, after written waiver of the right to respond, or after the five calendar days have expired.

3. The opportunity to respond is not an adversarial proceeding, but rather an opportunity for the employee to present plausible arguments that might prevent the action from taking place.
4. The meeting should be conducted by the person proposing the disciplinary action and/or by a person designated by the department secretary, bureau commissioner, or institution administrator.
5. The person conducting the meeting or reviewing the written response should inform the employee of the decision at the conclusion of the meeting or no later than one working day following the meeting or receipt of the employee's written response.
6. Written notice of the decision must be given to the employee, with a copy to the Bureau of Personnel, within five (5) working days of the decision being made.
7. In those situations where the employer perceives a significant hazard in keeping the employee on the job, the employee should be suspended with pay until the meeting is held.
8. In the case of a suspension, the employee's date of suspension should be effective after the meeting unless immediate suspension is necessary. If the situation requires immediate suspension, do so. The purpose of the meeting in this case is to determine the validity of the suspension and whether the suspension should be with or without pay.

B. FACULTY: See COHE Contract 11.1 - 11.3 and BOR Policy Manual 4:14. (www.sdbor.edu)

C. EXEMPT NON-FACULTY EMPLOYEES: Are employed at will and may be dismissed from their position without notice or explanation.

D. NON-UNIT FACULTY EXEMPT EMPLOYEES: Are employed at will and may be dismissed from their position without notice or explanation. See NUFE Handbook-Appointment for more information.

LAYOFF PLAN AND REEMPLOYMENT PROCEDURES

A. CAREER SERVICE - The Board of Regents adopted the Career Service Act Layoff Plan in accordance with SDCL-3-6A. This plan will be utilized in the event of a layoff. A copy of the plan is in the Board of Regents Policy Manual (4:24). (www.sdbor.edu)

B. FACULTY - Faculty may refer to 13/30 of the COHE manual for "Faculty Unit Member Reduction Procedures - Special Schools" and BOR Policy Manual (4:23). (www.sdbor.edu)

C. NON-UNIT FACULTY EXEMPT AND EXEMPT NON-FACULTY: A copy of the plan is in the BOR Policy Manual (4:33) (www.sdbor.edu)

GRIEVANCE PROCEDURE

The Board of Regents has a grievance procedure that should be followed by regental employees.

Faculty: See COHE Contract, Article 6.00 or BOR Policy 4:7. (www.sdbor.edu)

CSE: See Career Service Grievance Appeals Procedure in CSE Handbook or BOR Policy 4:9. (www.sdbor.edu)

Exempt Non-Faculty Employees and Non-Unit Faculty Exempt Employees:
(BOR Policy 4:8) (www.sdbor.edu)

1. Preamble

It is the policy of the Board of Regents to provide non-faculty exempt employees a grievance procedure. The Grievance procedure provides a just and equitable method for the resolution of grievances that affect terms and conditions of employment without discrimination, coercion, restraint or reprisal against any employee who may submit or be involved in a grievance. The purpose of these procedures is to promote a prompt and a fair process for resolving an applicable grievance. Should an employee or management seek advice and assistance, which may include conflict resolution, they may contact Human Resources.

2. Definitions and General Provisions

- A. Grievance Procedure—This is a process whereby an employee can grieve an applicable employment action that adversely affects his/her terms and conditions of employment.
- B. Grievance— Grievance is defined as an alleged misinterpretation, misapplication or violation of a specific term or provision of Board policy affecting terms or conditions of employment, or other agreements, contracts, policies, rules, regulations or statutes that directly affect terms and conditions of employment.
- C. No offer of settlement of a grievance by either party shall be admissible as evidence in later grievance proceedings or elsewhere. No settlement of a grievance shall constitute a binding precedent in the settlement of similar grievances.
- D. Failure to grieve to the next step within the specified time shall end the right to grieve. However, the parties to any grievance may, by mutual agreement, waive the time limits provided herein. Such extensions shall be in writing and approved by all parties. Copies of the extension shall be provided to all parties.
- E. The Board, administration or supervisors shall not retaliate or effect reprisals against any non-faculty exempt employee for processing or participating in a grievance.
- F. Employees who voluntarily terminate their employment shall have their grievances under this policy immediately withdrawn and shall not benefit by any later settlement of an individual or group grievance.
- G. Grievance records shall not be maintained in the individual's personnel files. Separate files shall be maintained for this purpose.
- H. The words response and notice shall mean the same throughout the Grievance Procedures.
- I. Required written notices shall be mailed preferably or may be delivered personally. If mailed, the effective date shall be the date of the postmark and if delivered, the effective date shall be the date of delivery.

3. Procedures

- A. Step One— An employee who feels aggrieved by a decision, action or non-action of the supervisor, or the administration, may file a written statement of the grievance with the immediate supervisor within fourteen (14) calendar days of the alleged decision, action or non-action. The statement shall include a detailed description of the alleged grievance and the specific remedy desired. The supervisor shall analyze the facts and provide a written response to the employee within seven (7) calendar days following receipt (postmark or delivery) of the grievance. If the employee fails to receive a response within that time limit, the employee has seven (7) calendar days to proceed to step two. If the employee is dissatisfied with the response rendered, the employee has seven (7) calendar days following receipt (postmark or delivery) to proceed to step two. In the event, the employee feels that this step has been satisfied due to written notification from the immediate supervisor, then the employee may skip step one and proceed on to step two of this procedure.

- B. Step Two— The employee may grieve the decision of the supervisor to the appropriate vice presidential level of the university. If the employee's supervisor is at the university vice presidential level, or an employee of the Board Office, the South Dakota School for the Deaf, or the South Dakota School for the Blind and Visually Impaired, the grievance shall move to Step Three. The grievance should include copies of the original grievance and the supervisor's response. A written response shall be delivered to the employee within fourteen (14) calendar days following receipt (postmark or delivery) of the grievance. If the employee fails to receive a response within that time limit, the employee has seven (7) calendar days to proceed to step three. If the employee is dissatisfied with the response rendered, the employee has seven (7) calendar days following receipt (postmark or delivery) to proceed to step three.

- C. Step Three— The employee may grieve the decision arrived at in Step Two to the President of the University, the Superintendent of the School or the Executive Director of the Board, as appropriate. Employees who report directly to the Executive Director may file their Step Three grievances with the Board as per step Four. The grievance should include copies of the original grievance and the supervisor's response and, if applicable, the decision arrived at in Step Two. The President, Superintendent or Executive Director shall investigate the matter either personally or through an appointed designee or panel. A written decision shall be delivered within fourteen (14) calendar days of the date the grievance was received (postmark or delivery). A copy of the decision shall be provided to the employee, supervisor, and the Board's Executive Director and shall include a statement of findings and conclusions supporting the decision. If the employee fails to receive a response within that time limit, the employee has seven (7) calendar days to proceed to step four. If the employee is dissatisfied with the response rendered, the employee has seven (7) calendar days following receipt (postmark or delivery) to proceed to step four.

D. Step Four– The employee may grieve the decision rendered in Step Three to the Board. The grievance shall include copies of the original grievance and the responses received in Steps One, Two and Three. The Board's Executive Director may attempt to achieve an informal resolution of the grievance. If the Executive Director elects not to pursue an informal resolution, or if the informal resolution cannot be secured, the Executive Director shall select a hearing examiner. The hearing examiner shall hold investigative hearings with all parties involved in the grievance and prepare proposed findings of fact and conclusions of law for the Board's consideration. The Board's decision shall be issued to the employee within seven (7) calendar days from the date the grievance is considered by the Board. If the Board fails to respond within the specified time period, or if the employee is not satisfied with the decision, the employee may grieve in accordance with South Dakota Codified Law.

4. General Guidelines for Contested Cases

This section is in accordance with Administrative Procedures Act and includes those employees who are excluded from SDCL 3:18.

A. Rules of Evidence

1. The examiner shall exclude irrelevant, incompetent, immaterial, or unduly repetitious evidence. The examiner shall follow the rules of evidence as used by the State of South Dakota's circuit courts. Evidence not normally allowed under those guidelines is permissible if reasonably prudent persons would commonly rely on such information in the conduct of their affairs. No evidence is allowable if its admission is deemed inadmissible by state law. Objections to the submission of evidence may be forwarded by the parties involved and shall be noted in the record of the hearing. Written evidence may be submitted.
2. All parties involved may conduct cross-examinations as necessary for a full and true disclosure of the facts.

B. Finding and Conclusions

The Board office shall provide draft findings of fact and conclusions of law to the parties involved in the grievance three weeks prior to the Board meeting where the grievance shall be considered. If a party contests those draft findings, the contesting party shall submit written objections to the Board office within two (2) weeks of the Board meeting. The Board office may, at its discretion, schedule an additional hearing to hear oral arguments after issuance of the draft findings.

C. Required Record

The Hearing Examiner shall maintain a record that shall contain the following:

1. All pleadings, motions, intermediate rulings;
2. Evidence received and considered;
3. A statement of matters officially noticed which have been refuted;
4. Questions and offers of proof, objections, and rulings thereon;
5. Proposed findings of fact and conclusions of law submitted to the Board;
6. Any decision, opinion, or report authored by the hearing examiner and submitted to the Board;
7. All staff memoranda or data submitted to the hearing officer by all parties in connection with the hearing.

At any of the participating parties' written request, a recording of the hearing shall be created by the Board office. If a written record is requested by one of the parties, it shall be prepared at the expense of that party. If another party subsequently requests a written record of the hearing, a copy shall be prepared at the expense of that party. If no written record of the hearing is prepared, the Board office shall prepare minutes of the hearing.

D. Hearing Notification

Prior to holding the hearing, the hearing examiner shall provide notification of the hearing and include the following:

1. Statement of the time, place, and nature of the hearing;
2. Statement of the legal authority and jurisdiction under which the hearing is to be held;
3. Statement of the issue to be addressed in the hearing, and if applicable, any relevant BOR policies or state laws which shall be addressed in the hearing;
4. A statement which delineates the possible consequences of the Board's ultimate decision of the issue at hand on all parties involved;
5. A clear statement that the hearing is adversarial, that all parties have the right to be represented by legal counsel, and that all due process rights shall be forfeited if they are not exercised at the hearing;
6. A statement that the hearing shall be used as the basis of drafting proposed findings of fact and conclusions of law for the Board's consideration, and that the Board's decision is subject to grieve to the circuit court and ultimately the state Supreme Court as provided by law.

PARKING

Parking is available along State Street and in the parking lot to the southwest of the school. Parking is allowed to the north of the school for personal cars of staff members who are using a school vehicle for travel out of town. The exception will be for staff working 12:30 AM to 8:30 AM and from 10:30 PM to 8:30 AM.

EDUCATIONAL RECORDS

Student educational records are maintained and filed in the Staff Work Area.

When parents, legal guardians or eligible students, because of a visual impairment, cannot personally read the materials in the student record, a responsible adult may assist the requesting party to review the record in the presence of the administrator or administrator's representative.

Parent, legal guardians or eligible students may have copies of the record, or portions of the record, duplicated at their own expense.

The student's records may include:

1. Name, date of birth, sex and racial or ethnic group
2. Name, address and telephone number of parents
3. District of residence
4. Date of referral
5. Type of disability(s)
6. Services being provided
7. Curricular records and reports -- both academic and social
8. Academic assessment data
9. Health information and reports
10. Social history
11. Individual Educational Planning Committee Reports and Individual Educational Plans
12. Conduct and behavior evaluations
13. Communications

COMPLAINT - The parent or guardian has the right to file a complaint with the U.S. Department of Education concerning alleged failures by the agency or institution to comply with the requirements of the Family Rights and Privacy Act and this section.

AMENDMENT - Parents, legal guardians or adult students retain the right to request that the educational records or portions thereof, be amended. Such requests may be made if the information is felt to be inaccurate, misleading or otherwise violates the privacy or the rights of the students. School officials shall decide within forty-five (45) calendar days to amend the records as requested. If the request to amend the records is denied, the requesting party shall be advised of their right to a hearing.

HEARING PROCESS AND RIGHTS - Parents, legal guardians or adult students retain the right to challenge included record materials by a hearing process. The hearing process is as follows:

1. The school shall provide a hearing at the written request of parents, legal guardians or eligible students to challenge records on grounds of their being inaccurate, misleading or otherwise in violation of the privacy or other right of the students.
2. The hearing shall be held within thirty (30) days after the request has been made.
3. Parents, legal guardians or eligible students shall be given five (5) days advance notice of the date, place and time of the hearing.
4. The hearing shall be conducted by a person chosen by the school (it can be a school official) who does not have direct interest in the hearing's outcome.
5. The parents, legal guardians or eligible students shall be afforded a full and fair opportunity to present evidence related to the issues being challenged.
6. The parents, legal guardians or eligible students may be assisted or represented by individuals of their own choice, including an attorney, at their own expense.
7. The hearing official shall make a decision based solely upon evidence presented at the hearing and include a summary of the evidence and the reasons for that decision.
8. The institutional decision must be issued within thirty (30) days following the conclusion of the hearing.
9. If the hearing's decision is to amend the record as requested, the school shall amend the information accordingly and inform the parents, legal guardians or eligible students of the change.

10. If the decision of the hearing is to deny the requested amendment, the parents, legal guardians or eligible students shall be informed of their right to place a statement in the record commenting on the decision or indicating any reason for disagreement with the decision of the school.
11. The statement or explanation of the parent, legal guardians or eligible student shall be maintained by the school for as long as the record is maintained.
12. If the contested portion of the record is ever disclosed by the school to any party, the statement must also be disclosed.

SUBPOENA - If a subpoena is issued by a court of competent jurisdiction, the school is obligated to release materials after proper notification of parents or legal guardians.

LIMITATIONS - The working notes, professional observations, speculations and anecdotal experiences of teachers, administrators, case managers and student services director are private and the protected domain of the maker's work files and may not be shared with others. Once these working files are shared, they are no longer considered private files.

DESTRUCTION - Parents, legal guardians or eligible students have a right to destroy records or portions thereof when the child graduates or leaves school. IEPs must be retained by SDSBVI for five years. Parents will be notified before files are purged or destroyed. "Destruction" means either physical destruction of information or the removal of all personal identifiers from the record. Destruction of records will be in accordance with approved Records Retention and Destruction Schedule.

STUDENT DIRECTORY INFORMATION - The SDSBVI will maintain a record of student's name, address, telephone number, grades and/or IEP, attendance record, classes attended, grade level completed and year completed.

FEES - A minimal fee will be charged for each copy of records provided to parents, legal guardians or eligible students if the fee to be charged does not prevent the requesting party from obtaining desired records. The school will not charge a fee to search for or retrieve information. The SDSBVI may charge a cost recovery fee for records copied for attorneys or other service providers.

STUDENT RIGHTS. - All parental rights in this section are extended to the child upon reaching the age of eighteen (18), unless the child has been declared incompetent by the courts. If the parents or legal guardians of an adult student deem this student mentally or emotionally incompetent to be responsible for the proper handling and disposition of his/her school record, these parents or guardians and not the school, must assume sole responsibility for having this incompetence legally established. No later than the student's 17th birthday, the IEP team will discuss the Transfer of Rights to the student which occurs at age 18. As a result of this discussion, SDSBVI will follow up by having the Student Services Director send the parents information about guardianship.

SCHOOL FACILITIES, USE OF

School property is NEVER to be used, loaned or taken for personal use unless authorized by the Superintendent. Forms must be completed and on file with the Administrative Assistant. Any damage or loss of equipment incurred while loaned shall be borne by the employee using the equipment.

The SDSBVI has a schedule of charges to be followed under which part of the facility can be rented to groups not part of the school. Contact the Superintendent for permission and rates. Any groups using the SDSBVI facilities must complete a release of liability form (forms are available from the Business office), and provide proof of insurance coverage.

INVENTORY

All items in the school are considered to be the property of the State of South Dakota. Personal items (books, records, etc.) should be marked with the owner's name. The Business Office shall identify each piece of State property valued in excess of \$1000 excluding books, magazines, records, tapes, etc. and shall complete a written description of the same on the appropriate form. The process of inventorying assigns each item to a specific location, and items are not to be moved (other than for daily use) from one area to another without first filling out an Inventory Maintenance Form and placing it in Physical Plant Manager's mailbox in the Staff Lounge.

KEYS

All building keys have been inventoried and the Administrative Assistant will issue to appropriate personnel. Loaning or duplicating of keys must be approved by the Superintendent. Please take precautions not to lose keys (especially outside masters) since this will necessitate replacing all outside locks and keys. Please report the loss of any keys immediately to the Administrative Assistant.

OFF-CAMPUS ACTIVITIES

Staff members are not permitted to take students to their home without prior permission from both the parents and supervisor.

LOUNGE

The Staff Lounge should be a pleasant and relaxing place to take a break. It is a place to be used by all staff, and the following suggestions are made relative to the Lounge.

1. Everyone should do their part to keep the Lounge clean at all times.
2. No meetings should be scheduled in the Lounge.
3. Student behaviors or student related problems should not be discussed in the Lounge.
4. The Lounge is not a workroom - offices, classroom or respective areas should be used for work.
5. During working hours breaks in the Lounge should be kept to 15 minutes (excluding lunch time).
6. Coffee drinkers are expected to contribute to the coffee stock.

MAINTENANCE REQUESTS

Requests for minor room changes such as light bulbs, moving of furniture or requests for the maintenance staff to fix minor items not related to the safety or well-being of staff and students should be reported on a Maintenance Request Form and placed in the Physical Plant Manager's mailbox in the Staff Lounge. Maintenance requests may also be made by e-mail; be sure all maintenance department employees receive these requests

UNSAFE CONDITIONS should be reported immediately through the use of a REPORT OF ACCIDENT, INCIDENT OR UNSAFE CONDITION Form which may be obtained from the Business Manager. Dorm staff may obtain copies from the Dorm Supervisor.

POLITICAL ACTIVITY

Regental employees may seek and hold elective political office subject to the following conditions:

1. Regental employees, both during an election and during the term of any part-time office to which the employee may be elected, are required to make specific arrangements, satisfactory to his/her superintendent, to assure that his/her regular duties are performed without additional cost to the institution.
2. Following election to any full-time public office a regental employee must arrange for leave without pay according to the provisions and limitations of 4:15 of the Board of Regents Policy Manual.

REPRESENTING SDSBVI

The Superintendent must approve representation of the SDSBVI on any local or state committee or organization.

LOBBYING

A staff member may be in Pierre, on his/her own time, during the legislative session provided there is compliance with the general regulations governing lobbying and specific status making the Executive Director of Higher Education the official contact for the state's higher education institutions with the legislature. Any citizen has the right of petition. Staff members are free to represent their own views, but should not represent them as institutional views.

VOLUNTEER POLICY

1. **SDSBVI-SPONSORED EVENTS.** For such activities as goalball, track meets, wrestling matches, Special Olympics, or social events sponsored by the SDSBVI in which volunteers are determined to be necessary, the selection of volunteers shall be determined in the following order:
First: The established non-employee volunteer list will be reviewed.
Second: Volunteers not covered by Fair Labor Standards Act will be solicited.
Third: "Volunteers" covered by FLSA will be solicited. These "volunteers" will have to be paid for an approved number of hours, which must be obtained from the Superintendent prior to the week in which the "volunteer" time occurs. If possible, the employee's workweek should be readjusted to allow the approved "volunteer time." If readjustment is not possible and overtime results because of the "volunteer" work, then the employee must be compensated at the rate of time and one-half for hours over 40 for the week.

If the outing requires the employee to be on duty for 24 hours or more, then the following (taken from the Regent's Overtime Policy--Draft) applies:

DUTY OF 24 HOURS OR MORE. Where an employee is required to be on duty for 24 hours or more, the employer and the employee may agree to exclude bona fide meal periods and a bona fide regularly scheduled sleeping period of not more than 8 hours worked, provided adequate sleeping facilities are furnished by the employer and the employee can usually enjoy an uninterrupted night's sleep. If sleeping period is of more than 8 hours, only 8 hours will be credited. Where no expressed or implied agreement to the contrary is present, the 8 hours' sleeping time and lunch periods constitute hours worked.

If the sleeping period is interrupted by a call to duty, the interruption must be counted as hours worked. If the period is interrupted to such an extent that the employee cannot get a reasonable night's sleep, the entire period must be counted. For enforcement purposes, if the employee cannot get at least five hours sleep during the scheduled period the entire time is working time.

2. **NON-SDSBVI-SPONSORED EVENTS.** Events sponsored by the Telephone Pioneers, Ski for Light and others for which it is determined that volunteers are necessary will adhere to the following selection procedure:
First: The established non-employee volunteer list will be reviewed.
Second: Volunteers not covered by FLSA will be solicited.
Third: Volunteers covered by FLSA will be solicited. These volunteers WILL NOT be paid for volunteer work not sponsored by the SDSBVI.

If an FLSA-eligible employee is selected as a volunteer, and if the employee was originally scheduled to work at the SDSBVI (was on-duty), he/she would be required to take vacation leave or leave without pay for the hours he/she was scheduled to work, but chose to volunteer instead.

All volunteers must be approved by the BOR, and undergo a background check.

Volunteers work closely with the SDSBVI, and at times transport students to and from school related activities using state vehicles. Annually a volunteer list will be provided to those who supervise student activities.

SERVICE ANIMAL POLICY

VISITORS

- Service animals are allowed on campus under harness.
- Service animals must be kept under control at all times.
- Waste must be properly disposed of where children and other animals will not come in contact with it. For blind users of service animals, a designated area will be provided with appropriate containers for disposal.
- Visitors are to comply if they are requested by a staff member to remove the service animal from a certain area due to a health or safety concern.

STAFF AND VOLUNTEERS

- Service animals are allowed on campus under harness (working) or on a leash (at rest).
- The individual responsible for the animal must provide proof of training from a recognized school.
- A health certificate with annual report of immunizations must be on file at SDSBVI.
- Service animals must be kept under control at all times.
- Waste must be properly disposed of where children and other animals will not come in contact with it. For blind users of service animals, a designated area will be provided with appropriate containers for disposal.
- The SDSBVI will facilitate education for students and staff about the appropriate way to approach a service animal.
- The staff member or volunteer is responsible for any damage caused by the service animal on school property or vehicles.
- Staff and volunteers are to comply if they are requested by a staff member to remove the service animal from a certain area due to a health or safety concern.
- Concerns with the service animal or student/service animal working relationship will be referred to the service animal school.

DAY STUDENTS

Students are allowed to have service animals on campus and in harness if they can meet several requirements. The student must:

- Have a certified service animal and proof of training from a recognized school.
- Provide a certificate of health and an annual report of immunizations.
- Have a report from their trainer or school indicating what the student is able to do with the service animal.
- Be able to travel independently on campus with the service animal.
- Insure that the service animal utilizes the relieving area provided and to properly dispose of waste.
- Be responsible for purchase of food.
- Be responsible for feeding and watering the service animal.
- Prepare and implement an effective plan of action when students or others approach to pet or feed the service animal.
- Remove the service animal upon request from an area where a health or safety concern exists for another student.
- Be responsible for any damage caused by the service animal on school property or vehicles.
- Receive instruction from an orientation and mobility specialist to orient the student to campus if necessary, including the relieving and exercise areas.

- Work with the SDSBVI to facilitate education for students and staff about the appropriate way to approach a service animal.
- Understand that concerns with the service animal or student/service animal working relationship will be referred to the service animal school.

RESIDENCE STUDENTS

Residential students are allowed to have service animals on campus if they can meet the requirements above and

- Insure that the service animal utilizes the exercise area provided for off harness exercise. This designated area is the only outside area where the service animal can be off the harness.
- Be responsible for the service animal and its needs on school trips.
- Some students in the residential program may have severe health issues. If such a student lives in a residence hall, a service animal may not be allowed to live in that residence.

ADDITIONAL ITEMS

- New students admitted with a service animal will be evaluated at intake to determine if the student is independent in handling and care of the service animal.
- Service animal immunization records, the health certificate and report from the trainer or school must be on file before the admission date.

WELLNESS POLICY (revised May 2009)

In accordance with the Child Nutrition and WIC Reauthorization Act of 2004, PL 105-268, the South Dakota School for the Blind and Visually Impaired, Aberdeen, SD has developed this wellness policy to address nutrition and physical activity for our students.

The increasing rates of overweight and obesity among our youth threatens to jeopardize the future health and productivity of our children. This is especially true for children/students who are blind and visually impaired, who, due to their visual challenges are by nature less active and more sedentary.

NUTRITION STANDARDS

Students at the South Dakota School for the Blind and Visually Impaired receive three meals per day, Sunday through Saturday. All meals meet the Federally-mandated guidelines (Child and Adult Nutrition Standards) for nutritional content and serving size, including after school and evening snacks.

- All white milk served is 1 percent low fat milk, chocolate milk is “no fat”, with no more than two servings per meal per student.
- Cottage cheese is 1% and sour cream is low fat.
- Breakfast cereal choices have been condensed to only 5 choices:
 - Sugared cereal choices have been reduced to only one choice.
- A specific policy has been developed for serving “seconds” or additional servings for any/all meals. Additional helpings of entrees are limited to half of the original portion for one additional serving.
- Sugar access has been changed from dispensers to packaged materials, with low calorie or sugar substitutes used.

NUTRITION EDUCATION

Students at the SDSBVI grades K-12 receives weekly health/nutritional instruction.

- For some students this instruction is integrated into the breakfast program, ADL program or apartment program, where students learn skills in meal planning and preparation and older students also work with budgeting and shopping.
- For academic students, nutrition is included in the health curriculum.

OTHER SCHOOL-BASED ACTIVITIES

- Each student has an established baseline of data regarding BMI (body mass index) for further reference and monitoring of student fitness.
- The Student Council Candy Cart was eliminated and replaced with a private vending machine, which contains a variety of the recommended items.
- On-campus pop machine content has been revised to meet federal school guidelines regarding machine access and content.
- Access to both the candy/snack and pop machines is available to the students after school until 4:00 PM and from 7:00 – 9:00 PM. On weekends, access is limited to between 1:00 p.m. - 4:00 p.m. and 7:00 p.m. - 9 p.m.

PHYSICAL ACTIVITY

Students at the SDSBVI receive regular physical activity, through regularly scheduled physical education classes, adaptive PE classes as identified on the IEP, regular outdoor recess activity (K-6). Planned residential activities, including one hour twice a week at Open Gym and personal fitness activities.

Students at the SDSBVI also:

- participate annually in the American Heart Association's "Move for Heart" program.
- participate in outings for ice skating (Holum Expo Center), roller skating (SkateAway); and classes/activities with the Aberdeen Parks and Recreation Department.
- participate in either Special Olympics (bowling, swimming, track/field) or athletic activities adapted to/for their visual impairment (swimming, goalball, track/field).
- participate in SPURS therapeutic horseback riding.