

DE SMET SCHOOL DISTRICT #38-2
BOARD OF EDUCATION
MINUTES

The School Board of the De Smet School District #38-2 of Kingsbury County, SD convened pursuant to due notice at 5:30 PM on October 11th, 2021 in the high school conference room. The agenda was posted to the De Smet School District website (10/8/2021), MS/HS entrance, MS/HS staff room and emailed to De Smet School staff (10/7/2021). Copies of relevant documents board members received were available to the public in the business office (10/7/2021). Those in attendance were Pres. Shane Roth, Vice-Pres. Barb Asleson, Donita Garry, Jarod Tolzin and Evan Buckmiller. Administrators present were Supt. Abi Van Regenmorter, Princ. Andy Armstead, Athletic Dir. Becky Geyer, Bus. Mgr. Susan Purintun. Visiting were Mike Siefker from *Kingsbury Journal*, representing the DTO was Lindsay Nolte and several members of the community, coaches, and girls' basketball team.

Public Participation: Pres. Roth moved the public participation until agenda item #10 allowing board member to review the proposal from the Lake Preston School District before taking comments as it had only recently been received by Supt. Van Regenmorter. Visitors were asked if there were any other matters that they were there to address with the Board, there being none, the meeting proceeded.

Agenda: On motion by J. Tolzin, seconded by D. Garry to adopt the presented agenda with the addition of surplus technology equipment to the consent agenda item g. All voting "aye, motion carried.

ASBSD Award: Supt. Abi congratulated the Board of Education for their dedication to their positions in receiving the Gold Level Board participation plaque by the Associated School Board of South Dakota.

Delegations: None

Conflict of Interest: None

Surplus Bid Opening: On motion by B. Asleson, seconded by J. Tolzin to accept the single bid of \$300 for the 1999 Chevrolet Suburban from David Ough. All in voting "aye", motion carried.

NESC Report: Evan Buckmiller attended the September regular NESC board meeting by Zoom in Barb Asleson's place. He noted that the NESC has received their free COVID home tests for staff and clients. School Psychologists reviewed their activities for the NESC. Discussion was held as to using ESSER dollars for the purchase of UV wands with concerns for health safety. There was an executive session for annual review of the director.

Education Enhancement Foundation: There were no reports for the Education Foundation.

Legislative Report: Pres. Roth and Supt. Abi reminded the board of the ASBSD Legislative meeting that will be held in De Smet for area school boards and administrators at the De Smet Event Center on October 27th. The De Smet Culinary class and FCCLA will be preparing the meal. Invitations will be sent to adjoining area schools.

Buildings and Facilities Report: A meeting is being planned for the committee as administrators work with neighbors of the school to acquire needed property before moving forward on finalizing plans

Principals Reports: The board heard from Principal Andy Armstead and Supt. Abi on activities and presentations that are keeping students and staff busy. Homecoming week was successful with decorated doors and floats. The

Cheerleaders did an excellent job with games in the HS Gym on Homecoming Day. The parade and pep rally also were added a lot of fun and spirit for the student body.

The Wellness Coalition is working LuAnn Klinkel to allow use of the back area of Klinkel's II for students to gather and socialize. Volunteers are helping Ms. Klinkel with this endeavor. They are also working on other projects including the possibility of bringing back the ice rink.

Juniors and seniors attended "Post-Planning Days" in Watertown. Students had the opportunity to talk with representatives from many different colleges, tech schools and military representatives. Students that are interested in becoming future educators will be participating in "Educators Rising" at the University of Sioux Falls. Seven students have signed up to attend.

Lindsay Nolte's journalism class is working hard on both the Annual and the new "Bulldog Bark" page in the Kingsbury Journal. The class has taken a tour of the KJ and is learning about professionalism, pagination, and deadlines.

Nineteen middle school students will be attending the East Dakota Junior High Music Festival on Tuesday, October 12th in Castlewood. Students will perform in either chorus or band. They will rehearse through the day and present a concert at 6 PM.

On October 20th, the sophomore English class will be visiting the Brookings Art Museum to view the Harvey Dunn Exhibit, which includes his WW I paintings. Students will pick the pieces that appeal to them and write poetry in relation to what they observe in Dunn's art work.

Staff were able to participate in a presentation from NAMI, National Alliance on Mental Illness during in-service the preceding Friday. "Ending the Silence" focuses on changing the stigma around mental health. Parents were invited to a like presentation earlier in the week at the Event Center. Supt. Abi noted that 12 parents participated which has been the largest attendance NAMI has experienced.

The K-12 staff also worked with State PBIS trainer, Stephanie Weideman, on positive interaction with students and the use of the SWIS as a data collection tool.

The new school district website will be rolling out this week. Those that have been working on the site are aiming for ease in finding the necessary school information along with more photos and videos of students enjoying school life. There will be necessary tweaks to the format and the school welcomes input from it's patrons.

Other scheduled events are Parent-Teacher Conferences on October 25th. The end of the first quarter for MS/HS students is October 20th. The Football conference championship is at Dell Rapids St. Mary's on Friday, October 15th. The volleyball team is 4th seed going into the DVC Conference Tournament on Saturday, October 16th. Flu Shots are scheduled for Thursday, October. 14.

CONSENT AGENDA: On motion by J.Tolzin , seconded by B.Asleson and unanimously carried to approve the consent agenda including the minutes from the regular meeting of Sept. 13th, 2021, the financial report for the period of September 1st through September 30th, the bills for payment as presented; approval of solicitation for the annual transportation service quotes; approval of employment contract with Kristen Luethmers as LIW Paraprofessional @ \$14.50 per hour of 7.5 hours per day, 4 days per week; approval of coaching contract with Mike Luethmers as JH boys basketball coach @ \$2184

GENERAL FUND: Revenue – Ad Valorem Tax 9972.86 , Pen&Int 53.75, Interest 81.02, Admissions 7680.00, Medicaid Indirect 548.80; Other Local Rev 1471.92; Co.Apport 1609.34, State Aid 77,579.00

Disbursements – 43,844.86 Sept. Payroll 198,398.82

TOTAL GENERAL FUND CASH BALANCE – 1,1,31,720.17

CAPITAL OUTLAY FUND: Revenue – Ad Valorem Tax 5341.07, Pen&Int 55.94; Other Local 20,092.74

Disbursements – 16,586.72

TOTAL CAPITAL OUTLAY FUND CASH BALANCE – 1,255,353.87

SPECIAL EDUCATION FUND: Revenue – Ad Valorem Tax 2802.43, Pen&Int 29.35, Medicaid Indirect 84.00

Disbursements – 6460.86, September Payroll 43,194.02

TOTAL SPECIAL EDUCATION FUND CASH BALANCE – 343,562.62

FOOD SERVICE FUND: Revenue – Student Refunds -608.15, Meals paid by District 824.00; Other Sales 213.25

Federal Reimbursement 9792.83

Disbursements – 14,597.27 September Payroll 8686.59

TOTAL FOOD SERVICE FUND CASH BALANCE – -5884.37

ENTERPRISE FUND: Revenue – None

Disbursements – None

TOTAL ENTERPRISE FUND CASH BALANCE - \$4005.22

TRUST AND AGENCY FUND: Revenue – 55,914.53

Disbursements – 53,290.79

TOTAL TRUST AND AGENCY FUND CASH BALANCE – 67,288.98

Bill Listing:

GENERAL FUND: Adv.Fd: SDACTE, Reg Fee 587, B.Pitts, Reimb class fees 35; Clark HS, VB Fees 100; L. Holt, ESSER elem supp 126.66; K.Vockrodt, reimb trav 64.68; R.Etherington, Off Ftbll 125; P.Bailey, Off Ftbll 125; A.Kenkel, Off Ftbll 125; H.Sacrison, Off Ftbll/Trav 210.68; J.Larsen, Off Ftbll 125; A.Vanderberg, Off Ftbll 125; K.Krull, Off Ftbll 125; D.Nelson, Off Ftbll 125; D. BEukelman, Off Ftbll/trav 209; SDSU Tech, Sec Ftbll Event 220; SD Dept of Motor Vehicles, Fees 10; J.Lupkes, reimb Bckgr check 53.50; T.Holland, Reimb cust supp 180.21; T.Casper, Off XC 155.88; A.VanRegenmorter, Reimb Inser Supp 119.49; A.VanRegenmorter, Reimb Travel 75.60; A.VanRegenmorter, reimb Elem Texts 20.77; J.Hojer, Reimb Lib Books 82; J.Hojer, Reimb Math Curr 83.87; D.Rounds, Reimb Bckgr Check 53.50; G. Duffy, VB Off 85; T.Duffy, Reimb VB off/Trav 114.40; K.Dossett, Reimb Coach Class 155; K.Dossett, Reimb Reg Fees 156.20; Deuel HS, XC Fees 45; LP VB Tourn, Reg Fees 125; Sanford Health, H.S.A. Fees 2; K.Kropuencke, Off Ftbll 125; Elkton HS, OI Fees 45.45; T.Duffy, Off VB 85; K.Weed, Off VB/Trav 169; D.Duxbury, Off VB/Trav 137.08; Coleman-Egan HS, XC Fee 40; B.Wilkinson, Reimb Elem Supp 120.35; G.Bjorkland, VB Off 85; B.Geyer, Reimb Coaches Class 72; US Stamp Fulfillment Envelopes, 2120.40; Dept. of Motor Vehicles, 21.20 TOTAL 6965.92; ARS/ Protec Roof, Repairs 545.92; ASBSD, Law Workshop Fees 350; ATC Environment, Asbestos Testing 600; Avid Hawk, Web Fees/Website Design Proj 1282.50; Century Bus Prod, Maint 735.99; City of De Smet, Bus Gar Utilities 40.79, Bldg Utilities 434.45 Total 475.24; Constr Consult Prod, Cust Supp 55.50; Culligan, Sept/Oct Utilities 122.25; Dakota Potter, Supp 197; De Smet Food Serv, Reimb Adult Meals 1940; Dustex, COVID Clean Supp 510.40; Elite Drain and Sewer Clean, Line Maint 980.35; Fusion, Communications 429.39; Girton Adams, Boiler Maint/Cust Supp 2633.96; Hillyard, Cust Supp 1677.26; Horizon Health Care, Bus Dr Phys 220; Innovatie Off Solutions, Science Supp 482.78; Intrado, Comm 820.47; Jaymar Bus Forms, Bus Off Supp 418.29; Johnny on the Spot Port Toilet Rent 370; Kingsbury Elect, Repairs/Maint 127.31; Kingsbury Journal, Communications 1432.44, Journ class page 200 Total 1697.44; KSB School Law, Title IX Fees 3233; Learning A-Z, Title Software 216; Maynards, Science Supp 32.09, Cons Sc 278.37 Total 310.46; NAPA Auto Parts, Trans Supp 346.02; NASCO K-12 Art Supp 874.51; NESCA, Gen Serv 22.51; NW Pub Serv, Bus Gar 17.81, Bldg Utilities 349.48 Total 367.29; O'Keefe Imp, Repairs/Maint 942.74; Office Peeps, Off/Copier Supp 422.51, Cust Supp 382, HS Lang Art Supp 83.23 Total 971.89; Otter Tail Power, Bus Gar 33.56, Ath.Fd. 259.46, Bldgs 4725.14 Total 5018.16; Pitney Bowes, Communication 146.10; Plank Road Pub, Elem Music Curr 102.50; Really Good Stuff, Elem Supp 41.99; Rich's Gas'n Serv 3061.78; Scholastic Magazine Elem 1558.59, MS Wkbk 1287.44, HS Subscrip 400.46 Total 3246.49; School Specialty Off Supp 58.96, Title I Supp 306.38 Total 365.34; Scott's Auto Body, Bus Repair 338.47; Sherwin Williams, Cust supp 507.90; Smith's Lumber Vo-Ag Supp 117.04, cust supp 54.90 Total 171.94; Taylor Music Inst repairs 85, Inst Supp 56 Total 141; Teacher Direct, Princ Supp 71.56, Elem Supp 839.94 Total 911.50; Training Room, Field Paint 594.15; Trustworthy Hardware, Bus Gar Supp 11.25, Cust Supp 24.75 Total 36; Univ of Oregon, PBIS ESSER Training 700; US Ticket, Off Supp 426.50; Valleyfiber, Ath Fd Broadband 66.98; TOTAL GENERAL FUND EXPENDITURES 46,799.19

CAPITAL OUTLAY EXPENDITURES: Adv Fd R.Garry Reimb Inst Software 59.88, C.Tangen, Reimb Library Resource Books 606.92 TOTAL Adv.Fd 666.80; Leola School Dist, VB Standards 250; Riverside Technology, Foundation CARE HPE 588; Starfall Ed, elem software 270; Ultra/Conn Pt, Tech Server 6402.30; Varsity Spirit Fashions, Cheer Uniforms 3225.07; TOTAL CAPITAL OUTLAY FUND EXPENDITURES 11,402.17

SPECIAL EDUCATION EXPENDITURES: Adv.Fd: R.Gigov, Reimb SPED Science Text 370.52, US Stamp Fulfillment Envelopes 500; Total SPED Adv. Fd. 870.52; Black Hills Special Services, Para Training 600; Chicago Insights, Testing Kits 752.10; Fusion, Communicatioins 71.99; Kingsbury Journal, SPED Comm 42; Lawrenceville Press, SPED Software 216; McCrossan Boys Ranch, Out of Dist Tuition 1645.77; NESC, Early Childhood 376.90, School Psych 648.07, Speech Path 1132.27, Phys Therapist 279.60, Occupational Therapist 512.12 TOTAL NESC 2948.96; Office Peeps, SPED Supp 17.38, Speech Supp 4.84 Total 22.21; Prof. Hearing Services, Evaluations 346; TOTAL SPECIAL EDUCATION EXPENDITURES 7515.55

FOOD SERVICE EXPENDITURES: CASH-WA of Fargo, Supplies 560.84, Foods 6748.73 Total 7309.57; CANS, Food 394.46; Matthew Currier, Reimb 463.60; Maynards, Food 214.01; Prairie Farms Dairy, Food 1159.77; Reinhart Food Serv, Food 5579.27, Supplies 71.76 Total 5651.03; Keith Schaefer, Reimb 76; TOTAL FOOD SERVICE EXPENDITURES 15,268.44

Request by Lake Preston HS for Girls to participate with DHS Girls Basketball team: Pres. Roth reviewed a request from the Lake Preston School District that their girls' basketball players be allowed to participate with our girls' basketball team. The LPHS girls would be willing to attend all practices and games in De Smet and wear the De Smet Bulldog uniform. This request is only for the current 2021-2022 year. Supt. Abi reviewed De Smet's anticipated numbers and the numbers that Supt. Dana Felderman had sent to her earlier in the day for HS play of three girls. One athlete may or may not, be able to play after the first of the year due to injuries. These numbers had changed from the prior week when Supt. Felderman first approached Supt. Abi of the request after being turned down during a special meeting by the Arlington School Board the week before. Notification of a basketball team wanting to do an emergency cooperative must be done by November 5th to the SDHSAA. The Lake Preston District would also like to join the junior high programs. Pres. Roth noted that he did not feel it was advantageous to the De Smet girls' basketball program at this time and under such short notice to make the adjustments. Board members, AD Geyer and Supt. Abi added to the discussion of the advantages and disadvantages and future possibilities. Pres. Roth noted that the Board would not be taking a recommendation from the administration and that this would be a Board decision. Public participation was opened giving those that wanted to comment under the Board's guidelines, an opportunity to do so. The GBB head coach Brendon Pitts and assistant coach Angela Ostrander spoke in opposition to allowing the LPHS girls to join our team. Also voicing opposition were seniors Camryn Schmidt and Kennedy Buchholz along with parent Dan Buchholz. Mike Luethmers voiced that he did not think it was necessary to include the Lake Preston Junior High as both school's numbers do not reflect the need. Chad Malone advocated as a parent of a LPHS GBB player who is affected by the lack of numbers. He spoke to her desire to be able to play basketball for the love of the sport and is willing to put on the Bulldog uniform and be a part of the De Smet team. Further discussion was held regarding numbers and classifications for Districts along with the possibilities in the future of cooperatives in not only basketball but other activities.

At this time, Pres. Roth called for a motion. E. Buckmiller motioned to allow grades 9-12 Lake Preston girls to participate with the De Smet program, seconded by B. Asleson. Further discussion was conducted. Both Mr. Buckmiller and Mrs. Asleson stressed they felt the right thing to do as a neighboring district for only 2-3 athletes to make sure they have a chance to compete and would hope that if De Smet was in their situation, that our students would be allowed the same opportunities in another district if it was not provided locally. They also noted that this offers real world situations and competitiveness, where life brings unexpected opportunities and situations that can be dealt with. Mr. Tolzin and Mrs. Garry agreed with the motion and discussion brought forth by Mr. Buckmiller and Mrs. Asleson, noting that they felt it was 100% the right thing to do not to leave a couple of students out in the cold when De Smet's program is able to offer a place for them in their program. All voting in favor, motion passed.

Motion for approval of JH girl athletes to participate on Varsity Girls Basketball: On motion by D. Garry, seconded by B. Asleson to approve the participation of JH girl athletes on the varsity girls' basketball team due to low participation levels. All voting "aye", motion carried.

Motion for approval of the following Policies: On motion by J. Tolzin, seconded by D. Garry to adopt and approve the following policies.

JHCDE: Administration of Medical Cannabis to Qualifying Students The School District restricts the administration of medical cannabis during school hours and at school-sponsored activities unless, in accordance with a practitioner's recommendation, administration of medical cannabis cannot reasonably be accomplished outside of school hours or school-sponsored activities. The District permits students with a valid registry identification card for medical cannabis under South Dakota law to be administered medical cannabis on school property or at a school-sponsored activity by their parent/guardian or other registered designated caregiver in accordance with this policy and South Dakota law. In order for a parent/guardian or other designated caregiver to administer medical cannabis to a qualifying student, the District will require the following to be provided initially and thereafter at the beginning of each school year and at any time when the qualifying student's administration of medical cannabis changes:

- Presentation of the student's valid State of South Dakota Department of Health approved registry identification card or nonresident card with the State of South Dakota Department of Health's confirmation of registration (a copy of which will be kept by the school in the student's educational record);
- Presentation of the State of South Dakota Department of Health approved caregiver's card showing his/her status as the registered designated caregiver for the qualifying student (a copy of which will be kept by the school in the student's educational record); and
- A written dated and signed certification by the qualifying student's recommending practitioner that also includes the dosage, frequency or time of administration, and length of time between dosages.

The parent/guardian or other registered designated caregiver is the only person who may provide, administer, or assist the student with the consumption of medical cannabis. Schools will not store, and school personnel will not administer, medical cannabis. Administration of medical cannabis to qualifying students shall be in accordance with this policy. Administration of all prescription and nonprescription medications to students shall be in accordance with applicable law and the District's policy concerning the administration of medications to students.

Definitions

The following definitions apply for purposes of this policy:

1. "Designated location" means a location identified in writing by the school district in its sole discretion and may include a location on the grounds of the school in which the student is enrolled, upon school property in South Dakota, as that term is defined herein, or at a school-sponsored activity in South Dakota.
2. "Permissible form of medical cannabis" means non-smokable products such as oils, tinctures, edible products or lotions that can be administered and fully ingested or absorbed in a short period of time. Patches and other forms of administration that continue to deliver medical cannabis to a qualified student while at school may be appropriate for students who receive ongoing adult assistance or on a case-by-case basis as determined by the district when adequate protections against misuse may be made. Smoking or vaping medical cannabis is strictly prohibited and is not a permissible form of medical cannabis for students in a school setting under any circumstances.
3. "Designated caregiver" means the qualifying student's parent, guardian or other responsible adult over twenty-one years of age who is the qualifying student's registered designated caregiver and who has a caregiver's card approved by the South Dakota Department of Health. In no event shall another student be recognized as a designated caregiver. A designated caregiver is the only individual permitted to possess and administer to a qualifying student. Any designated caregiver seeking access to school property or school-sponsored activity for purposes of this policy must comply with the Board's policy and/or procedures concerning visitors to school and all other applicable policies.

4. "School property" means any school premises, vehicle, or building, or on or in any premises, vehicle, or building used or leased for the school district's functions.
5. "Qualifying student" means a student who possesses a valid registry identification card approved by the State of South Dakota Department of Health for the use of medical cannabis.
6. "Written certification" means the completed South Dakota Department of Health form dated and signed by a physician who is licensed with authority to prescribe drugs to humans, stating that in his/her professional opinion the patient is likely to receive a therapeutic or palliative benefit from the medical use of cannabis to treat or alleviate the patient's debilitating medical condition or symptom associated with the debilitating medical condition. The document must specify the patient's debilitating medical condition and that it is made in the course of a bona fide practitioner-patient relationship.

Permissible administration of medical cannabis to a qualifying student

A qualifying student's designated caregiver may administer a permissible form of medical cannabis to a qualifying student in a designated location if all of the following parameters are met:

1. The qualifying student's parent/guardian provides the following to the school before the administration of medical cannabis is allowed on school property or at a school-sponsored activity and thereafter at the beginning of each school year and at any time when the qualifying student's administration of medical cannabis changes:
 - a. The qualifying student's valid registry identification card from the State of South Dakota Department of Health or nonresident card with the State of South Dakota Department of Health's confirmation of registration authorizing the student to receive medical cannabis;
 - b. The completed and signed Form JHCDE-E(1)(Medical Cannabis Administration Plan);
 - c. The designated caregiver(s) card approved by the State of South Dakota Department of Health; and
 - d. Written certification dated and signed by the student's recommending practitioner that also includes the dosage, frequency or time of administration, and length of time between dosages.
2. The qualifying student's parent/guardian provides written notice to the school within ten (10) days of any of the following:
 - a. Change in a designated caregiver;
 - b. The student ceases to have a debilitating medical condition, as that term is defined in South Dakota law; or
 - c. The registry identification card is void, expired or revoked.
3. In the event that a new registry identification card is issued, the qualifying student's parent/guardian provides the new card to the school district within ten (10) days of the issuance of the card;
4. The qualifying student's parent/guardian signs the written acknowledgement in Form JHCDE-E(1)(Medical Cannabis Administration Plan) assuming all responsibility for the provision, administration, maintenance, possession, storage and use of medical cannabis under state law, and releases the district from liability for any claim or injury that occurs pursuant to this policy;

5. The qualifying student's parent/guardian or designated caregiver shall be responsible for providing the permissible form of medical cannabis to be administered to the qualifying student, shall transport it in a container that meets the packaging and labeling requirements specified by the South Dakota Department of Health, and shall not at any given time possess on school property an amount of medical cannabis that exceeds the qualifying student's prescribed daily dosage;
6. The district will determine the location and the method of administration of a permissible form of medical cannabis so to not create risk of disruption to the educational environment or exposure to other students;
7. After administering the permissible form of medical cannabis to the qualifying student, the student's designated caregiver shall remove any remaining medical cannabis from the school property or school-sponsored activity;
8. The written dated and signed plan contained in Form JHCDE-E(1)(Medical Cannabis Administration Plan) is prepared that identifies the form, designated location(s), and any protocol regarding administration of a permissible form of medical cannabis to the qualifying student.

Additional parameters

School personnel, in their role as employees of the school district, will not under any circumstances:

1. Assist a qualifying student or his/her designated caregiver in obtaining, administering, or using medical cannabis;
2. Store or hold medical cannabis in any form;
3. Ensure the qualifying student is properly using the medical cannabis as instructed by his/her recommending practitioner; or
4. Serve as the qualifying student's designated caregiver of medical cannabis.

This policy conveys no right to any student or to the student's parents/guardians or other designated caregiver to demand access to any general or particular location on school property or at a school-sponsored activity to administer medical cannabis. When a school-sponsored activity occurs at another South Dakota public school, the location identified by that school will serve as the designated location for the designated caregiver's administration of medical cannabis. This policy shall not apply to school property or school-sponsored activities located outside of the state of South Dakota, on federal property or any other location that prohibits cannabis on its property. Permission to administer medical cannabis to a qualifying student may be limited or revoked if the qualifying student and/or the student's parent/guardian or other designated caregiver violates this policy or demonstrates an inability to responsibly follow this policy's parameters. No student is permitted to possess or self-administer medical cannabis. Qualifying students with a valid registry identification card who possess or self-administer cannabis may be subject to discipline just as any other student without a valid registry identification card would be. Student possession, use, distribution, sale or being under the influence of cannabis inconsistent with this policy may be considered a violation of Board policy concerning drug and alcohol involvement by students or other Board policy and may subject the student to disciplinary consequences, including suspension and/or expulsion, in accordance with applicable Board policy. If the federal government indicates that the District's federal funds will be lost or have been lost by this policy, the Board declares that this policy shall be suspended immediately and that the administration of any form of medical cannabis to qualifying students on school property or at a school-

sponsored event shall not be permitted. The district shall post notice of such policy suspension and prohibition in a conspicuous place on its website.

JHCD: Administration of Medications to Students

School personnel shall not administer prescription or nonprescription medication to students unless appropriate administration cannot reasonably be accomplished outside of school hours. For purposes of this policy, the term "medication" includes both prescription medication and nonprescription medication, but does not include medical cannabis. The administration of medical cannabis shall be in accordance with the Board's policy on administration of medical cannabis to qualified students. Students will not be permitted to take medication while at school unless the administration of such medicine is coordinated by the school district nurse acting under specific written request of the parent or guardian and under the written instructions of the student's physician. When such a request is made by a parent or guardian, a full release from the responsibilities pertaining to the administration and consequences of such medications must also be presented to the principal by the student's parent or guardian. Parent/guardian requests to store and/or administer prescription or nonprescription medications to students must be in writing, on a Consent for Medication Administration District Form. The Consent for Medication Administration must be completely filled out, signed and dated by the parent/ guardian. The Consent for Medication Administration must be renewed annually. Any product that could be considered a drug, including "natural remedies", herbs, vitamins, dietary supplements or homeopathic medications will be managed as a prescription medication. These products would require a written order from a physician or licensed health care provider and completion of a Consent for Medication Administration by the parent/guardian. When medication is brought to school for a student, the student's teacher, building principal, nurse or secretary will be made aware that the student will be taking medication. If a child has medication at school without prior notification the parent/guardian will be contacted. Medications should be transported to and from school by a parent/guardian. All medications must be stored in a locked medicine cabinet, managed by the school nurse or school personnel trained in medication administration. Prescription medications to be stored and/or administered must be in the original pharmacy labeled container. The label must specify the student's name, name of the medication, name of physician/licensed health care provider, the date of the prescription and the directions for use. If the dosage of the medication is changed by the physician/licensed health care provider, a new bottle must be received from the parent and a new Consent for Medication completed. Non-prescription medications to be stored and/or administered should be in the original container. It is the responsibility of the student to come to the office to take his/her medication. Any student who uses the medication in a manner other than the manner prescribed may be subject to disciplinary action.

Prescription medication administration may be delegated only to those individuals who have successfully completed the training program as required by law. No school employee, other than the school nurse, shall be required to be trained by a licensed health care profession for the purpose of being trained in the administration of prescription medication, or shall be required to administer prescription medication, without the employee's prior written consent.

GBEC: Use of Alcohol, Drugs and Controlled Substances

Student and employee safety is a paramount concern to the school board. Employees under the influence of alcohol and/or other drugs are a serious risk to themselves, to students, and to other employees. Therefore, the school board will not tolerate the unlawful manufacture, use, possession, sale, distribution, or being under the influence of alcohol and/or other drugs on school property or at a school event off school property. Additionally, it shall be a violation of this policy for any employee to manufacture, use, possess, sell, distribute or be under the influence of medical cannabis in any manner inconsistent with South Dakota state law. Any employee who violates this policy will be subject to disciplinary action, which may include dismissal, and referral for prosecution. Each employee of the district is hereby notified that, as a condition of employment, the employee must abide by the terms of this policy and will report to the superintendent any criminal alcohol and/or other drug statute convictions for any alcohol and/or drug violation. Such notification must be made by the employee to the superintendent no

later than five (5) days after conviction. Should the affected employee be the superintendent s/he will report to the Board no later than the next regular meeting of the Board. Within thirty (30) days after receipt of information concerning an alleged or proven violation(s) of this policy, the district will take appropriate disciplinary action, which may include termination of employment, requiring the employee to participate in alcohol and/or other drug abuse assistance or rehabilitation programs, and possible referral for prosecution. The school board recognizes that employees who have an alcohol and/or other drug use/abuse problem should be encouraged to seek professional assistance. An employee who requests assistance shall be provided a listing of the regional treatment facilities or agencies to assist him/her in their choice of a service provider. If there is reason to suspect that a staff member is under the influence of alcohol and/or illegal drugs, the staff member will not be allowed on school property or to participate in school activities. Staff members will be subject to discipline for arriving at school or at a school activity under the influence of alcohol and/or an illegal drug. For the purposes of this policy, "illegal drug" means narcotics, drugs and controlled substances as defined in federal law or state law. "Illegal drugs" also includes any prescription or over-the-counter drug that does not meet the following four criteria:

1. the employee has a current and valid prescription for the drug or the drug is sold over-the-counter;
2. the drug is used or possessed for the purpose for which it was prescribed or sold over-the-counter;
3. the drug is used or possessed at the dosage prescribed or recommended; and
4. the drug is used or possessed consistent with the safe and efficient performance of the employee's job duties.

Any staff member who is taking a drug or medication, whether or not prescribed by the staff member's physician, which may adversely affect that staff member's ability to perform work in a safe or productive manner is required to report such use of medication to his or her supervisor. This includes drugs that are known or advertised as possibly affecting judgment, coordination or any of the senses, including those that may cause drowsiness or dizziness.

The school board hereby commits itself to a continuing good faith effort to maintain a drug-free environment.

A copy of this policy shall be given to all present and future employees.

JFCH: Alcohol and Other Drug Use by Students

The following document outlines policy on student use of alcohol and other drugs in the school district. This policy is in effect on premises owned, leased or maintained by the school district, at all school-related activities on and off campus, on vehicles used to transport students to and from school or at other activities and in vehicles parked on school property. Students and parents/guardians are expected to know and understand the policy provisions and its mandatory nature. A copy of the policy will be provided to all students and parents.

POLICY

A student shall not possess, use, distribute, transfer, conceal, sell, attempt to sell, deliver, give, exchange or be under the influence of alcohol, illicit drugs, narcotics, dangerous or illegal chemical substances. Students shall not engage in alcohol and/or other drug use/abuse, nor possess paraphernalia specific to the use of alcohol and/or other drugs.

Students who use prescription drugs or medical cannabis authorized by a licensed physician do not violate this policy if the students conform to the prescription and appropriate school policies.

DISCIPLINARY SANCTIONS AND IMPLEMENTATION PROCEDURES

A. The following procedures will be used in dealing with possession, use, or being under the influence of alcohol and other drugs. State and federal regulations regarding special education students will be followed.

First Offense:

1. The administration will notify the parent(s)/guardians(s) and schedule a conference;
2. The administration shall suspend the student for ten (10) days in compliance with student due process procedures;

3. The administration shall notify available law enforcement authorities;

The suspension of a student who completes a drug/alcohol assessment from a certified or licensed addition counselor or a licensed physician trained in chemical dependency and recommended program, if any, will be commuted to three (3) days, provided the assessment and program are completed, unless good cause is shown to and approved by the administration, within twenty (20) school days. Fees for this assessment and treatment are the responsibility of the student and family.

Upon receipt of appropriate authorization, the agency or professional will notify the school administration in writing that the student has been evaluated and to comply successfully, completed any recommended treatment program.

Second Offense:

1. The administration will contact the parent(s)/guardian(s) and schedule a conference.

2. The administration shall notify available law enforcement authorities.

3. The administration shall suspend for ten (10) days in compliance with student due process procedures.

A long-term suspension hearing shall be scheduled before the school board pursuant to due process rules for long-term suspension. The administration will recommend to the school board that the student be suspended for ninety (90) school days. The ninety (90) day suspension for a second offense may be reduced to ten (10) school days if the student completes an accredited intensive prevention or treatment program. Fees for this assessment and/or treatment are the responsibility of the student and family.

Subsequent Offenses:

1. The administration will contact the parent(s)/guardian(s) and schedule a conference.

2. The administration shall notify available law enforcement authorities.

3. The administration shall suspend for ten (10) days in compliance with student due process procedures.

4. An expulsion hearing shall be scheduled before the school board pursuant to due process rules for expulsion. The administration will recommend to the school board that the student be expelled.

B. Distributing (supplying free or selling) Alcohol and Other Drugs or Material Represented to be a Controlled Substance - (all occurrences):

1. The administration will contact the parent(s)/guardian(s) and schedule a conference.

2. The administration shall notify available law enforcement authorities.

3. The administration shall suspend for ten (10) days in compliance with student due process procedures.

4. A long-term suspension hearing shall be scheduled before the school board pursuant to due process rules for long-term suspension. The administration will recommend to the school board that the student be suspended for up to ninety (90) school days.

5. A second offense for distributing alcohol or drugs shall result in an expulsion hearing being scheduled before the school board and the administration will recommend the student be expelled for one year.

6. State and federal regulations regarding special education students will be followed.

USE OF ALCOHOL SENSORS

In keeping with its commitment to protect all pupils and the school community from the harm of alcohol use, the Board authorizes the Superintendent, Principals, and designee(s), to use a portable breath test (PBT) and passive breath alcohol sensor device (PBASD) to screen for evidence of breath alcohol.

The purpose for using a PBT and PBASD is to protect pupils who may be under the influence of alcohol, other pupils, staff and community members attending school events and to deter the use of alcohol by pupils. As PBT and PBASD implementation is intended primarily as a deterrent to student and youth alcohol use, nothing set forth in this policy precludes school district personnel from using the power of observation and professional judgment when there is reasonable suspicion of youth alcohol consumption.

The Board authorizes PBT and PBASD screening of students during the school day upon reasonable suspicion that a student may have consumed alcohol, and of attendees before, during and after school activities/events including, but not limited to dances, athletic events, proms, class trips, drama productions, graduation ceremonies, or school assemblies.

Procedurally, district personnel will not vary from the normal course of action outlined in Policy JGD: Student Suspension or Expulsion when evidence of alcohol consumption is derived from a PBT, PBASD reading or personal observation.

If the PBT or PBASD screening indicates the presence of alcohol on District student, the matter shall be reported to the Principal or designee and law enforcement. District students violating this policy will be disciplined according to the discipline procedures outlined in this policy and other relevant policies. School age persons from other districts attending school and district sponsored events who are suspected of alcohol consumption will be reported to the Principal or designee and law enforcement.

The Board shall provide notices to students, staff, parents and guardians of this policy.

FMLA POLICY: The purpose of this policy is to provide employees with a general explanation of their FMLA rights. If you have any questions regarding your FMLA rights or this policy, please contact the Business Manager.

General Provisions

The federal Family and Medical Leave Act (FMLA) provides eligible employees the opportunity to take unpaid, job-protected leave for certain specified reasons. The maximum amount of leave an employee may use is 12 weeks (military FMLA) within a 12-month period depending on the reasons for the leave.

Eligibility

Employees are eligible for FMLA leave if they:

Have worked at least 12 months (52 weeks) for the Company. The 12 months (52 weeks) does not have to be consecutive. Separate periods of employment will be counted, provided that the break in service does not exceed seven years. All periods of absence from work due to or necessitated by service in the uniformed services will be counted in determining FMLA eligibility. An employee will be considered to have been employed for an entire week if they were on the Company's payroll for any part of the workweek.

Have worked at least 1,250 hours for the Company over the preceding 12 months. The FMLA uses the same method for determining compensable as the federal Fair Labor Standards Act (FLSA).

Are employed at a work site that has at least 50 employees within a 75 mile radius. This distance is measured using the shortest means of surface transportation.

Basic FMLA Leave Entitlement

Eligible employees may take up to 12 weeks of unpaid leave during any 12-month period for the following reasons:

For incapacity due to pregnancy, prenatal medical care or child birth; To care for the employee's child after birth, or placement for adoption of foster care;

To care for an immediate family member (spouse, child, or parent) with a serious health condition; or

For a serious health condition of the employee that makes the employee unable to perform the essential functions of his or her position.

As used above, a **serious health condition** is an illness, injury, impairment, or physical or mental condition that involves:

Any period of incapacity or treatment connected with inpatient care (e.g., an overnight stay) in a hospital, hospice, or residential medical care facility; or

A period of incapacity requiring absence of **more than three calendar days** from work, school, or other regular daily activities that also involves continuing treatment by (or under the supervision of) a health care provider; or

Any period of incapacity due to pregnancy, or for prenatal care; or

Any period of incapacity (or treatment therefore) due to a chronic serious health condition (e.g., asthma, diabetes, epilepsy, etc.); or

A period of incapacity that is permanent or long-term due to a condition for which treatment may not be effective (e.g., Alzheimer's, stroke, terminal diseases, etc.); or

Any absences to receive multiple treatments (including any period of recovery therefrom) by, or on referral by, a health care provider for a condition that likely would result in incapacity of more than three consecutive days if left untreated (e.g., chemotherapy, physical therapy, dialysis, etc.).

Identifying the 12-Month Period

Standard FMLA Leave. The FMLA entitles eligible employees who work for covered employers to take unpaid, job-protected leave in a defined 12-month period for specified family and medical reasons. Generally, employers may select one of four options to establish the 12-month period to be uniformly applied to all employees taking FMLA leave.

The 12-month period measured forward – 12-month period measured forward from the first date an employee takes FMLA leave. The next 12-month period would begin the first time FMLA leave is taken after completion of the prior 12-month period; or

Military FMLA. The single 12-month period for military caregiver leave begins on the first day the employee takes leave for this reason and ends 12 months later, regardless of the 12-month period established by the employer for other FMLA leave reasons.

An eligible employee is limited to a combined total of 26 workweeks of leave for any FMLA-qualifying reasons during the single 12-month period. Up to 12 of the 26 weeks may be for an FMLA-qualifying reason other than military caregiver leave. For example, if an employee uses 10 weeks of FMLA leave for his or her own serious health condition during the single 12-month period, the employee has up to 16 weeks of FMLA leave left for military caregiver leave.

Military caregiver leave is available to an eligible employee once per servicemember, per serious injury or illness. However, an eligible employee may take an additional 26 weeks of leave in a different 12-month period to care for the same servicemember if he or she has another serious injury or illness. For example, if an eligible employee takes military caregiver leave to care for a current servicemember who sustained severe burns, the employee would be entitled to an additional 26 weeks of caregiver leave in a different 12-month period if the same servicemember is later diagnosed with a traumatic brain injury that was incurred in the same incident as the burns.

An eligible employee may also take military caregiver leave to care for more than one current servicemember or covered veteran with a serious injury or illness at the same time, but the employee is limited to a total of 26 weeks of military caregiver leave in any single 12-month period. Additionally, an eligible employee may be able to take military caregiver leave for the same family member with the same serious injury or illness both when the family member is a current servicemember and when the family member is a veteran.

Use of Leave

An employee does not need to use his or her leave entitlement in one block. When medically necessary, leave may be taken intermittently (in small blocks of time) or on a reduced leave schedule (reducing the employee's usual weekly or daily schedule). Employees must make reasonable efforts to schedule leave for planned medical treatment so as not to unduly disrupt the employer's operations. Military Family leave due to qualifying exigencies may also be taken on an intermittent basis.

Leave to care for or bond with a newborn child or a newly placed adopted or foster child may only be taken intermittently with the employer's approval and must conclude within 12 months after the birth or placement.

Use of Paid and Unpaid Leave

FMLA leave may be either paid, unpaid, or a combination of paid and unpaid leave. Whenever an employee requests leave for an FMLA covered event, the employee will be required to exhaust all accrued sick leave, personal leave, and annual leave for which they are eligible prior to being placed in unpaid leave status. Whether the leave is paid or unpaid, it will be counted toward the employee's 12-week entitlement in any given year.

Maximum Amount of Leave

An employee has a total of 12 unpaid weeks for all FMLA leaves in any fiscal year; however, an employee may have a total of 26 unpaid weeks in a single 12-month period if the FMLA leave is to act as a caregiver for a military family member.

If both husband and wife are employed by the employer, FMLA leave is limited to a combined total of 12 weeks in a 12-month period when leave is taken for the following reasons:

The birth, adoption or foster care placement of a child. To care for the employee's parent with a serious health condition. If leave is taken for other reasons, such as the employee's own serious health condition or to care for a child with a serious health condition, the husband and wife can each use up to 12 weeks of leave individually. When the husband and wife both use a portion of the total 12-week FMLA leave entitlement for the birth of a child, placement for adoption or foster care, or to care for a parent, the husband and wife would each be entitled to the difference between the amount he or she has taken individually and 12 weeks of FMLA leave for other purposes. For example, if each spouse took six weeks of leave to care for a parent, each could use an additional six weeks due to his or her own serious health condition or to care for a child with a serious health condition.

Employee Responsibilities

Employees should notify their manager and soon as they realize the need for FMLA leave. If the need to take FMLA leave is foreseeable (e.g., the birth of a child), the employee must give the employer at least 30 days prior notice of the need to take leave. When 30 days is not possible, the employee must give the notice as soon as practicable (generally within 1 or 2 business days of learning of the need for leave).

If the need for leave is not foreseeable, this information must be provided as soon as practical and in compliance with the employer's normal call-in procedures, absent unusual circumstances.

When submitting a request for leave, the employee must provide sufficient information for the employer to determine if the leave might qualify as FMLA leave, and also provide information on the anticipated date when the leave would start as well as the duration of the leave. Sufficient information may include that the employee is unable to perform job functions, the family member is unable to perform daily activities, the need for hospitalization or continuing treatment by a health care provider, or circumstances supporting the need for military family leave. Employees also must inform the employer if the requested leave is for a reason for which FMLA leave was previously taken or certified. Employees also may be required to provide a certification and periodic recertification supporting the need for leave.

Employer Responsibilities

When an employee requests FMLA leave or the employer acquires knowledge that an employee's leave may be for an FMLA-qualifying reason, the employer must notify the employee of the employee's eligibility to take FMLA leave within five business days, absent extenuating circumstances. The eligibility notice must state whether the employee is eligible for FMLA leave, and if the employee is not eligible, must state at least one reason why the employee is not eligible.

Each time the eligibility notice is provided, the employer must also provide the employee with a written notice detailing the employee's rights and responsibilities.

Employers must inform employees if leave will be designated as FMLA-protected and the amount of leave counted against the employee's leave entitlement. If the employer determines that the leave is not FMLA-protected, the employer must notify the employee.

Medical Certification

Medical certification will be required for any request for use of FMLA leave for an employee's own serious health condition or to take care of a family member with a serious health condition. It is the employee's responsibility to provide complete medical certification within 15 calendar days of the request or to provide a reasonable explanation of the delay. Failure to provide the requested certification may result in the denial of continuation of leave.

If the employer has reason to question the medical certification, the employer, at its own expense, may elect to seek a second opinion from a health care provider of their choosing. If the second opinion conflicts with the first opinion, a third opinion may be obtained at the employer's expense from a health care provider mutually chosen by the employee and the employer. The third opinion will be controlling. The employee will be considered provisionally entitled to leave pending the second and/or third opinion.

Recertification

The employer may request recertification for the serious health condition of the employee or the employee's family member no more frequently than every 30 days and only when circumstances have changed significantly, or if the employer receives information casting doubt on the reason given for the absence, or if the employee seeks an extension of his or her leave. Otherwise, the employer may request recertification for the serious health condition of the employee or the employee's family member every six months in connection with an FMLA absence. The employer may provide the employee's health care provider with the employee's attendance records and ask whether need for leave is consistent with the employee's serious health condition.

Maintenance of Health Benefits

The employer will maintain group health insurance coverage, including family coverage, for an employee on FMLA leave on the same terms as if the employee continued to work.

Where appropriate, arrangements will need to be made for employees taking unpaid FMLA leave to pay their share of health insurance premiums. For example, if the group health plan involves co-payments by the employer and the employee, an employee on unpaid FMLA leave must make arrangements to pay his or her normal portion of the insurance premiums to maintain insurance coverage, as must the employer. Such payments may be made under any arrangement voluntarily agreed to by the employer and employee.

An employer's obligation to maintain health benefits under FMLA stops if and when an employee informs the employer of an intent not to return to work at the end of the leave period, or if the employee fails to return to work when the FMLA leave entitlement is exhausted. The employer's obligation also stops if the employee's premium payment is more than 30 days late and the employer has given the employee written notice at least 15 days in advance advising that coverage will cease if payment is not received.

In some circumstances, the employer may recover premiums it paid to maintain health insurance coverage for an employee who fails to return to work from FMLA leave.

Fitness-for-Duty Certification

As a condition of restoring an employee whose FMLA leave was due to the employee's own serious health condition, the employee will be required to provide a certification from the employee's health care provider that the employee is able to resume work. The employee has the same obligations to participate and cooperate in the fitness-for-duty certification process as in the initial certification process and is responsible for any associated costs.

Job Restoration

Upon returning from FMLA leave, eligible employees will typically be restored to their original job or to an equivalent job with equivalent pay, benefits, and other employment terms and conditions.

Failure to Return after FMLA Leave

Any employee who fails to return to work as scheduled after FMLA leave or exceeds the 12-week FMLA entitlement (or in the case of military caregiver leave, the 26-week FMLA entitlement), will be subject to the Company's standard leave of absence and attendance policies. This may result in termination of employment if the employee has no other Company-provided leave available to him/her that applies to the continued absence. Likewise, following the conclusion of the FMLA leave, the Company's obligation to maintain the employee's group health plan benefits ends (subject to any applicable COBRA rights).

Military Family Leave Entitlement

Notwithstanding the basic FMLA leave entitlements discussed previously, the FMLA also provides for two special military family leave entitlements:

To permit an eligible employee who is the spouse, son, daughter, parent, or next of kin of a current servicemember with a serious injury or illness incurred in the line of duty on active duty to take up to 26 workweeks of FMLA leave during a single 12-month period to care for the servicemember (Military Caregiver Leave); and

To allow an eligible employee whose spouse, son, daughter, or parent is a member of the National Guard or Reserves to take up to 12 workweeks of leave for qualifying exigencies arising out of the military member's active duty or call to active duty in support of a contingency operation (Qualifying Exigency Leave).

A covered servicemember is:

A current servicemember of the Armed Forces, including a member of the National Guard or Reserves, with a serious injury or illness incurred in the line of duty for which the servicemember is undergoing medical treatment, recuperation, or therapy, is otherwise in outpatient status, or is otherwise on the temporary disability retired list; or A "covered veteran" who is undergoing medical treatment, recuperation, or therapy for a serious injury or illness.

A covered veteran is an individual who was discharged under conditions other than dishonorable during the five-year period prior to the first date the eligible employee takes FMLA leave to care for the covered veteran. The period between October 28, 2009 and March 8, 2013 is excluded in determining this five-year period.

The FMLA definitions of **serious injury or illness** for current servicemembers and veterans are distinct from the FMLA definition of **serious health condition**.

For current servicemembers, **serious injury or illness** means an injury or illness that was incurred by the member in the line of duty while on active duty in the Armed Forces or that existed before the beginning of active duty and was aggravated by such service, that may render them medically unfit to perform the duties of their office, grade, rank or rating.

For covered veterans, **serious injury or illness** means an injury or illness that was incurred in the line of duty while on active duty in the Armed Forces or that existed before the beginning of active duty and was aggravated by such service and manifested itself before or after the individual assumed veteran status, and is:

A continuation of a serious injury or illness that was incurred or aggravated when they were a member of the Armed Forces and rendered them unable to perform the duties of their office, grade, rank or rating;

A physical or mental condition for which the covered veteran has received a VA Service Related Disability Rating (VASRD) of 50% or greater and such VASRD rating is based, in whole or in part, on the condition precipitating the need for caregiver leave;

A physical or mental condition that substantially impairs the veteran's ability to secure or follow a substantially gainful occupation by reason of a disability or disabilities related to military service or would be so absent treatment; or

An injury, including a psychological injury, on the basis of which the covered veteran has been enrolled in the Department of Veterans Affairs Program of Comprehensive Assistance for Family Caregivers.

Military Caregiver Leave

Military Caregiver Leave allows up to 26 weeks of unpaid leave in a single 12-month period to be granted to an eligible employee to provide care to an injured covered servicemember who is the eligible employee's spouse, son, daughter, parent, or eligible next of kin.

To be eligible for Military Caregiver Leave (in addition to the eligibility requirements covered previously), the employee must be a spouse, son, daughter, parent, or next of kin of the covered servicemember.

Unless the servicemember has specifically designated in writing another blood relative as his or her nearest blood relative for purposes of Military Caregiver Leave policy, **next of kin** means the nearest blood relative of the servicemember, other than the servicemember's spouse, parent, son, or daughter, in the following order of priority:

Blood relatives who have been granted legal custody of the servicemember by court decree or statutory provisions;

Brothers and sisters; Grandparents; Aunts and uncles; and First cousins.

The "single 12-month period" begins on the first day leave is taken to care for a covered servicemember and ends 12 months thereafter, regardless of the method used to determine leave availability for other FMLA-qualifying reasons. If an employee does not exhaust his or her 26 workweeks of Military Caregiver Leave during this "single 12-month period," the remainder is forfeited.

Military Caregiver Leave applies on a per-injury basis for each servicemember. Consequently, an eligible employee may take separate periods of caregiver leave for each and every covered servicemember, and/or for each and every serious injury or illness of the same covered servicemember. A total of no more than 26 workweeks of Military Caregiver Leave, however, may be taken within any "single 12-month period."

Within the "single 12-month period" described above, an eligible employee may take a combined total of 26 weeks of FMLA leave including up to 12 weeks of leave for any other FMLA-qualifying reason (i.e., birth or adoption of a child, serious health condition of the employee or close family member, or a qualifying exigency). For example, during the "single 12-month period," an eligible employee may take up to 16 weeks of FMLA leave to care for a covered servicemember when combined with up to 10 weeks of FMLA leave to care for a newborn child.

An employee seeking Military Caregiver Leave may be required to provide appropriate certification from the employee and/or covered servicemember and completed by an authorized health care provider within 15 days. Military Caregiver Leave is subject to the other provisions in our FMLA Leave Policy (requirements regarding employee eligibility, appropriate notice of the need for leave, use of accrued paid leave, etc.). Military Caregiver Leave will be governed by, and handled in accordance with, the FMLA and applicable regulations, and nothing within this policy should be construed to be inconsistent with those regulations.

Qualifying Exigency Leave

Eligible employees may take FMLA leave for a qualifying exigency, in which a military member (active duty, Reserve or National Guard) is on covered active duty or called to covered active duty status. The military member must be the employee's spouse, son, daughter or parent. Covered active duty applies when the military member is deployed to duty in a foreign country.

Qualifying Exigency Leave is available under the following circumstances:

Short-notice deployment. To address any issue that arises out of short notice (within seven days or less) of an impending call or order to covered active duty.

Military events and related activities. To attend any official military ceremony, program, or event related to covered active duty or call to covered active duty status or to attend certain family support or assistance programs and informational briefings.

Childcare and school activities. To arrange for alternative childcare; to provide childcare on an urgent, immediate need basis; to enroll in or transfer to a new school or daycare facility; or to attend meetings with staff at a school or daycare facility.

Financial and legal arrangements. To make or update various financial or legal arrangements; or to act as the covered military member's representative before a federal, state, or local agency in connection with service benefits.

Counseling. To attend counseling (by someone other than a health care provider) for the employee, for the military member, or for a child or dependent when necessary as a result of duty under a call or order to covered active duty.

Temporary rest and recuperation. To spend time with a military member who is on short-term, temporary rest and recuperation leave during the period of deployment. Eligible employees may take up to 15 calendar days of leave for each instance of rest and recuperation.

Post-deployment activities. To attend arrival ceremonies, reintegration briefings and events, and any other official ceremony or program sponsored by the military for a period of up to 90 days following termination of the military member's active duty status. This also encompasses leave to address issues that arise from the death of a military member while on active duty status.

Parental care. To care for the military member's parent who is incapable of self-care. The parent must be the military member's biological, adoptive, step, or foster father or mother, or any other individual who stood in loco parentis to the military member when the member was under 18 years of age.

Mutually agreed leave. Other events that arise from the military member's duty under a call or order to active duty, provided that the Company and the employee agree that such leave shall qualify as an exigency and agree to both the timing and duration of such leave.

Qualifying Exigency Leave may be combined with leave for other FMLA-qualifying reasons; however, under no circumstances may the combined total exceed 12 weeks in any 12-month period (with the exception of Military Caregiver Leave as set forth above).

An employee seeking Qualifying Exigency Leave may be required to submit appropriate supporting documentation in the form of a copy of the military member's active duty or rest and recuperation orders or other military documentation indicating the appropriate military status and the dates of active duty status, along with a statement setting forth the nature and details of the specific exigency, the amount of leave needed and the employee's relationship to the military member, within 15 days.

Limited Nature of This Policy

This Policy should not be construed to confer any express or implied contractual relationship or rights to any employee not expressly provided for by FMLA. The employer reserves the right to modify this or any other policy as necessary, in its sole discretion to the extent permitted by law. State or local leave laws may also apply.

There being no further business at this time, on motion by D. Garry, seconded by E. Buckmiller to adjourn. All voting "aye", motion carried. (6:28 PM)

ATTEST: President Shane Roth
Business Manager Susan Purintun

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