**ARTICLE I**

**PHILOSOPHY OF THE LAMOURE SCHOOL COMMUNITY**

**Section I. MISSION STATEMENT**

 It is the mission of the LaMoure Public Schools to use our resources and abilities to educate all students to reach their greatest potential.

# Section II. PHILOSOPHY

 The LaMoure School Community believes that the main purpose of American education is to teach people the process of rational thought.

 Education is a tool which creates in the student those attitudes, skills, ideals and appreciations which make him\* a useful and a knowledgeable citizen of democracy. Good citizenship includes a balance of emotional, physical, mental, moral and social growth.

 The school shall adopt a curriculum and methods to meet the present and the future needs of the students. We realize fully the importance of fundamental skills and emphasize these skills as the tools for further development.

 The School Community recognizes that education is for all students without discrimination or prejudice. It should find and develop the talents in the pupils, encourage them to be active participants in the learning processes and guide them in choosing occupations.

**Section III. GOALS AND OBJECTIVES** Descriptor Code: AAB

 It is the goal of this District to provide schools that meet the criteria for accreditation with commendation as established by the Department of Public Instruction and that show adequate yearly progress as defined in federal law.

 To this end the Board will:

1. Submit all required reports to the Department of Public Instruction in a timely manner.
2. Employ qualified administrators as required in the standards for accreditation.
3. Employ only teachers who are licensed by the Education Standards and Practice Board and who meet the definition of highly qualified teacher according to federal law.
4. Provide a curriculum that:
	1. Meets the minimum legal requirements.
	2. Is based on the philosophy and goals of the district.
	3. Is designed to meet the varying needs of students.
	4. Reflects the established priorities of the community.
5. Establish a school improvement process that conforms to state and federal requirements.

Cross Ref: Policy DBBA Licensure

 Policy DBG Professional Development

 Policy DBGD In-Service

Legal Ref: PL 107-110 Title III No Child Left Behind Act of 2001

 NDCC 15.1-02-11 Superintendent of Public Instruction –

 Accreditation of School – Rules

REFERENCE POLICY ADOPTED: 11/03

02/03 POLICY AMENDED:

\* Throughout the book, him or her refers to both genders in common.

**Section IV. EXPECTED GRADUATION OUTCOMES**

 Each student will have the ability to apply concepts, generalizations, processes

and strategies considered important to specific content areas; work in a cooperative/collaborative manner; perform objectively as an independent thinker; regulate himself in a variety of situations; communicate through a variety of products; gather information in a variety of ways and use complex thinking processes.

**Section V. ASSESSING STUDENT ACHIEVEMENT** Descriptor Code: FBEC

#  GCABA

 The Board recognizes that a system of assessing student achievement can help students, teachers, and parents to better assess a student’s progress toward educational goals.

 Assessment shall be the system of measuring and recording student progress and achievement that enables the student, parents, and teachers to learn the student’s strengths and weaknesses, plan an educational and vocational future for the student in areas of the greatest potential for success, and know where remedial work is required.

 Assessment shall measure the student’s programs against both his/her own potential for achievement and the achievements of others in the class, as appropriate to the grade level and subject matter.

 The Board directs that the district’s instructional program shall include a system of assessing all students which is consistent with the goals of the district and state and federal law and regulation.

 The Superintendent shall develop and implement procedures to assess student progress that include various methods of assessment. These may include standardized tests, student portfolios, examinations developed by teachers, and such other measures as deemed appropriate.

REFERENCE: POLICY ADOPTED:01/04

03/03 POLICY AMENDED:

**ARTICLE II**

**BOARD OF EDUCATION**

# Section 1. AUTHORITY

 (1) Legal

 (a) The Board of Education of the LaMoure Public School District #8, exists under and derives its power from the constitution and acts of the legislature of North Dakota. The various acts and amendments which are intended to provide a thorough and efficient system of free schools, whereby all children of this state may receive a good common school education are commonly bound together under the title “The School Code of the State of North Dakota”.

# Section II. NOMINATION AND ELECTIONS

 (1) Qualification

 (a) All school officers must be qualified electors in the district in which they reside, having established legal residence by living in the state one year, in the county ninety (90) days and in the precinct thirty (30) days. (16-0103, 15-4705 NDEC)

(2) Personal

 A board member should:

 (a) possess sound judgment and be public spirited.

 (b) be cooperative.

 (c) be familiar with the needs of the school system.

 (d) be of good character.

 (e) be a supporter of Public Education.

 (f) be able to commit the time and responsibility to fulfill your job as a member of the board.

 (3) Nominations

 (a) In the LaMoure Public School District #8 the person desiring to be a candidate at the annual election shall file his name and the name of the office which he seeks with the business manager by four p.m. of the sixty-fourth day before the election (NDCC 15.1-09-08). Candidates must be a resident of the area they are to represent. \*Policy Amended 5/18

 (4) Date and Time of Election

 (a) The annual school election shall be held on the first Tuesday in June of each year. Hours shall be from 11:00 a.m. to 7:00 p.m. All residents of the school district may vote in any school election even though candidates must live in the area they represent.

# Section III. OFFICERS AND COMMITTEES

 (1) Organization

 (a) The Board of Education shall consist of five (5) voting members, one (1) of whom shall be elected president by the members of the Board of Education at the organizational meeting held at the regular annual meeting in July of each year. The members of the board shall be elected as follows: two (2) members from the City of LaMoure; one (1) member from Rural District #1; one (1) member from Rural District #2 and one (1) member from Rural District #3. Districts are set by election and are changed only by election.

 (b) The Board of Education shall have no standing committee. The Board of Education shall authorize such special committees as are deemed necessary. A special committee shall report its fact finding recommendations to the board for appropriate action. The Board may accept any part or all of the recommendations. A special committee shall be dissolved when its report is accepted by the board.

# Section IV. OFFICE

 (1) Location

 (a) The administrative office of the board shall be maintained at the school.

# Section V. MEETINGS AND PROCEDURES

 (1) When and Where

 (a) Regular monthly meetings of the board shall be determined at the monthly board meeting prior to each month. 7/16

 (2) Special Meetings

 (a) Special meetings may be called by the president or by any two (2) members of the board. Written or printed notice of a special meeting shall be given to each member of the board, provided, however, that the attendance at any meeting, without objection, by any member shall constitute a waiver of the notice required to be given to such member. (15-29-02)

 (3) Quorum

 (a) Any board meeting at which not less than three (3) members are present shall constitute a duly convened meeting of the board and all action taken at such meetings shall be as effective as though all members of the board were in attendance.

 (4) Public Attendance and Participation

 (a) All regular and special meetings of the board shall be open to the public and patrons and visitors shall at all times be welcome to attend. The citizens who wish to present any matter of concern to the board shall do so by notifying the Superintendent of Schools Office two days prior to the meeting. If you are on the agenda or the board has a need to recognize a person, they will do so. Otherwise people will not be recognized or allowed to participate in the board meeting and inappropriate behavior will not be allowed.

 (5) Minutes of Proceedings

 (a) The minutes of the preceding meeting shall be approved by the Board of Education.

 (b) A copy of all motions shall be carefully recorded. The names of those who make the motion, those who second motions and those who vote yes and no shall be recorded.

 (c) The official minutes shall be kept in the administrative office.

 (6) Records Available

 (a) All records of the Board of Education shall be available to citizens for inspection at the administrative office.

 (7) Order of Business

 (a) Call to Order

 (b) Roll Call

 (c) Minutes Report

 (d) Financial Report

 (e) Approval of Bills

 (f) Receiving Delegation

 (g) Principals’ Reports

 (h) Business Agenda

 (i) Additions to the Agenda

 (j) Adjournment

 (8) Rules of Order

 (a) The rules of parliamentary procedure comprised in “Roberts Rule of Order” shall govern the board deliberations. Rules may be amended to any meeting by a majority vote of board members. A parliamentarian will be appointed by the board president to assure proper order.

 (9) Revision of Policies

 (a) Policies may be revised, added to, or amended, at a regular meeting of the board by a majority vote of the members. Proposed amendments may be voted upon at any meeting subsequent to their presentation. All policy adoptions need two (2) readings before approval.

 (b) The Policy Review Committee shall meet every other year to review and appraise the existing policies and make recommendations to the Board of Education. (c) The administration shall notify all employees whenever revisions, additions, amendments and deletions are made.

 (10) Compensation of Members

 (a) Members of the Board of Education shall be remunerated for the regular meetings they attend at the rate set by the school board. They shall be compensated mileage set by policy and be paid expenses for other duties pertaining to their job. Rate of compensation is as follows:

 Regular and Special School Board Meetings - $75 per meeting

 Committee Meetings - $25 per meeting

 In-Service / Convention Days - $75 per day

 Amended 7/22

 (11) Evaluation of Superintendent

 The Superintendent will be evaluated twice a year by the Board of Education. The first evaluation is to be done by November 15, with the second evaluation being completed no later than March 15. 7/16

Section VI. DISBURSEMENT OF MONIES Descriptor Code: HEAB

It shall be the policy of the LaMoure School Board to allow the business Manager to pay out school district monies prior to Board approval, provided the expenditure has been previously authorized in policy or by Board Action and that the expenditure is within the limits of the approved budget. The Superintendent shall review and approve all invoices and/or billings resulting from this policy prior to payment.

A credit card in the name of the District may be applied for and used by the Business Manager for purposes of on-line ordering, airline and hotel reservations and billings, and other necessities of the district as may be approved by the board.

The Business Manager may use on-line banking and electronic payments to manage school district monies.

Legal Ref: NDCC 15.1-07-12 Negotiable instruments – Disbursement of monies by business manager

NDCC 15.1-07-21 School district business manager – Duties

NDCC 15.1-09-28 School board president - Duties

 POLICY APPROVED: 11/05

 POLICY AMENDED:

**ARTICLE III**

**ADMINISTRATION**

# Section I. THE SUPERINTENDENT

 (1) Duties and Responsibilities

 (a) The Superintendent of Schools shall serve as the executive officer of the Board of Education, and shall be charged with the responsibility for implementing the policies of the board. He shall prepare the agenda for each meeting, shall attend all meetings and participate

in all deliberations that do not involve his employment.

 (b) He shall administer the school in conformity with the adopted policies of the board and the rules and regulations of the State Department of Education and in accordance with the state law.

 (c) He shall develop administrative principles and procedures for implementing board policies.

 (d) He shall direct the formation and revision of salary schedules within the financial resources of the community and make recommendations to the board.

 (e) He shall be responsible for the selection of the members of the teaching staff and all other employees of the district, and he shall recommend to the board the applicant best suited for the position.

 (f) He shall have power to fill staff vacancies, subject to approval of the board.

 (g) He shall organize and administer adult education classes when interest is shown by the community.

 (h) He shall have power to employ such incidental personnel as may be necessary within the limits of budgetary provisions. He shall be authorized to employ substitute personnel when any of the regular personnel are compelled to be absent.

 (i) He shall prepare a list of needs for each department for each year prior to recommending the annual budget to the board.

 (j) He shall prepare and keep up to date an inventory of the property of the district as of September 1 of each year and submit the same no later than January 1 of each year.

 (k) He shall assign, transfer, promote, demote or dismiss all cooks, clerical, custodial, transportation, maintenance and other instructional employees, unless otherwise provided, subject to the recommendation of the Board of Education. \*

 (l) He shall approve purchases of all supplies and materials

 (m) He shall assume responsibility for insurance programs, methods of handling money in individual schools, telephone services, pupil transportation, food service program, fire protection and distribution of supplies.

 (n) He shall have general supervision of all the repairs to buildings as authorized by the board and an inspection will be conducted during the year and supervision of the maintenance of the land and buildings of the district shall be his responsibility.

 (o) He shall be responsible for making recommendations for the construction and/or alteration of new buildings and supervise the plans and specifications which have been approved by the board.

 (p) The superintendent must have an administrative credential which certifies him to be a superintendent in the State of North Dakota. He shall maintain and obtain professional growth by attending local meetings, state and those national conventions approved by the board and provide the board updated information from these meetings so they may make informed decisions related to the operation of the school.

 (q) He shall make monthly and annual financial reports to the board including investments of school funds and report on any other needs of the school.

 (r) He shall survey the staff once a year to ascertain the adequacy of textbooks and the results of the survey shall be reported to the board showing the recommendations by the teachers and administration.

 (s) He shall direct the in-service training of teachers and principals through

conferences, workshops, group discussions, committee studies, and the use of consultants and report to the board concerning results of each.

 (t) He shall approve applications from outside agencies for the use of school property, supervise such use and collect rentals in accordance with the established policy of the Board of Education.

 (u) He shall provide through the principal a written systemized method of evaluating each teacher on the staff based upon written observations of all teachers. The board is to be notified when all evaluations are completed.

 (v) He shall conduct a job performance review of each non-teaching employee once each year and make suggestions for improvement to them in an informal discussion of their duties.

 (w) He shall organize and maintain an adequate record system containing information about all staff members.

 (x) The superintendent must live within the LaMoure School District, preferably within the City of LaMoure

 \*POLICY AMENDED: 07/05

 (2) General Administration

 The superintendent will evaluate the elementary and secondary principals twice a year. The first evaluation is to be done by December 15, with the second evaluation being completed no later than April 15.

#  (3) Title I Programs Descriptor Code: GABC

 The Superintendent shall pursue funding under Title I, Improving the Academic Achievement of the Disadvantaged, of the Elementary and Secondary Education Act, to supplement instructional services and activities in order to improve the educational opportunities of educationally disadvantage or deprived children.

 All district schools, regardless of whether they receive Title I funds, shall provide services that, taken as a whole, are substantially comparable. Teachers, administrators, and other staff shall be assigned to schools in a manner that ensures equivalency among the district’s schools. Curriculum materials and instructional supplies shall be provided in a manner that ensures equivalency among the district’s schools.

 The district maintains programs, activities, and procedures for the involvement of parents/guardians of students receiving services, or enrolled in programs, under Title I.

Cross Ref: Policy FDCAB/GAD/KBB Parental Involvement

Legal Ref: 20 U.S.C. 6301-6514 Title I of the Elementary and Secondary

 Education Act

REFERENCE POLICY ADOPTED: 12/03

04/02 POLICY AMENDED:

**Section II. THE PRINCIPAL**

 **A. ELEMENTARY:**

 (1) General Administration:

 (a) Have general authority in all areas in the elementary school.

 (b) Recommend to the superintendent board policy changes needed.

(c) Assist the superintendent to make or confirm all staff assignments. \*

(d) Administer and supervise attendance procedures.

 (e) Administer a functioning permanent pupil record system.

 (f) Make the usual reports as needed and required by the superintendent.

 (g) Recommend priorities for textbooks and supplies to be purchased.

 (h) Be responsible for direction and scheduling of outside activities that are scheduled during school time.

 (i) Carry out and explain the policies of the school board to professional staff, non-professional personnel and pupils.

 (j) Coordinate all school and non-school activities with the high school principal when shared facilities are involved.

 (k) The elementary principal must live within the LaMoure School District boundaries, preferably within the City of LaMoure.

 \*POLICY AMENDED 07/05

 (2) The Program

 (a) Develop a working philosophy for the school.

 (b) Exercise leadership in developing, evaluation and revising the curriculum program of the school.

 (c) Direct utilization of community resources in the curriculum.

 (d) Supervise the use of state and local courses of study.

 (e) Keep the school board informed, through the Superintendent’s Office of the total school program, including co-curricular activities.

 (f) Attend all regularly scheduled school board meetings that occur during the contracted period.

 (3) Staff Personnel

 (a) Participate in the selection and retention of all staff personnel.

 (b) Secure temporary elementary substitute teachers.

 (c) Encourage suggestions from staff in the development of policies for the

operation of the school..

 (e) Plan and lead faculty meetings.

 (f) Orient and supervise new staff members.

 (g) Encourage professional growth of teachers.

 (h) Encourage the continued development and use of a professional library.

 (i) The principal shall evaluate all teachers as needed for improved instruction. The minimum number provided shall be one (1) each year for those in the system three (3) years or more, and two (2) evaluations done on all others.

 (j) Assign elementary staff to supervision of playground area.

 (4) Pupil

 (a) Assume responsibility for welfare of pupils.

 (b) Supervise pupil registration.

 (c) Provide for adequate reports to parents or conferences with parents on the progress of the pupils.

 (d) Maintain or direct the development of the basic pupil attendance, scheduling and grade reporting for elementary students.

 (e) Assume responsibility for conferences and decisions in relation to probation and suspensions of pupils in regard to their academic standards.

 (f) Establish adequate communications with pupils.

 (g) Conduct case conferences or direct their development by counselors.

 (h) The principal shall be personally present in case of interviews by outside agencies. Exceptions may be made in a child abuse case.

 (i) The principal shall have the authority to suspend students from school or activities when they feel that action is necessary.

 (j) The principal will be the leader for elementary Multi-Tiered Support System (MTSS) team and 504 cases.

 (5) Building

 (a) Prepare the schedule of classes.

 **B. HIGH SCHOOL**

 (1) General Administration:

 (a) Have general authority in all areas in the high school.

 (b) Recommend to the superintendent board policy changes as needed.

 (c) Assist the superintendent in making or confirming all regular staff assignments.

 (d) Administer and supervise attendance procedures.

 (e) Administer a functioning permanent pupil record system.

 (f) Make the usual reports as needed and required by the superintendent.

(g) Recommend priorities for textbooks and supplies to be purchased.

 (h) Carry out and explain the policies of the school board to professional staff, non-professional personnel and pupils.

 (i) Assume additional responsibilities as assigned by the superintendent.

 (2) The Program

 (a) Help develop with the superintendent, a working philosophy for the school.

 (b) Exercise leadership in developing, evaluating and revising the curriculum program of the school.

 (c) Direct utilization of community resources in the curriculum.

 (d) Supervise the use of state and local courses of study.

 (e) Keep the school board informed, through the Superintendent’s Office of the total school program.

 (f) Attend all regularly scheduled school board meetings that occur during the contracted period.

 (g) Exercise leadership in developing, evaluating and revising the technology plan for the school.

 (3) Staff Personnel

 (a) Participate in the selection and retention of all staff personnel.

 (b) Secure temporary high school substitute teachers.

 (c) Encourage suggestions from staff in the development of policies for the

operation of the school.

 (d) Plan and lead faculty meetings.

 (e) Orient and supervise new staff members.

 (f) Encourage professional growth of teachers.

 (g) Encourage the continued development and use of a professional library.

 (h) The principal shall evaluate all teachers as needed for improved instruction. The minimum number provided shall be one (1) each year for those in the system three (3) years or more, and two (2) evaluations on teachers within their first three (3) years.

 (i) With the assistance of the superintendent and athletic director, confirm all extra-curricular coaches and supervisors.

 (4) Pupil

 (a) Assume responsibility for welfare of pupils.

 (b) Develop, implement and enforce student discipline code.

 (c) Prepare the schedule of classes and supervise pupil registration.

 (d) Certify pupils for graduation.

 (e) Assume general responsibility for the graduation program.

 (f) Provide for adequate reports to parents or conferences with parents on the progress of the pupils.

 (g) Maintain or direct the development of the basic pupil attendance, scheduling and grade reporting for high school students.

 (h) Assume responsibility for conferences and decisions in relation to probation and suspensions of pupils in regard to their academic standards.

 (i) Establish adequate communications with pupils

 (j) Assign leadership of the Student Council.

 (k) Conduct case conferences or direct their development by counselors.

 (l) The principal shall be personally present in case of interviews by outside agencies. Exceptions may be made in a child abuse case.

 (m) The principal shall have the authority to suspend students from school or

activities when they feel that action is necessary.

 (n) The Principal will be the leader for high school Multi-Tiered Support System (MTSS) team and 504 cases.

(5) Public Relations

 (a) Guide school staff personnel in public relations activities.

 (b) Act as a liaison person between school personnel and people of the district.

 (c) Serve as liaison between visitors in the building and the school personnel.

 (d) The principal must live within the LaMoure School District boundaries, preferably within the City of LaMoure.

# Section III. ACTIVITY DIRECTORS

 (1) General Administration

 (a) Be responsible for fund raising activities.

 (b) Be responsible for the direction and scheduling of interscholastic activities.

 (c) Have general supervision of the school’s athletic program and its related activities, including scheduling.

 (d) Be responsible for all activity fund accounts and report that status of all activity funds to the board monthly in the form required. (This duty will remain with the AD only as long as he/she is an administrator.)

 (e) Coordinate all school and non-school activities with the principal(s) when shared facilities are involved.

 (f) Contract and authorize paying of all officials needed for activities.

 (g) Represent the school at conference, district and regional meetings.

 (2) Staff Personnel

 (a) With the assistance of the superintendent and high school principal, confirm all extra-curricular coaches and supervisors.

 (b) The Activities Director will evaluate all Head Coaches that are involved in NDHHAA activities at the conclusion of each season.

(c) – Each Head Coach will evaluate the assistant and junior high coaches of their sport at the conclusion of their season.

(d) – In the event of the Activities Director serving as an assistant coach, the Head Coach of that sport will be evaluated by a school administrator.

(e) Evaluation forms will be distributed by the Activities Director \*POLICY AMENDED 07/14

# Section IV. GENERAL ADMINISTRATION

 (1) Benefits

 (a) The superintendent and principal shall have sick leave the same as the teachers.

 (b) The superintendent shall be entitled to two (2) weeks paid vacation.

 (c) Emergency, professional and personal type leaves will be at the discretion of the superintendent.

 (d) The president of the board shall be notified when the superintendent is going to be away from the school more than three (3) days. \*

 \*POLICY AMENDED 07/05

 (2) Memorials

 (a) The School Board shall consider the acceptance of memorials in honor of deceased students, employees or other members of the community on an individual basis. Any individual or group considering honoring a deceased student, employee or other member of the community shall place their request in writing and submit the request to the Superintendent. Applications should be submitted to the Superintendent’s office a minimum of three months following the death of the student, employee or community member. The Superintendent shall meet with the Business Manager, Head Janitor and building principal for approval of the memorial. The memorials will be considered for acceptance by the School District provided that the individual, group or agency offering the memorial underwrites the full cost of the memorial including installation charges. The memorial shall be unencumbered by restrictive covenants and may be removed at any time by the School District administration. Following the recommendation of the Superintendent, the School Board will take formal action accepting the memorial project.

 POLICY ADOPTED: 07/05

**ARTICLE IV**

**THE INSTRUCTIONAL STAFF**

**Section 1. RECRUITMENT** Descriptor Code: DAB

 It shall be the policy of the LaMoure School District to actively seek the best applicants for every job and to hire those individuals who will best meet the educational needs of the LaMoure District.

 The Superintendent shall perform background checks as described by board policy. These checks shall include at a minimum a contact with references furnished by the candidate and with former employers. These contacts shall include a request for information concerning investigations conducted by Social Service Agencies, if any, and any convictions for felonies.

 No individual shall be hired if the employment would create a direct supervisor-subordinate relationship with an immediate family member who is also an employee unless approved by the board. Employees who marry or become members of the same household may continue employment; however, a direct supervisor-subordinate relationship between the employees shall be avoided. This policy applies to the teaching staff. “Immediate family” includes: the employee’s spouse, brother, sister, parents, children, stepchildren, father-in-law, mother-in-law, brother-in-law, sister-in-law, son-in-law, daughter-in-law, and any member of the employee’s household.

Cross Ref: Policy DBB Recruitment and Selection of Instructional Staff

 Policy DCB Recruitment and Hiring

REFERENCE: POLICY ADOPTED: 11/03

03/03 POLICY AMENDED: 05/18

# Section II. GENERAL REQUIREMENTS

 (1) Playground Supervision

 (a) Playground supervision shall be under the direction of the elementary staff and/or other adult supervisors.

 (2) Daily Program

 (a) At the opening of each year, each elementary teacher shall prepare a time

schedule, and shall file one (1) copy with the principal for inspection and approval and one (1) copy in the classroom. 6/03

 (3) Keys

 (a) The keys which will be required by the teacher are supplied at the beginning of his employment The teacher is held accountable for the use of their keys during their employment and is responsible for the return of the keys at the end of their employment. Copying by employees is not allowed.

(4) Locking of Rooms and Control of Lights

 (a) All rooms shall be locked and lights turned off when the room is not in use. After hour activities are to be the responsibility of the teacher or staff member in charge.

 (5) Discipline

 (a) Teachers are responsible for control and discipline in their teaching area.

 (6) Smoking

 (a) This is a smoke free building and grounds. The use of tobacco products is prohibited. (Ref. Drug Abuse Policy p. 41) 6/03

(7) Confidential Information

The LaMoure Public School will follow the guidelines on student privacy as directed by the federal No Child Left Behind Act.

(a) Parents have the right to review all curriculum materials and survey

instruments and procedures prior to them being used with their child.

 (b) LaMoure School district personnel will not divulge students’ names and addresses to businesses or organizations that plan to use this information for commercial or other purposes unless prior approval has been given by the district and in writing by the parents. 6/03

(8) Military Access to Students

(a) Under the guidelines of No Child Left Behind, students in grades 9-12 will

have their name, address and phone number provided, upon request, to all military recruiters.

 (b) The LaMoure Public School will provide parents with the proper form if they wish to have their child excluded from this list. The form must be completed and returned to the school before the students’ name will be withheld.

 (c) This form will appear in the annual back to school newsletter and also be provided upon request. 6/03

(9) Substitute Teachers

 (a) The principals shall maintain an active list of persons qualified to act as substitute teachers. If illness or special assignments require a teacher to be absent and a substitute is needed, the principal should be notified as soon as possible.

 (b) At any time during the school year, parents must be notified if a child is assigned, or taught by, a teacher who is not highly qualified for four or more consecutive weeks. 6/03

 (10) Make-up Work

 (a) It is the responsibility of each student to make arrangements with their teachers to receive their make-up work as assigned by the teacher following an absence.

 Example: If a student is absent on Monday, a red day, and then returns to school Tuesday, a black day, it is the student’s responsibility to get his assignments that he missed on the red day and to have them ready for class on Wednesday, a red day.

 (b) All work missed by students must be made up as soon as possible after returning to school. A minimum of one (1) day for each day missed will be allowed to do make up work. Work assigned in advance is due when the students returns to school. All exceptions must be approved through the principal.

 (11) Student Teachers

 (a) The LaMoure School will accept student teachers from qualified institutions. We do reserve the right to have the student teacher assigned to a teacher chosen by the administration at a time when it is not detrimental to the LaMoure School. The supervising teacher shall receive 75% of the fee paid by the college for supervisory duties.

 (12) Daily Schedule

 (a) Teachers shall observe the daily schedules as outlined by the superintendent and principal. Teachers need to be accessible to students by 8:15 a.m. and accessible to students after school until 3:45 (exception includes items that staff have with school related activities). The principal must be notified if a teacher is going to be late or must leave early. 6/12

 (13) Telephone

 (a) No personal phone calls may be charged to the school. Personal calls should be limited to those necessary and billed to your home phone.

 (14) Travel Policy

 (a) All employees of the LaMoure School will be reimbursed for meals, lodging and other related expenses when conducting business for the school or attending Professional Development Activities on behalf of the school. Rates of reimbursement shall be lodging, including spouse, at cost; meals at a maximum of current rate according to each individual state rate according to gsa.gov; mileage at state rate for use of your personal vehicle; and registration, taxi costs, parking and other business expenses at cost. A receipt for lodging must be attached to all reimbursement vouchers. Prior approval must be obtained from District Superintendent. 6/12, 7/16

 (b) National convention attendance will not be approved for those who have resigned, retired or lost their employment during the year of attendance at the convention.

# Section III. STORM AND EMERGENCIES

1. Procedures:

SCHOOL NOTIFICATION:

If school is let out early, starts late or no school is to be held, parents, staff, students, and patrons will be notified through the designated notification system the LaMoure School utilizes for that designated school year by the Superintendent’s office. This system will reach each patron that has signed up with the school for such notifications. Parents must give their information to the school upon enrolling. 07/22

RADIO STATIONS CALLED;

 If school is let out early, starts late or no school is to be held, the following radio and television stations may broadcast the information:

 WDAY - 970 - Fargo WDAY Channel 6

 KVLY Channel 11

 KSJB - 600 - Jamestown KXJB Channel 4

 KDDR - 1220 - Oakes

 KFGO – 790 – Fargo 6/03

 EARLY MORNING:

 The notifications & media listed above usually will be called between 6:30 - 7:00 a.m. with information to start late, run no buses, or not have school at all. Most stations make announcements on the half hour. 5/18

 DURING THE SCHOOL DAY:

 If we receive bad weather information from the highway patrol, radio and televisions stations or parents, we may let school out early. The information will be broadcast on the above notifications & media stations about one-half hour before dismissal. Parents on bus routes should meet their children and watch for the bus. The driver will not leave the yard until the child is in the house. All after school activities will be canceled in this situation and students will be directed to go home on the bus unless the parents decide otherwise. Amended 7/22

 EMERGENCY HOMES:

 All bus students must have a designated storm home to stay at in case of emergency. The school must have the name of that home.

 When students are held in town, neither the bus driver nor the school will allow parents to take neighbor children home without first contacting the parents of those children. Bus drivers will keep in radio contact with the office and notify them when parents take their own children off the bus. Parents may always take their own children home. Those who stay in town will be asked to notify the bus driver if they go home during the night and need to be picked up the next morning. Students who drive are encouraged to contact parents before they leave school. Students will be taken only to the storm homes provided to us by the parents. Amended 5/18

 ACTIVITIES OUT OF TOWN

 If the bus or group is stranded out of town because of the weather, it is the responsibility of the supervisor to direct the students on the trip to contact their parents / guardians that they will stay there until the storm subsides. Amended 7/22

 A. Drivers checklist before leaving or returning to LaMoure when the weather is in doubt:

 1. Maintain communication between the bus and the school

 2. Consult administration if at event.

 3. Consult coaches and other parents at events.

 4. Call administration at destination for information.

 5. If no travel advised, bus should stay and not leave for home until consultation with school administration. 7/ 22

 GENERAL

 1. Safety will come first under all circumstances.

 2. If the weather clears, evening activities may be held depending upon road conditions.

 3. For early dismissals or if school has been canceled, any games or practice that occurs on that day, must be cleared by administration. 6/12

# Section IV. STUDENT AND TEACHER CONTACT

 (1) Interviews

 (a) No teacher shall give permission to a person who is not employed by the LaMoure Schools to interview a student. This authority rests only with the superintendent or principal. Exceptions made in case of a court order or warrant for arrest.

 (b) Interview of Students by Officials of Other Agencies

 Normally, parents shall receive advance notice of any interview with their child and be invited to attend. If no parent is present at an interview, a member of the administrative staff will be present. This presence is a prerequisite to the granting of an interview with a student during the school day and/or on school property. An exception to the requirement for parental notification exists when an alleged case of child abuse or neglect is being investigated and a parent is suspected of being an abuser or contributing to the neglect.

 (c) The LaMoure Public School will notify parents of all children that they have the right to request and receive timely information on the professional qualifications of their children’s classroom teachers.

 (d) This notification will appear in the annual back to school newsletter, which is mailed to all patrons.

 (e) Parents who make a request for information on professional qualifications will receive at a minimum the following:

 1. Whether the teacher has met state qualifying and licensing criteria for the grade levels and subject areas in which the teacher is teaching.

 2. Whether the teacher is teaching under emergency or other provisional status.

 3. The baccalaureate degree major of the teacher and any other graduate certification or degree held by the teacher, including the field of discipline of the certifications or degree; and

 4. Whether the child is provided services by paraprofessionals and, if so, their qualifications.

 (f) At any time during the school year, parents must be notified if a child is assigned, or taught by, a teacher who is not highly qualified for four or more consecutive weeks.

 (g) The LaMoure Public School will also provide to each individual parent, information on the level of achievement of the parent’s child in the state academic assessments. 7/22

 (2) Review of Employee Files

 (a) Employee files may be reviewed by the public if the following procedures

are followed:

 1. Files may not be removed from the main office.

 2. Files must be reviewed in the presence of an administrator or his designee and the employee involved will be notified of the review and given a chance to be present if the time allows.

 3. The request to review the files may be verbal or in writing.

 4. Copies may be made but the public will be charged for the cost of labor and the materials to do so.

 5. An employee may remove any material from his file which can be legally removed and is not necessary for the school to keep in the file. The superintendent will determine which materials are necessary and must be kept on file. The necessary items include, but are not limited to, sick leave record, graduate hours record, teacher contracts, federal withholding and social security forms, personnel file review, workshop certificates, MIS03 Personnel forms, physical forms, transcripts, teaching certificates and evaluations.

**Section V. PATRON COMPLAINTS** Descriptor Code: BIB

 KAGA

Constructive criticism of the schools is welcomed by the LaMoure Public School Board whenever it is motivated by a sincere desire to improve the quality of the educational program or to equip the schools to do their tasks more effectively. The Board has however, confidence in its professional staff and desires to support their actions in order that they be free from unnecessary, spiteful, or negative criticism and complaint. Therefore, whenever a complaint is made directly to the Board as a whole or to a board member as an individual, it will promptly be referred to the school administration for study and possible solution.

Since individual board members have no authority to resolve complaints, other than by formal board action, administrators are expected to follow up on all complaint referrals and to advise the board members of the nature of the complaint and the action(s) taken. The Board expects that the administration will develop a procedure for receiving complaints courteously and that it will take steps to make a proper reply to the complainant. This follow-up should generally take the form of a brief written memorandum to the board members.

Anonymous complaints provide no avenue for response or redress of the complaint. An unsigned complaint will not be read or acted upon at any meeting of the board and anonymous telephone complaints will not be brought to the board by any individual board member, administrator, or other employee. No disciplinary action will be initiated based solely on an anonymous complaint, however the administration will investigate every anonymous complaint.

The Board will not consider or act upon complaints that have not been explored at the appropriate administrative level or complaints for which specific resolution procedures have been established that do not include board review.

Complaints for which specific resolution procedures are provided shall be directed through those channels. This includes complaints about personnel and complaints about instructional materials.

Complaints should be resolved at the lowest possible level of authority. If resolution of the problem seems unlikely at the building level either party is encouraged to refer the matter to the Superintendent for his review.

If all other remedies have been exhausted, and a non-personnel related complaint has not been satisfactorily resolved, the complainant may request that the matter be placed on the agenda of the next regular meeting of the Board. The complaint shall be presented in writing and included in the agenda materials provided to the Board prior to the meeting. Generally all parties involved, including the administrator(s), shall be asked to attend such a meeting for purposes of presenting additional facts, making further explanations, and clarifying the issues.

If the Board decides to hear the complaint, the Board shall make a decision that shall be sent to all interested parties. If the decision alters policy, the procedures for suspending, amending or adopting policy shall be followed. Complaints concerning personnel will be heard only in accordance with applicable statutes.

Cross Ref: Policy BIBB/KAGAA Complaints about Curriculum or

 Instructional Materials

Policy BIBA/KAGAB Complaints about Personnel

 Policy IBCA/KAF Visitors in the Schools

 Policy KB School-Parent Relations Goals

Legal Ref: NDCC Ch. 15.1 – 14 Administrators

 NDCC Ch. 15. 1 – 15 Contracts of Teachers and Administrators

 NDCC Ch. 15. 1 – 17 Teacher Personnel Files

REFERENCE POLICY ADOPTED: 1/07

12/01 POLICY AMENDED:

**Section VI. PATRON COMPLAINTS ABOUT PERSONNEL**

 Descriptor Code: BIBA

 KAGAB

The Board recognizes that complaints from concerned patrons are inevitable. In order to provide an effective procedure for responding to complaints in a manner that is in the best interests of promoting better educational opportunities for children, the following policy is adopted.

Complaints about personnel shall be directed to the principal or other supervisor directly responsible for supervision of that employee. The supervisor shall:

1. Investigate the complaint.
2. Promptly notify the employee if the complaint is to be placed in the employee’s personnel file. The decision to place information into any personnel file will be made by the administration based on the results of an inquiry or investigation.
3. Schedule a meeting of the employee, the complainant, and the supervisor if deemed appropriate.
4. Provide a response to the complainant within fifteen (15) days of receipt of the complaint. Upon conclusion of the investigation, the complainant will be informed as to the outcome of the investigation and the disposition of the complaint. If either party is not satisfied with the handling of the complaint, the matter can be appealed to the Superintendent for final resolution.

To be considered for investigation, any such complaint must have been filed within 180 days of the alleged occurrence. (Exception of the 180 days would be an accusation of sexual abuse.)

Complaints about the Superintendent shall be directed to the Board President, who shall follow the same procedure.

This procedure is intended to minimize the risk of a possible action for libel of slander, to retain the impartiality of the Board, and to maximize compliance with North Dakota law.

Cross Ref: Policy IBCAB/KAF Visitor in the Schools

 Policy KB School-Parent Relations Goals

Legal Ref: NDCC Ch. 15. 1 – 14 Administrators

 NDCC Ch. 15. 1 – 15 Contracts of Teachers and Administrators

 NDCC Ch. 15. 1 – 17 Teachers’ Personnel Files

REFERENCE POLICY ADOPTED: 1/07

9/05 POLICY AMENDED:

# Section VII. LEAVE POLICIES

 (1) Sickness – Collaborative Agreement 07/05

Annual sick leave shall be ten days cumulative to ninety days and may be used each year for family medical appointments, illness in the family or funerals of those other than immediate family. A teacher who expects to become a parent may request leave of absence for up to twelve consecutive weeks. Four of these weeks may qualify for sick leave providing the teacher has sick leave available. The sick leave may be extended after four weeks with a medical certificate from a doctor that indicates it is necessary to have additional sick leave. The leave of absence shall begin the day of birth/adoption or at the beginning of the first contracted day of the school year. Unpaid vacation days will not count as part of the four weeks (four weeks being defined as twenty working days).

 (2) Emergency Leave

 (a) Emergency leave may be granted by the superintendent for accident or illness in their immediate family that can be considered an emergency. Emergency leave is subtracted from sick leave. An emergency is defined as an unexpected happening or condition calling for prompt action or urgent need, a crisis.

 (3) Personal Leave - Collaborative Agreement 07/05

 (a) Personal leave will be three days yearly cumulative to five days. Personal leave will be given with no reason indicated by the teacher. It is granted any time a substitute is available except the first and last week of school with an emergency being an exception to this rule.

 .

 (4) Parent Leave – Collaborative Agreement 07/05

 (a) Combined with #1

 (5) Professional Leave - Requested and Granted by the Superintendent

 (a) Professional leave is in three (3) categories. The first concerns supervision of a school sponsored activity during school time. These activities are generally scheduled through the principal, with consultation of the superintendent.

 (b) When a teacher wishes to attend a workshop or clinic on a school day, professional leave may be requested. This leave may be granted based upon the amount of teacher improvement, LaMoure School improvement, cost of the workshop compared to the value received, and the availability of funds.

 (c) Teachers are encouraged to provide community service and ambulance duty will be allowed during school time. No more than one (1) staff member will be allowed to be on call at the same time.

 (6) Jury Duty Leave

 (a) When an employee of the LaMoure School is required to serve on a jury during school hours, leave shall be granted and will be considered jury duty leave. Staff will be compensated at their daily rate of pay if the employee provides verification of jury duty. The daily rate of pay will be provided to the employee from the school if the jury compensation rate is paid to the school from the employee compensation that the person receives from jury duty. The employee can either choose to either have compensation amounts deducted from their paycheck from the daily rate or pay the school the jury duty rate of compensation directly to the school. 7/22

 (7) Flex Leave – Collaborative Agreement 07/05

 (a) Removed

#  (8) Military Leave Descriptor Code: DAGC

Military leave shall be granted pursuant to current state and federal law.

Legal Ref: 38 U.S.C. 4301 et.seq. Uniformed Services Employment and

 Re-employment Rights Act

 NDCC 37-01-25 Officers and employees of state or political

 Subdivisions in National Guard or federal Service to retain status for period of active

 Service.

 NDCC 37-01-25.1 Reinstatement to former position – Appeals-

 Penalty

 POLICY ADOPTED: 12/03

 POLICY AMENDED:

 (9) Leave Without Pay

 (a) All other leave is without pay. No leave shall be granted other than those specified in board policy or the negotiated agreement without specific approval of the board. Such approval shall be at the sole discretion of the board. Teaching staff on leave for any purpose remains subject to the district reduction-in-force policy. (12/08)

 (10) General

 (a) Personal leave, professional leave, sabbatical leave, adoption leave, and leave without pay must be requested in advance.

 (b) All requests for leave other than sick leave are to be made to the superintendent.

 (c) Collaborative Agreement 07/05 - A teacher who is absent because of a storm or bad roads on a day when school is in session may either use a personal day, if one is available, or have the cost of the substitute for that day deducted from his/her paycheck.

 (d) General rule is that leave must be taken for an absence when school is in session and no leave is required when school is dismissed.

# Section VII. CONTRACTS

 (1) Contracts

 (a) All contracts with instructional personnel employed by the board except substitutes shall be in writing and signed by officers as provided by law. Contracts are to be issued no earlier than March 1 and no later than May 1 provided negotiations are completed and are to be returned within fifteen (15) days – (NDCC – 15.1-15-04.) Amended 5/10, 7/16, 5/18

 (2) Reduction-In-Force Policy

 (a) The school board shall have the sole right to determine the necessity for and scope of a reduction-in-force for reasons including but not limited to, lack of funds, uncertainty of funds, declining enrollment or other reasons of necessity. This determination shall not be arbitrary or capricious. If a decision is made to reduce the teaching staff, any teacher affected thereby shall be given such notice as may be required by law. The selection of the teacher/teachers shall be made in accordance with the following criteria:

 (b) Attrition, including retirements and resignations, shall be relied on to the extent possible.

 (c) When attrition is not sufficient to alleviate the necessity for reduction-in-force, then the policy of this district shall be to retain those teachers with the greatest adaptability, to meet the present and future staffing and educational needs of the district.

 (d) When two (2) teachers are deemed to be of equal adaptability, then the teacher who had taught in this district for the greater period of time shall be retained.

 (e) When two (2) teachers within the same area of certification are deemed to be of equal adaptability to meet the present and future staffing needs of the district and of equal seniority within the district, then the teacher with the superior academic and professional preparation, beyond minimum certification requirements in his or her teaching field, shall be retained.

 (f) This policy does not apply to the Fairview Colony School. That school will operate under a separate Reduction-in-force Policy.

(3) Fairview Colony School

 (a) The LaMoure School District will operate a separate school on the site of the Fairview Hutterite Colony. That school shall be operated in accordance with the contract approved each year between the LaMoure School and the Fairview Colony. When the expense to the LaMoure School District for operating the Fairview School becomes more than the State reimbursement, then the LaMoure School shall consider closing the colony school. If the colony school is closed, the employees of the school shall be reduced to zero under a Reduction-in-Force for reasons of declining enrollment.

 (4) Recommendations for termination under LaMoure Reduction-in-Force policies will be made by the principal and the Superintendent of Schools for action by the school board. The procedure for non-renewal will follow Section 15.1-15-05 and all other appropriate sections of the North Dakota Century Code.

# Section IX. SALARIES

 (1) Substitute Teacher Salary

 (a) The salary of the substitute teacher shall be that set by the Board of Education. Pay will be $140.00 per day plus a free lunch. 5/14, 7/16, 7/22

 (b) A long term sub that teaches for ten (10) consecutive days or more as a replacement for one (1) teacher shall receive full salary according to the base salary of the school district from the first day of employment. Non-cumulative sick leave will also be given without pay. 6/03

 (2) Upon entering the LaMoure Public School system each teacher will be placed upon the initial step in the uniform salary schedule then in effect. Such initial placement shall be determined by the Superintendent according to the training and experience of the teacher.

 (3) Salaries will be paid in 12 installments as agreed with the superintendent by September 10. Checks are distributed on the 20th day of each month, with the exception of the last check of the school year, which will be distributed after all reports have been received and approved by the Superintendent of Schools. Legal holidays which count as days taught, are those allowed by State Law. 3/08

 (4) Social Security

 (a) The LaMoure Public Schools are under the Federal Social Security Act. Deduction for this fund will be made from each check. The percent in effect at that time will be deducted from each check until the maximum required by law has been reached.

 (5) Workman’s Compensation

 (a) All teachers are covered by North Dakota Workman’s Compensation Act. A teacher is covered in the active discharge of her work. It is important that any injury sustained while on duty be reported immediately to the Superintendent of Schools who will then relay the information to the State Insurance Department.

 (6) Unemployment

 (a) All personnel are covered under this program.

(7) Deductions

 (a) Payroll deduction of NEA and NDEA dues will be provided for all teachers who wish this done.

 (b) State income tax will be withheld.

 (c) Annuities will be deducted for those who provide written requests.

 (d) Teachers retirement payments will be deducted as required by law.

 (8) Insurance

 (a) Employees who leave our system are allowed to stay on our group health insurance for eighteen (18) months and on our group life insurance for eighteen (18) months. They must pay the premiums.

# Section X. EARLY RETIREMENT

 Early retirement is a plan whereby an employee (as defined herein) may receive a predetermined payment if they choose to retire early. For purposes of this policy, employee is defined as a professional certificated staff member who is eligible for participation in the North Dakota Teachers’ Fund for Retirement and who is employed in one of the positions listed on the attached exhibit. The amount of the payment will be determined by a formula including the years of service, the number of years since becoming eligible for retirement under the rules of the Teachers’ Fund For Retirement, and the amount of the employee’s contract for the final year of service.

Early retirement is designed to be beneficial to both the employee and the District. The plan provides a positive method for dealing with declining enrollments and the resulting need to reduce staff.

 Early retirement is fully voluntary, and no employee shall be required or coerced in any manner to retire early under the provisions of this policy. However, all persons who desire early retirement and are eligible may make application. The School Board will consider all such requests, but approval of any or all requests will depend on the availability of funds, the number of applicants, and such other factors as the Board, in its sole discretion, may deem important.

# ELIGIBILITY CRITERIA

 The plan is available to employees who have met the following criteria for eligibility:

 1. The employee has completed a total of ten (10) years of full time service to the LaMoure District. Full time is defined as service in a qualified position designated as full time by the District and which provides a full time rate of compensation per the District’s salary plan for the position. Full time service must also meet the criteria for a full year of service as defined by the District and the North Dakota Teachers’ Fund for Retirement (TFFR).

 2. The employee has attained the earliest occurring of the following eligibility standards of the Teachers’ Fund for Retirement of North Dakota for a normal unreduced service retirement:

 A. The employee has obtained the criteria set forth from the Teacher Fund for Retirement of either Tier 1 Grandfathered, Tier 1Non-grandfathered, or Tier 2. 7/16

 The employee must submit written verification of the years of creditable service from the Teachers’ Fund for Retirement, effective on the date of retirement from LaMoure to document that the employee meets one of the two eligibility standards of normal service retirement.

 3. To be valid, all eligibility provisions to participate in the Early Retirement plan must be met on or before the effective date of retirement from the LaMoure District.

4. Any educator employed after 2017-2018 school year are not eligible. Once the final qualify educator retires, this policy shall be removed. 5/18

 The employee shall notify the District in writing on his/her intention of retiring no later than February 1 immediately prior to the year retirement begins.

 Employees who elect to avail themselves of this policy are personally responsible for determining what effect early retirement will have on their coverage under the Teachers’ Fund for Retirement, Social Security, and any other programs for which they may be eligible.

 A properly completed application and subsequent approval by the School Board of an employee’s early retirement request shall constitute a legally binding resignation and a waiver of the person’s continuing contract and nonrenewal rights.

 Employees terminating employment due to a disability are not eligible for an early retirement payment under the provisions of this policy, unless contracted prior to incurring the disability.

# INCENTIVE FOR EARLY RETIREMENT

 The formula for computing the incentive amount shall be as follows:

\_\_\_\_\_% x $\_\_\_\_\_\_\_\_\_\_ = $\_\_\_\_\_\_\_\_\_ x \_\_\_\_\_\_\_\_\_% = $\_\_\_\_\_\_\_\_\_\_\_

Years Final Incentive Reduction Amount

Service Contract Amount Factor Employee

District Amount (Schedule %) Receives

1. The percentage granted for years of service in LaMoure will be as follows: 80% for 10 years of service; 85% for 11-15 years of service; 90% for 16-20 years of service; 95% for 21-29 years of service; 100% for 30 or more years of service. Years of service shall be service as defined under eligibility criteria #1.

2. Final contract amount is the current annual salary amount a person receives on the District’s salary schedule considering years of experience and level of education. The final contract amount used in making early retirement payment calculations shall not include amounts paid for extra-duty assignments and/or summer employment.

3. **Reduction Factor Year of Eligibility and Incentive Reduction Schedule**

 Year of Eligibility is defined as the year (date) when the employee meets the earliest occurring of the eligibility standards of the Teachers’ Fund for Retirement for a normal service retirement (as defined under Eligibility #2). If the employee applies for the Early Retirement Plan after his/her first year of eligibility, the employee will receive a reduced incentive amount, as determined by the following schedule: 7/16

 **YEAR OF RETIREMENT REDUCTION/FACTOR**

 Year of Eligibility 80% of Incentive

 Year of Eligibility + 1 75% of Incentive

 Year of Eligibility + 2 70% of Incentive

 Year of Eligibility + 3 65% of Incentive

 Year of Eligibility + 4 60% of Incentive

 Year of Eligibility + 5 55% of Incentive

 Year of Eligibility + 6 50% of Incentive

 Year of Eligibility + 7 45% of Incentive

 Year of Eligibility + 8 0% of Incentive

# PROCEDURE, APPLICATION, AGREEMENT AND PAYMENT SCHEDULE

 The administration shall prepare application and agreement forms, a procedure, and a payment schedule for board approval. The procedure shall include:

1. Specific reference to ADEA rights or claims.

2. A length of time that is at least 21 days in which the employee may consider the availability of the incentive before making application.

3. A statement of the employee’s right to revoke the agreement within 7 days of signing it.

 The application form and agreement shall include:

1. A waiver of all rights to a continuing contract and all fringes and benefits and a statement that this waiver applies only to rights or claims arising on or before the date the agreement is executed.

2. Advice to consult with an attorney prior to execution of the application and agreement.

3. Notice of the employee’s right to revoke the agreement within 7 days of signing it.

LIST OF POSITION TITLES DESIGNATED A PROFESSIONAL STAFF FOR PURPOSES OF EARLY RETIREMENT POLICY

 Superintendent

 Secondary Principal

 Elementary Principal

 Classroom Teacher

 Title I Teacher

 Librarian/Media Specialist

 Counselor

 LAMOURE PUBLIC SCHOOL

APPLICATION FOR EARLY RETIREMENT

1. Name \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Date of Birth \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

2. Social Security No. \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Telephone No. \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

3. Effective Date of Resignation and Early Retirement \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

4. As of June 30, 20\_\_\_, will be age \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

5. Years of professional service in LaMoure Public School \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

6. Years of full time, continuous service in LaMoure immediately preceding date of early retirement

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

7. Current annual salary (as defined above)\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

8. Calculation of early retirement payment:

 \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

 Age Total Payment

9. Payment Plan:

 a. First Payment $\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ July 15 \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

 b. Second Payment $\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ July 15 \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

 c. Third Payment $\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ July 15 \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

 \*

10. I have read and am willing to comply with the provisions of the Early Retirement of Professional Staff Members as stated above. Further, upon approval by the school board of this early retirement request, I agree that both parties shall enter into a contractually binding, written agreement which shall set forth all terms and conditions of my early retirement.

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Date Signature

 \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

 \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

 Home Address

NOTE: All information in this application must be verified from personnel records prior to school board action.

#  \*POLICY AMENDED 07/05

# Section XI. MEETINGS AND CONFERENCES

 (1) Staff Meetings

 (a) The superintendent or his designate will hold a staff or departmental meeting as deemed necessary at a suitable time.

 (2) Conference

 (a) Student conference under normal circumstances should be made between 8:20 and 8:40 in the morning and after 3:30 p.m. If a private room is available and a conference does not interfere with the teachers or student’s schedule, such a conference may be held during the day.

 (3) Chain of Command

 (a) If a disagreement occurs, teachers are to consult their principal and if the disagreement is not solved, it shall be brought to the superintendent and if the problem is not resolved, the problem may be brought to the Board of Education for deliberation. 5/18

 (4) Meeting Outside Regular School Time

 (a) Groups of various kinds may meet in the building provided arrangements have been made with the Superintendent or Principal for a meeting place. All student groups must have provided for at least one (1) adult as a leader. Any group using the building and equipment is responsible for cleaning up and paying for any breakage or other expense.

 (5) In-service

 (a) In-service which is held partially or wholly during school time will have required attendance by all teachers.

# Section XII. CLASSROOM PROCEDURES

 (1) Philosophy

 (a) Our philosophy of teaching is to help all of our students to reach their full potential. All teachers will develop a positive attitude toward education. Students will be encouraged to do their best and seek help when problems arise. Teachers will look for the good in all students and emphasize positive thinking. Teachers are to seek cooperation from parents and other staff members to help students reach their potential.

 (2) Lesson Plans

 (a) Each school year, a procedure will be put in place by each building Principal for the turning in of lesson plans for classroom teachers. 7/22

 (3) Tests

 (a) Tests and daily work should be corrected, observed for diagnostic purposes and returned to the pupils as soon as possible to assure the maximum in the learning process.

 (4) Class Organization

 (a) Classes should begin promptly and end promptly.

 (b) Days preceding and following vacations should be treated as regular school days.

 (5) Supervision

 (a) Teachers should not leave the classroom unless arrangements are made with the superintendent or principal.

 (b) Teachers are responsible for the supervision of students.

 (c) Elementary pupils will be supervised during all recess periods and noon hours.

 (6) Passes

 (a) All students who leave a class must have a pass or permission from the teacher. 6/03

 (7) Evaluation

 (a) All teachers shall be observed by the Principal and given a written evaluation.

 (8) Extent of Discipline

 (a) All students are under the direct supervision of the school when they are in the school building, on the playgrounds, in the school buses and in all places where school sponsored activities are held.

 (9) Presentation Materials

 (a) Each teacher shall preview all videos, written materials, audio or other materials before they are presented to the class.

 (b) No commercial movies shall be shown in class except for those special occasions or in curriculum related areas when they have been approved by the principal.

 (c) No audio, video, verbal, written or other material such as but not limited to plays, musicals, concerts, papers, books, letters, will be presented to the public without the material being previewed and approved by the principal.

 (d) When material is shown that may be controversial or rated for a higher audience, students and parents should be notified ahead of time and given the opportunity to choose an alternative assignment. 6/03

 (10) Treatment of Religious Issues

 (a) The LaMoure School District shall remain neutral in matters involving religion. The district will adhere to the following guidelines: Information about and the literature of all religions may be presented to students only for historic, artistic, cultural, literary or secular importance. Religious exhibits, music or the display of religious objects or symbols are permissible only if they are used as learning materials in these studies.

# Section XIII. LIBRARY POLICY

 (1) Role of Board and Superintendent

 (a) The role of the Board of Education toward the public library shall be to maintain and operate the physical plant under the same policies as the school library. The school board shall appoint one (1) member to the Public Library Board from its membership and the school board will appoint the other at large members to the library board. The City Council also appoints one (1) of their members to the library board.

 The role of the school superintendent toward the public library shall be to carry out the policies of the school board as they relate to the operation and maintenance of the school and public library. He shall also serve as an advisor to the Public Library Board. The personnel which operate the public library shall be responsible to the superintendent or principal in matters which relate to the school policies and responsible to the Public Library Board in matter which relate only to the public library.

 Where there is a conflict between the library board policies and the school board policies, the school board policies shall prevail.

 (2) Librarian Role

 (a) The primary role is to develop and implement a building library media program based on the educational philosophy, goals and objectives of the local school and compatible with current instructional practices.

 Major Duties:

 1) Develop, implement and evaluate a library media program.

 2) Interpret the library media program to faculty, administrators, students, parents and community members.

 3) Make recommendation for strengthening and improving the library media program.

 4) Search for/evaluate/select/acquire/organize/circulate resources and equipment to support the instructional program and to meet the varied interests, abilities and maturity levels of students served.

 5) Serve on or assist curriculum committees.

 6) Serve as a resource consultant to the staff.

 7) Develop/implement, in cooperation with the staff, a sequential library media skills program.

 8) Coordinate the school library media program with other area libraries and information centers.

 9) Propose, justify and recommend a budget after consulting with the staff, students and administrators.

 10) Direct and be responsible for maintenance of library media center records.

 11) Coordinate the use of the library media center facilities and provide accessibility to resources and equipment.

 12) Provide instruction for students and staff in access, retrieval and utilization of resources.

 13) Develop a climate that encourages students and staff to take full advantage of the media center and its resources.

 (3) Policy for Removal of Materials from the LaMoure School and Public Library:

 The school board and library board recognize the importance of providing a method whereby opinions from the public regarding material selections can be voiced. Therefore, they have established a procedure which will apply to all complaints including those about all materials represented in the collection or not represented in the collection.

 To comply with this procedure, a complaint must be in writing. Forms are available at the library circulation desk and upon completion, may be mailed or delivered to the librarian. Upon receipt of the signed form, the school librarian will:

 (a) examine the material in question, the issues raised and the circumstances involved.

 (b) present it to the review committee who shall make a decision to remove or retain the material in question.

 (c) within a reasonable time after the committee has reviewed it, they will respond in writing to the complainant.

 (d) provide the complainant with a copy of this policy and inform the individual of the availability of a school board hearing. Should the complainant feel that the decision of the review committee is not supported by the policy, the complainant may request a school board hearing by notifying the librarian who will make the necessary arrangements. The media review committee will have the responsibility as delegated by the city council, the library board and the school board to arrive at a decision about questioned material. It will consist of the library board (made up of representatives of the school board, city council and the community at large), the school superintendent and principal, a faculty member appointed by the superintendent, and a librarian. Following the hearing, the decision of the committee will be filed with the school board and city council and if the person is not satisfied, they may take the complaint for a final hearing to the school board.

 Above all, the school board and the library board have as its concern the fairness of such a hearing so as to protect the rights of all persons who are involved.

 (4) Selection Procedures

 (a) Objectives of Selections: As a combination public and school library, there is a combination of objectives in selection.

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

 It is the responsibility of the public library to provide circulating material and reference service to meet or supplement the needs of the local area residents of all ages. For this purpose, materials are selected for general information, education, occupational uses and the enjoyment and enrichment of leisure time.

 The LaMoure Board of Education and the LaMoure Library Board are legally responsible for setting policies and matters relating to the operation of the LaMoure Public and School Library. The responsibility for the selection of materials is delegated to the professionally trained personnel employed by these two entities. The administrative librarian (school) is responsible for coordinating the selection of instructional materials. The administrative librarian may also be required to select for the public or delegate to the assistant librarian (public) that responsibility. This is dependent on the assistant librarian’s training. The involvement of many people may be enlisted including principals, teachers, students and public patrons.

 (b) Criteria for Selection: The needs of the school and community based on the knowledge of the curriculum, the students of the community and the existing collection.

 Materials for purchase are considered on the basis of:

 - overall purpose

 - timeliness or permanent

 - importance of the subject matter

 - quality of the writing/production

 - readability and popular appeal

 - authoritativeness

 - reputation of the publisher/producer

 - reputation and significance of the author/artist/composer producer, etc.

 - format and price

 - availability from other sources

 - requests from faculty, students and public patrons are given consideration

 - when selecting materials considered suitable for the general public but unsuitable in a school setting, the needs of the student should take precedence

 (c) Procedures for Selection:

 - Reputable, unbiased, professional prepared selection aids must be consulted as

 guides.

 - Consult specialists from all departments or grade levels.

 - Preview all materials, books or AV before selecting either personally or by professional guide.

 - Gift materials are judged by basic selection criteria and are rejected by these standards.

 - Multiple items of outstanding and much in demand media are purchased as needed.

 - Worn or missing standard items are replaced periodically.

**Section XIV. INTERNET**

**LaMOURE SCHOOL DISTRICT**

**COMPUTER NETWORK SYSTEM and ACCEPTABLE USE OF TECHNOLOGY TOOLS**

The LaMoure Board of Education considers computers and computer networks to be valuable tools for education and encourages their use in district classrooms. The purpose of the District’s computer network systems is educational. This system will enable students to communicate with people around the world and gather appropriate educational material. The LaMoure Local Area Network and its connection to the Wide Area Network, also known as the Internet, is an electronic communications network which provides vast, diverse and unique resources. In an effort to promote educational excellence in the LaMoure School District, students, staff and guest users of this technology, have the responsibility to use the computer network systems properly in accordance with the rules of the district. Use of the computers and Internet access is a privilege, not a right.

**1. Acceptable Use**

Must be in support of education and research consistent with the District’s mission and goals. Must be consistent with the rules appropriate to any network being used/accessed. Research material must be cited appropriately. Use of a personal computer is allowed in accordance with the district’s Acceptable Use Policy.

**2. Unacceptable Use**

The following actions are considered unacceptable and are prohibited:

* Sending or displaying threatening or obscene material (such as messages or pictures)
* Using obscene language; Harassing, insulting or attacking others; Any use that is in violation of harassment policies.
* Damaging computers, computer systems or computer networks.
* Unauthorized use of copyrighted material is prohibited. Violating copyright laws including plagiarizing, downloading or exchanging pirated software, music, or other files. Copying, exchanging and/or downloading material such as but not limited to pictures, videos, & music not directly in support of classroom activities/projects and in violation of federal copyright laws is not allowed.
* Using others’ passwords, tampering with or forging names on electronic mail; Trespassing in others’ folders, work or files
* Intentionally wasting network resources.
* Posting personal information about yourself or others, including phone numbers, names, etc.
* Performing any action, which results in a compromise of the system security
* The playing of games, using multiple user games, Internet chats, instant messaging or other internet “chat” programs or anonymous e-mail. (In some educational settings, Internet chats, instant messages or playing of games might be acceptable under the supervision of a classroom teacher.)
* Using the network for any illegal, unethical, or commercial activities. Distribution of material protected by trade secret.
* Using personal handheld electronic devices, including cell phones and picture phones, inappropriately.
* Downloading programs onto school computers without permission.
* Use of services for political (lobbying) purposes, for gaining business contacts, or for personal or private profit is prohibited. (p/o Edutech’s AUP)

**3. Etiquette and Safety**

Be polite! A student shall need permission to use staff computers. Food & Liquids are not allowed on or near any computers. Users will not post personal contact information about themselves or other people. Personal contact information includes address, telephone, school address, work address, etc. Users will not agree to meet with someone they have met online without their parent’s approval and participation. Users will promptly disclose to their teacher or other school employee any message they receive that is inappropriate or makes them feel uncomfortable. Do not repost a message that was sent to them privately with out permission from the sender. Electronic mail is not guaranteed to be private. Do not intentionally disrupt the network or other users. Abide by generally accepted rules of network etiquette. Classroom, HS & Elementary lab computers shall only be used during school days, starting when the school opens and ending at the end of normal school hours. Library computers may be used during these times except that their permitted use ends either at the end of normal school hours or when the library closes whichever is later. Use of any computer when teachers or librarians are not present is prohibited. Exceptions shall be approved by teachers on a case by case basis.

4. Security

If you identify a problem, notify a system administrator immediately. Do not show or identify a security problem to others. Do not reveal your file (account) password or allow another person to use your file. Do not use another individual’s file. Attempts to log on, as another user will result in cancellation of privileges. Any user identified as a security risk or having a history of problems with other computer systems may be denied access. User must notify the district system administrator of any change in account information. User may be occasionally required to update registration, password and account information in order to continue computer and Internet access.

**5. Vandalism / Harassment**

Vandalism and / or harassment will result in the cancellation of the offending user’s file (cancellation of system use privileges). Vandalism is defined as any malicious attempt to harm or destroy data of another user, the Internet or other networks, including district equipment such as computers, printers, projectors, cables, etc. This includes, but is not limited to, creating and/or uploading computer viruses. Users will not make deliberate attempts to disrupt the computer system performance or destroy data. Harassment is defined as the persistent annoyance of another user or the interference in another user’s work. This includes, but is not limited to, the sending of unwanted mail.

**6. Penalties**

Any user violating these provisions, applicable state and federal laws or classroom and district rules is subject to loss of network privileges and any other District Disciplinary options, including criminal prosecution. School and district administrators will make the final determination as to what constitutes unacceptable use and their decision is final. Unacceptable use will result in cancellation of file (account).

**7. Laptops**

Laptops must be checked out and checked in by the librarian, teacher, or OJT in the library. Use of a personal laptop is allowed in accordance with the district’s Acceptable Use Policy. 5/18

**8. Conclusion**

 A responsible network user must be aware that users have no expectations that anything they do with district technology will be private. All records are subject to review at any time by district administration. Users should also remember that these files might fall under North Dakota open record laws, which means that someone can ask to review this information at any time.

The LaMoure School District makes no warranties of any kind, whether expressed or implied, for the service it is providing. The district will not be responsible for any damages users may suffer, including loss of data resulting from delay, non-delivery, or service interruptions; damages to personal property used to access school computers, networks, or on-line resources; or financial obligations resulting from use of school accounts to access the Internet. The LaMoure School District specifically denies any responsibility for the accuracy or quality of information obtained through Internet services, which are obtained at your own risk.

Internet access from district computers is filtered for objectionable content. However, it is important to understand that no solution is perfect and we cannot guarantee that students will only have access to educational materials.

 It is critical that users understand that items on the Internet may be copyrighted and illegal to download. These items include music, software, documents, graphics, and videos. The user must be able to prove that he/she has permission to use these items before downloading. POLICY ADOPTED 06/07

 **Section XV. PURCHASING**

 (1) Procedures

 (a) All purchasing in the LaMoure Schools is done by purchase orders. No student or employee is to purchase items and charge them to the LaMoure School without proper authorization. Unauthorized purchases will not be paid by the school and will become the responsibility of the purchaser. Activity purchases are to be requested from the Activity Director with all other purchases going through the superintendent. 6/12

 (b) All “on approval type” purchases need a purchase order.

 (c) All orders to the state library are to go through our librarian.

 (d) All previews need authorization from the Superintendent’s office.

**ARTICLE V**

 **PARENTS**

**Section I. PARENTAL INVOLVEMENT** Descriptor Code: FDCAB

 GAD

 KBB

 The LaMoure School Board endorses the parent involvement goals of The No Child Left Behind Act of 2001 and encourages the regular participation by parents. The education of children is viewed as a cooperative effort among the parents, school, and community. In this policy, the word “parent” also includes guardians and other family members involved in supervising the child’s education.

 Parents of migrant students and students receiving Title I or Limited English Proficiency services will be involved in and regularly consulted about the development, operations, and evaluation of these programs and will receive instruction regarding their role in improving the academic achievement of their children.

 A meeting of the parents will be held annually. Parents will be given the opportunity to participate in the design, development, operation, and evaluation of the program for the next school year and to participate in planning activities, to offer suggestions, and to ask questions regarding policies and programs. Parents will be encouraged to attend the meeting and to become involved. (Amended 5/10)

 In addition to the required annual reviewmeeting, at least three additional parent meetings shall be held for each program, at various times of the day and /or evenings, for parents of children participating in the programs. Notices will be sent to the parents and articles will appear in the local newspaper advising parents and interested persons of the meetings. These meetings shall be used to provide parents with:

1. Information about the program.
2. A description and explanation of the curriculum in use for the program, the forms of academic assessment used to measure student progress, and the proficiency levels students are expected to meet.
3. Opportunities to formulate suggestions and to participate, as appropriate, in decisions relating to the education of their children.
4. The opportunity to bring parent comments, if they are dissatisfied with the school’s program, to the district level.

The Superintendent, together with the coordinators of the programs, shall develop strategies and guidelines for implementing this policy within the requirements and allowances of each program.

Cross Ref: Policy AACE/FBBE/GBEDA Bilingual Instruction

 Policy AACF/FBBF Migrant Students

 Policy GABC Title I Program

 Policy KB School-Parent Relations Goals

Legal Ref: P.L. 107-110 No Child Left Behind Act of 2001

REFERENCE: POLICY ADOPTED: 02/04

04/03 POLICY AMENDED:

# Section II. SCHOOL-PARENT RELATIONS GOALS Descriptor Code: KB

 The following statement on the rights and responsibilities of parents has been adopted by the Board in order to describe the role of the parent and the role of the school in the attainment of a relationship that will support a successful school experience for each child.

 Every parent has the right to:

1. Be treated with courtesy by all members of the school staff.
2. Respect as an individual regardless of race, creed, national origin, economic status, sex or age.
3. Be informed of academic requirements of any school program.
4. Participate in meaningful parent-teacher conferences to discuss the child’s school progress and welfare.
5. Be informed of school policies and administrative decisions affecting his or her child.
6. Be informed of approved procedures for seeking changes in school policies and for appealing administrative decisions.
7. Inspect his or her child’s cumulative record and implement procedures to remove or correct any false or misleading statements in conformity with current guidelines established by the state and federal governments, or local policies of the LaMoure School District.
8. Be informed of all programs in special education.
9. Appeal, in accordance with established guidelines, the placement of the child in a special education class or limited English proficiency program.
10. Secure as much help as is available for the school district to further the progress of the child.
11. Expect that every attempt will be made by school personnel to ensure the receipt by parents of important school news and messages.
12. Reasonable supervision for the child while under school authority.
13. Organize and participate in organizations for parents.
14. Be informed of educational and cultural programs available to the public school children.

Every parent has the responsibility to:

1. Make every effort to provide for the physical needs of the child.
2. Strive to prepare the child emotionally and socially to make the child receptive to learning and discipline.
3. Strive to have the child attend school regularly and on time.
4. Encourage and lead the child to develop proper study habits at home.
5. Know school requirements and procedures.
6. Speak up to prevent misunderstandings.
7. Discuss problems with the appropriate persons.
8. Work for the success and improvement of the school program.

Therefore, the LaMoure School District shall encourage parental consultation regarding school curriculum and student participation in all school programs. The LaMoure School Board will welcome parental attendance at public school board meetings and presentation of views relative to educational programs.

Cross Ref: Policy AACD/FBBE/GBEDA Bilingual Instruction

 Policy AACF/FBBF Migrant Students

 Policy GABC Title I Program

 Policy BIB/KAGA Patron Complaints

 Policy BIBA/KAGAB Patron Complaints about Personnel

 Policy BIBA/KAGAA Patron Complaints about

 Instructional Materials

Legal Ref: 20 U.S.C. 1232g Family Educational Rights and Privacy Act

20 U.S.C. 1413 Individuals with Disabilities Education Act

45 CFR Part 99 Regulations

P.L. 107-110 No Child Left Behind Act of 2001

REFERENCE: POLICY ADOPTED: 02/04

04/03 POLICY AMENDED:

**ARTICLE VI**

 **PUPILS**

**Section I. ENTRANCE REQUIREMENTS**

 (1) Kindergarten

 (a) Entrance in kindergarten shall be governed by law as enacted by the North Dakota Legislature. The public schools of the state shall be equally free, open and accessible at all times to all children between the ages of five (5) and twenty-one (21), except that children who do not arrive at the age of five (5) years by midnight July 31 of each year shall not start school until the beginning of the following year except children who by means of developmental and readiness screening instruments approved by the superintendent of public instruction and administered by the kindergarten operator, can demonstrate superior academic talents or abilities and social and emotional readiness; or the child has been enrolled in another approved kindergarten. However, under no circumstances could said child start school that school year if he is not five (5) years of age by December 1. (15.1-22-02) NDCSC – Amended 5/18

 (2) Transfer/Withdrawals

 (a) All transfers and withdrawals are handled through the guidance or administration office.

 (b) For pupils entering from other school districts, transcripts, birth certificates and immunization records shall be requested from the school previously attended. Should a pupil enter from a school outside our system who has at one (1) time attended within our system, his/her old records are also available and will be secured.

 (c) Students transferring to another district should receive any paperwork necessary for them to complete enrollment in the other district. Records necessary to validate a students attendance, achievement and instructional program while in our school must be retained. Copies may be prepared for that purpose.

# Section II. ADMISSION OF NON-RESIDENT STUDENTS

Descriptor Code: ABCB

 FBD

(1) The LaMoure School District shall admit students from other districts to its school when it can be done without injuring or overcrowding its schools. When the students are received from a district that does not offer the grade level in which the student requires enrollment the Board must charge tuition to the sending district, as prescribed by law. When the student has been placed at a group or residential care facility or a residential treatment center in accordance with NDCC 15.1-29-14, the Board shall charge tuition to the sending district unless a waiver of tuition agreement has been entered into with the sending district. Students who wish to transfer from schools that have been deemed in need of improvement under federal and/or state law shall be allowed to transfer to a school in this district if there is no school in their home district that is not so designated and tuition will be charged to the sending district. It shall be the policy of the LaMoure school district to charge tuition or enter into waiver of tuition agreements when permitted to do so when neighboring districts request admittance for their students. In cases where tuition waivers may be legally entered into, the Board delegates to the Superintendent the authority to determine what would be in the best interest of the District and to recommend for approval only those agreements which will have no detrimental effect on the LaMoure School district. The Superintendent shall determine which school(s) in the district will receive such students.

The LaMoure School District may also admit students whose tuition is paid by a parent or guardian but will not enter into tuition waiver agreements other than as specified above.

 Admittance of students under the open enrollment law will be governed by Policy ABCBB/FBDB (Open Enrollment). Enrollment of homeless students as defined under the McKinney Vento Homeless Assistance Act will continue to be governed by Policy AACE/FBBD – Education of the Homeless.

 The LaMoure School Board reserves the right to have the Superintendent designate the class schedule for such students.

## Enrollment of Suspended and Expelled Students

 Any student who has been suspended or expelled from another district will not be permitted to enroll in the LaMoure School district until eligible to reenroll in his or her former district or until the LaMoure School Board or the Superintendent has reviewed the prior suspension and determines that the suspension or expulsion was illegal or improperly given.

NDSBA REFERENCE POLICY ADOPTED: 11/03

07/03 POLICY AMENDED:

Cross Ref: Policy ABCBB/FBDB Open Enrollment

 Policy AACE/FBBD Education of the Homeless

 Policy FBEB/GCAE Placement Adjustment of Transfer Students

 Policy HCB Tuition Fees

Legal Ref: PL 107-110 No Child Left Behind Act of 2001

 NDCC Ch. 15.1-29 Nonresident Tuition and Reciprocity

 NDCC Ch. 15.1-31 Open Enrollment

 NDCC 54-23.2-04.2 School enrollment procedures to aid

 Identification and location of missing

 Children

#

 (2) Open Enrollment

 (a) Open enrollment applications received from other North Dakota school districts will be acted upon by the LaMoure Public School Board at a regular or special meeting. All applications will be reviewed and acted upon in the same chronological order as they were received by the school districts of residence.

 (b) Criteria for acceptance or rejection shall be based upon the capacity of a program, class, grade level or school building. Capacity refers to that level, where the school would need to hire more staff if students were added above the maximum level of the program, class or grade or the school building.

 (c) This district will not deny an application on the basis of previous academic achievement, participation in extra-curricular activities, disabilities, English language proficiency, sex, religion, or race. POLICY AMENDED 3/08

 (d) This district will not give or offer to give renumeration or directly or indirectly exert influence upon the student or the student’s family, in order to encourage participation in the open enrollment program for the purpose of having the student participate in varsity athletic activities.

 (e) The district reserves the right for the superintendent to determine the class schedule for students who are accepted under this policy.

 (f) Transportation will be provided by the district to those students who live within two miles of the district boundary. Any greater distance requires board approval. Parents are responsible to get their child to and from the bus stop.

 (g) The superintendent will notify the parent or guardian and the resident district of the acceptance or rejection of an application within five (5) days of the date of which action was taken.

# Section III. ABSENCE

 (1) Attendance Policy

 (a) Parents and students are reminded that attendance is important to the student’s educational experience. Prospective employers sometimes consult the school records concerning the student’s attendance, grades, health and general conduct. When the number of days missed by a student reaches ten (10) per semester, the situation will be reviewed by the principal and superintendent. The parents may be asked to appear before the school board at their next meeting date. Parents will be notified after the child has missed five (5) days of school per semester. Extra days are allowed for dental appointments, extended illness, medical appointments or hospital stays, but absence beyond ten (10) per semester is considered too many unless there is an extended illness or hospital stay. 6/03

 (2) Result of Absence

 (a) Excused absences will be those signed by the parent or guardian. Completing assigned class work is the student’s responsibility. A teacher should aide the student in getting the most out of the educational experience. Assignments should be reasonable and students should have a reasonable length of time to complete the assignments. A minimum of one (1) day for each day absent will be allowed, with exceptions and standards set by the principal depending upon the individual case. Teachers should also consider the length of the absence in collecting assignments.

 (b) All work missed by students, grades 7-12, must be made up as soon as possible after returning to school. A minimum of one (1) day for each day missed will be allowed to do make up work. Work assigned in advance is due when the student returns to school. All exceptions must be approved through the principal. When a student, grades 7-12, misses more than five (5) classes in a semester or ten (10) in a split block class, it will constitute no credit in that class unless a medical exception is given or with an administrator exception. 10/03

 (3) Phy Ed. Excuse

 (a) A doctor’s note is necessary to be excused from Phy Ed. for extended illness for two (2) weeks or more.

# Section IV. CARE OF EQUIPMENT

 (1) Damage

 (a) Students will be held strictly responsible for all school equipment which they use. Such fines as appear reasonable shall be paid by students guilty of marring, breaking or defacing school property.

# Section V. RELEASE OF PUPILS DURING SCHOOL SESSION

 (1) Pass to Leave Building

 (a) Pupils shall not be permitted to leave the school during the school day except upon request by the parent or guardian or permission from the principal or superintendent. 6/12

 (b) No teacher may issue a pass for a student to leave the school grounds. If the need or request arises for a student to leave the building, a pass must be obtained from the Principal’s Office. Amended 5/14

# Section VI. TRANSPORTATION

 (1) Routes

 (a) The bus routes shall be set by the Superintendent and approved by the School Board. Any suggested changes must be reported to the superintendent who after consultation with the school board will determine the advisability of such changes. The school bus driver is in complete charge while on the bus and has the same authority as a teacher. Bus transportation shall be governed by existing laws and regulations. 6/03

 (2) Private Cars

 (a) Drivers of private cars transporting activity groups for school purposes will be compensated at the current rate as determined by the board of education.

 (b) All private cars transporting activity groups must be driven by a responsible adult.

# Section VII. EMERGENCY REGULATIONS

 (1) Drills

 (a) Fire drills and storm drills shall be conducted as prescribed by law

Sec. 15.1-06.12 NDCSC

# Section VIII. STUDENT CARS

 (1) Parking during school hours is to follow the following guidelines:

 (a) The area behind the school is reserved for staff.

 (b) The parking area in front of the school is reserved for staff.

 (c) The street shall be kept open for staff or visitors.

 (d) The east parking lot is reserved for students and elementary staff. \*

 (e) The sidewalk area in front of the school (except for handicapped) is reserved for visitors.

 Everyone is asked to drive with caution and follow the signs when driving or parking in the school area.

 (2) Regulations

 (a) Excessive car use, speeding or disregard for traffic or parking regulations may result that students abusing the privilege will not be permitted to operate their automobiles during the school hours or park in school lots.

 (b) Students who drive on areas outside the driveways and parking area are subject to state law regarding damage to private/public property.

 \*POLICY AMENDED 07/05

**SECTION IX. STUDENT ASSEMBLIES** Descriptor Code: FIF

 Generally, school administrators will determine or substantially control the content of what is expressed at school sponsored or school organized student assemblies. In such cases religious expression will not be permitted as the religious expression may be attributed to the school or seen as an endorsement of a particular religious belief or expression. However, in the instances where students are selected to speak at assemblies based upon neutral selection criteria and where the student speaker has primary control over the content of the oral presentation, the school will not restrict the student speech because of its religious or anti-religious content. In such cases, school authorities will publicly clarify that the content of the student’s speech is the speaker’s opinion and not the school’s.

 “The LaMoure School Board may authorize the voluntary recitation of the pledge of allegiance by a teacher or one or more students at the beginning of each school day. A student may not be required to recite the pledge of allegiance, stand during the recitation of the pledge of allegiance, or salute the American flag.”

Legal Ref: PL 107-110 No Child Left Behind Act of 2001

 NDCC 15.1-19-03.1 #4

 POLICY ADOPTED:01/04

 POLICY AMENDED:

# Section X. FOOD SERVICE

 (1) Meals

 (a) School lunches and breakfast shall be available to everyone. The program is administered by the superintendent.

# Section XI. CONDUCTED TOURS

 (1) Field Trips

 (a) Conducted tours of museums, park, industries and other places of educational interest are sponsored by the school district for the additional education of pupils but with no assumption of liability or responsibility by the school district or any member thereof.

 (2) Those trips which require an overnight stay or are more than 250 miles one way, must have board approval before planning the trips. Exceptions to this rule are allowed for those trips that are a part of the NDHSAA tournament procedure.

# Section XII. CLASS SECTIONS

 (1) Size

 (a) In grades K-6 there shall be one (1) section if the enrollment is twenty (20) or less and two (2) sections if the enrollment is thirty-one (31) or more. If the enrollment is 21-30 it will be up the discretion of the board to determine if there shall be one (1) section or two (2) sections.

 (b) Students shall be assigned to sections by the principal after considering all available options.

# Section XIII. PUPIL PROGRESS REPORTS

 (1) Report Cards

 (a) Report cards shall be issued at nine (9) week intervals in all grades upon request of the parents. 7/22

 (2) Deficiencies

 (a) The teachers will turn mid-nine weeks failing lists into the principal’s office.

 (b) Parents will be notified of children who are receiving deficiencies in a course at mid-term. Action will be taken to attempt to correct the situation.

# Section XIV. PARENT-TEACHER CONFERENCES

 (1) Purpose

 (a) Conferences with the parents are encouraged to bring about better understanding between parents and teachers.

 (b) Conferences will be held at scheduled times during each year.

# Section XV. PROMOTION AND RETENTION

 (1) Retention

 (a) Except as hereinafter provided, students in grades 4 - 8 shall not be promoted if he has failed more than one (1) subject. A pupil may also be retained at the request of or with the consent of his parents or parent in case of special difficulty such as immaturity, ill health, frequent absence from school and similar circumstances which have impeded his proper adjustment.

The teacher and administration shall make the final determination of promotion or retention. POLICY AMENDED 3/08

 (b) Seventh and eighth grade students may have to repeat failed subjects.

 (2) Credit Classification

 (a) All students, upon entering the grade 9 shall be classified as freshmen.

 (b) All students that have passed and earned 5 credits and has completed one school year will be classified as a sophomore.

 (c) All students that have passed and earned 10 credits and has completed two years of school will be classified as a junior.

 (d) All students that have passed and earned 15 credits and has completed three years of schoolwill be classified as a senior.

 (e) A student that has passed and earned 18 ½ credits at the conclusion of the 1st semester of their fourth year of high school shall be classified as a senior.

 Grade classification will be made one week prior to the beginning of each school year except in part e above.

 The Principal has the authority to make a determination on classification of transfer students and other circumstances that are extra-ordinary on an individual basis. AMENDED 7/10

# Section XVI. COURSES OF STUDY

 (1) Graduation Requirements

 (a) All students of the LaMoure High School will be required to complete the following courses to graduate from LaMoure High School

 4 Language Arts units from classes including English I-IV, Am. and English Lit,

 Comp I & II, Modern Literature, or Dual Credit College English. Students

 must take a English every year as outlined by Building Principal. 6/12

 3 Social Studies units including:

 1 unit of US History;

 ½ unit of US Govt. and ½ unit of Economics; OR 1 unit of Problems of

 Democracy(POD); AND

 1 unit or 2 half-units of any other social studies

 3 Math units

 3 Science units including:

 1 unit of Physical Science

 1 unit of Biology

 1 unit of any other science OR 2 half-units of any other science

 1 Physical Education unit OR ½ unit of Physical Education and ½ unit of Health

 3 Units from Foreign Languages; Native American Languages; Fine Arts; OR Career and Technical Education (CTE) courses

 7 Units of additional electives

 24 Total Credits

**\*\*Optional High School Curriculum** (Student/parent/counselor and principal meeting to decide if this is the most appropriate route for the student)

 4 Language Arts units from classes including English I-IV, Am. and English Lit,

 Comp I & II, Remedial English, and Speech

 3 Social Studies units including:

 1 unit of US History;

 ½ unit of US Govt. and ½ unit of Economics; OR 1 unit of Problems of

 Democracy(POD); AND

 1 unit or 2 half-units of any other social studies

 2 Math units

 2 Science units

 1 Physical Education OR ½ unit of Physical Education and ½ unit of Health

 2 Units of Foreign Languages; Native American Languages; Fine Arts; OR Career and Technical Education (CTE) courses

 8 Units of additional electives

 22 Total Credits

*\*\*If after completing at least 2 years of high school, a student has failed to pass at least ½ unit from 3 of the subsections listed for diploma; OR has a grade point average at or below the twenty-fifth percentile of the class in which the student is enrolled, the student may request a meeting to determine whether or not the student should be permitted to pursue the optional high school curriculum for graduation from LaMoure High School.*

 POLICY AMENDED: 10/09

 (b) The number of electives for transfer students will be determined by the Principal on an individual basis. \* POLICY AMENDED: 07/05

 (2) Early Graduation

 (a) LaMoure High School does not allow early graduation.

 (3) Dual Credits

 (a) The principal/superintendent will set rules to provide dual credit courses for LaMoure students as provided under state law.

 (4) Semester Credits

 (a) All classes will be offered on a semester basis and credit will be awarded on a basis of 1/2 credit per semester.

 (5) Test Exemption

 (a) Exemption from semester tests is available to those students who meet the qualifications as set by the principal.

 (6) Honorary High School Diplomas - Veterans of World War II, Korean War and Vietnam War.

 (a) Any World War II, Korean War or Vietnam War veteran who did not receive a high school diploma may apply for an honorary high school diploma provided the veteran entered the United State armed forces prior to completing the necessary high school graduation requirements and that the veteran was honorably discharged from the United States armed forces. 6/03

 (b) In order to receive an honorary high school diploma, the veteran or a representative of the veteran shall complete an application on a form prescribed by the superintendent of public instruction. A county veterans’ service officer shall certify the veteran’s status as an honorably discharged veteran who served during the qualifying period to the superintendent of public instruction. The superintendent of public instruction shall forward the application to the school district in which the veteran last attended school before induction. If the school district no longer exists, the application must be forwarded to the school district that has jurisdiction. If a school district decides not to issue a diploma under this program, the veteran may apply to the superintendent of public instruction for the diploma.

 (c) The school district and the superintendent of public instruction shall review and either approve or deny each application received.

 (d) If a veteran who would have qualified for a diploma under this section is deceased, a family member of the veteran may apply for and, if approved, be awarded the veteran’s honorary high school diploma.

 (7) Graduation Exercises Descriptor Code: GCC

 The LaMoure Public School will plan the graduation exercise, with the administration and senior class working together. Where students or other graduation speakers are selected on the basis of neutral criteria and retain control over the content of their speech, the content of the speech will not be restricted because of the religious or anti-religious content of the speech. The school disclaims responsibility for such speech – neither encouraging nor discouraging its content. However, no school officials may direct or encourage prayer at graduation or select speakers because of the expectation that such speakers will include religious or anti-religious expressions in their speech.

 To the extent that the LaMoure Public School makes its facilities and related services available to private groups, the District will provide similar access on similar terms to private groups for a baccalaureate ceremony. The LaMoure Public School will not mandate student attendance nor participate in the organization of the ceremony. School employees are free to attend but will not be required to attend the private baccalaureate ceremony.

 All students participating in graduation ceremonies will wear caps and gowns as prescribed by the school. Students will be expected to attend rehearsal if they intend to participate in the ceremonies.

Cross Ref: Policy IBEA/KAH Community Use of School Facilities

Legal Ref: PL 107-110 No Child Left Behind Act of 2001

 U.S. Supreme Court Lee vs. Weisman (1992)

REFERENCE POLICY ADOPTED:01/04

04/03 POLICY AMENDED:

# Section XVII. GUIDANCE

 (1) Testing Program

 (a) Achievement tests will be given to grades mandated by the state plus others as determined locally. 5/14, 7/16, 5/18, 7/22

 (b) The Armed Services Vocational Aptitude Battery (ASVAB) will be given to grade 11 which includes an interest test to determine the Holland Codes used in the computer program choices.

 (c) College preparation tests can taken by grades 11 and 12. The PSAT is taken by grade 11 students in October by those who elect to do so. Either the ACT, SAT, and WorkKeys test are available to the 11th or 12th grade students unless an exception is made by the building principal. (5/10), (7/16), 7/22

(2) Counseling

 (a) The guidance counselor is available through the day to help students with college planning, vocational planning, vocation plans, problems and questions in many areas.

 (b) Elementary classroom guidance will be done throughout the school year

. (3) Pupil Records

 (a) The guidance counselor is responsible for cumulative files containing adequate pupil information on all students in the school. Pupil cumulative records will be

maintained for five (5) years after graduation. Immunization records, test scores and grades will be maintained on a permanent basis.

 (b) Transfer of Rights (refer to Section XXV. (1)

 (c) School district employees or agents who need to have access to student educational records in order to fulfill their assigned responsibilities may have access to that portion of the record which is needed for their work. This includes but is not limited to certificated staff, clerical staff, teacher aides and students teachers.

 Except for certified staff to whom a student is regularly assigned, the principal or custodian of student educational records or designee will decide whether access to the records by an employee or agent is necessary for the performance of their work. Access shall be limited to that information which is needed.

 A parent has the right to request a teacher who is not involved with the child’s education, to review their child’s educational record. The parent will need to provide written consent for the teacher to review the child’s record. Before that teacher asks to review the student’s records, the teacher must first communicate the request to the child’s classroom teacher and the principal. Once the record is reviewed, the teacher will also communicate back to the parent, teacher and the principal.

 All collecting or using of personally identifiable information will abide by the policies and procedures under 300.129 and 34CFR Part 99 of the Family Rights and Privacy Act.

 (4) Relations With Colleges and UniversitiesDescriptor Code: LAC

 The Board desires that staff and students of this School District benefit in every feasible way from resources provided by the colleges and universities in our area. The Superintendent is to keep the Board informed of all opportunities for shared and cooperative services between the District and institutions of higher learning. Additionally, staff members are encouraged to seek out and utilize the services of college and university faculty members who are willing to serve our schools in staff development programs and as instructional resource persons.

 In planning post graduate and adult programs and in-service, the Board will work with area institutions of higher education so that programs will not be unnecessarily duplicated, but will fit in with advanced training that these institutions offer.

 The District will cooperate with recruiting efforts of post-secondary institutions so long as they do not unduly interfere with the school schedule. The District will seek to facilitate and coordinate recruiting efforts by cooperating with surrounding districts to schedule a career day for juniors and seniors. Military recruiters shall be afforded the same opportunities as colleges and universities.

Cross Ref: Policy DBGD/LACC In-service

 Policy DBM Student Teachers

 Policy FDC Dissemination of Student Records

 Policy GBED/KAEB Community Resources

Legal Ref: 20 U.S.C. 7908 ESEA as amended by NCLB

 P.L. 107-110 No Child Left Behind Act of 2001

 10 U.S.C. 503 as amended

 P.L. 107-107 544 National Defense Authorization Act for

 Fiscal Year 2002

REFERENCE POLICY ADOPTED:12/03

03/03 POLICY AMENDED:

 (5) Relations with Armed Forces Recruiting UnitsDescriptor Cod: LEB

 The school district will afford the same courtesies to the armed forces recruiting units as are afforded to other post-secondary educational and career entities, (i.e. Exhibit space at career days, placement of brochures and materials in counseling offices and /or libraries, and similar opportunities to present their program to students).

 Federal law requires the release of names and addresses of students in grades 9 through 12 to the recruiting units upon request. The following activities shall take place at the beginning of each school year.

1. A letter will be distributed to each parent/guardian of a minor high school student and to each student of legal age which informs them that the student’s name, address, and telephone number will be released unless the parent/guardian or student, if 18 years of age, signs and returns the attached non-release form. This information will also be given to the parent/guardian or student of legal age whenever a student enrolls during the school year.
2. There will be a minimum time lapse of 10 school days between the distribution of the letter and the deadline for returning non-release forms.
3. Non-release forms will be submitted to the Principal’s office.
4. The Principal’s office will ensure that all names submitted on non-release forms are removed from the student list prior to the transmittal of the list of the recruiting unit.

Cross Ref: Policy FDCB Distribution of Class Lists

 Policy LAC Relations with Colleges and Universities

Legal Ref: NDCC 44-04-18.11 List of Children

REFERENCE POLICY ADOPTED:12/03

03/03 POLICY AMENDED:

# Section XVIII. STUDENT COUNCIL

 (1) Organization

 (a) A student council system shall be established in the high school and administered by the principal or designee with representatives chosen from each class.

**Section XIX. NON-DISCRIMINATION AND EQUAL ACCESS**

 (1) Statement:

 (a) The LaMoure School District, in the County of LaMoure and State of North Dakota, supports the provisions of Title IX of the Educational Amendments of 1972, Title VI of the Civil Rights Act of 1963 and Section 504 of the Rehabilitation Act of 1973 which commit all schools to the elimination of discrimination on the basis of race, color, national origin, sex and handicap, in employment and in those programs and activities offered to its students. It is the expressed intent of the LaMoure School District to provide opportunity for all students, free from limitations of race, color, national origin, sex or handicap

 (b) This concept of equal opportunity will serve as a guide to the school board, the administration, and staff in making decisions related to the employment of personnel, school facilities, curriculum, activities and regulations affecting students and employees.

 (2) Location of Policy

 (a) A copy of the board policy is available for review in each school building

administrative office.

 (b) A copy will also be available on the school website. 5/18

(3) Complaint Procedure

 (a) Any student or employee of the district who believes he or she has been discriminated against, denied a benefit, or excluded from participation in a district education

program or activity on the basis of race, color, national origin, sex , or handicapping condition may file a written complaint with the compliance administrator or follow other procedures outlined in the complaint procedure.

 (4) Compliance Administrator

 (a) The compliance administrator for these board policies is Mitch Carlson, Superintendent, Box 656, LaMoure ND 58458 Phone #883-5396.

# Section XX. HONORS

 (1) Honor Roll

 (a) The honor roll is computed at the end of each nine (9) week period. A grade point average of 92% to 95.99% and above will be used to compute the honor roll. Those students with a grade point average of 96% or above will be signified as having high honors. All classes except co-op work study are used to compute the average. 6/10

 (2) Honor Students

 (a) Students who graduate with an average of 96% or higher will be named “graduated with high honors” and those students who graduate with an average of 92% to 95.99% will be named “graduated with honors.” 6/03 \*

 (b) A Salutatorian and Valedictorian will be named based upon the highest two GPA’s among students who have completed 4 units of High School Math, Algebra I or higher and 4 units of High School Science. \*\*

 (c) Graduation honors will be calculated after the 3rd quarter of the senior year

\*POLICY AMENDED: 07/05

 \*\*POLICY ADOPTED 07/05

 7/22

# Section XXI. TRANSFER STUDENTS

 (1) Seniors

 (a) The LaMoure School will accept transfer students who become legal residents of the LaMoure School District. Senior transfers may graduate as long as they meet all North Dakota state requirements.

 (2) Dissemination

 (a) Student records shall be made available to an outside person or agency only under the following conditions:

 (1) A "Release of Information” request is received by school officials duly signed by a parent of the student, or legal guardian; or by a student of legal age (18 years or older).

 (2) A “Request for Information” is received by school officials in the form of specific request from the court, a court order, or a subpoena deuces tecum. Only information requested shall be provided and the parents and/or students shall be notified of all such orders in

advance of compliance with the order.

 (3) A “Request for Transcript” is received by school officials from a receiving school. Only information such as grades, attendance records and group test scores should be included. Transcripts may also be sent to prospective employers at the request of the student or parents. Psychological reports and health reports cannot be released without having been specified in the signed “Release of Information” request as per #1 above.

 (4) Instances where requests for information might come from an outside agency such as the VA, working for the welfare of a student, the agency will sign a release from the student (if of legal age) or parent or guardian. In lieu of such a release, a form signed by a judge (not necessarily in the form of a subpoena) would suffice, provided the parent, student, or guardian is notified that such a form has been received.

 (5) In instances where requests for information come from the Comptroller General of the United States, the Secretary of HEW and administrative head of an education agency or state or federal programs or for the enforcement of federal legal requirements which relate to such programs, only that data which does not include information ( including social security numbers) which would permit the personal identification of such students or their parents personally identifiable data is specifically authorized by federal law.

 (6) A parent or legal guardian shall have access to a student’s records at any time during the school day upon reasonable notice to the principal if the student is under 18 years of age. Absent a court order to the contrary, divorced parents of a student shall have equal access to their child’s educational records.

 (7) All fees or bills have been requested to be paid.

# SECTION XXII. STUDENT DISCIPLINE

 (1) Corporal Punishment

 (a) State law prohibits corporal punishment which is defined as “willfully allowing the infliction of physical pain on a pupil”; therefore inflicting physical pain on a pupil is prohibited in the LaMoure School. This does not prohibit the use of physical force necessary to

quell a physical disturbance nor does it prohibit the use of physical force for self defense, the preservation of order, or to obtain possession of weapons or other dangerous objects. Physical pain caused by athletic competition or other recreational activities is also excluded.

 (2) Student Behavior

 (a) Each student’s cooperation is needed to make LaMoure School a pleasant place to study. The rules that are found in the student planner were established to expedite the main purpose of school which is learning. We need and expect student compliance to the rules at all times. These regulations apply to all students regardless of age. Non-compliance will make a student subject to disciplinary action by the teacher, principal or superintendent. That discipline may include but is not limited to cleaning-up the mess made, staying after school, suspension, in school suspension, expulsion or other appropriate action deemed necessary by the teachers or administrators.

(3) Suspension and Expulsion

 (a) Pupils are expected to conduct themselves in a manner suitable to their age and grade. Pupils willfully disobedient or consistently disturbing the class are subject to corrective discipline.

 A principal has complete authority to deal with disciplinary problems in his/her school, and the superintendent shall be called in to a disciplinary action when requested by the principal or upon written request of the student involved, or his/her parent(s).

 A principal may suspend a student for up to ten (10) days or recommend expulsion of a student who does not appear to benefit from other forms of discipline. The following conduct exhibited while on school grounds, during a school-sponsored activity, or during a school-related activity is subject to suspension or expulsion:

 1. Causing or attempting to cause damage to school property or stealing or attempting to steal school property of value.

 2. Causing or attempting to cause damage to private property or stealing or attempting to steal private property.

 3. Causing or attempting to cause physical injury to another person except in self defense.

 4. Possessing or transmitting any firearms, knives, explosives or other dangerous objects.

 5. Possessing, using, transmitting, or being under the influence of any narcotic drug, hallucinogenic drug, amphetamine, barbiturate, marijuana, alcoholic beverage or intoxicant of any kind.

 6. Continued disobedience or persistent defiance of proper authority.

 7. Behavior which is detrimental to the welfare, safety or morals of other pupils.

 8. Truancy.

 9. Any student behavior which is detrimental or disruptive to the educational process, as determined by the Principal.

 10. Offensive and vulgar language, whether or not it is obscene, defamatory or inciteful to violence, where it is disruptive of the educational process.

 11. Students are expected to dress appropriately for school. Students should show respect for themselves and others with the way they dress. Clothes with objectionable language or substance usage language will not be acceptable nor will any clothes which cause disruption.

Wearing of a cap or bandana in the school during the school day will be determined by the building principal. 7/22

 (b) All staff members are expected to enforce the discipline rules as prescribed by the administration fairly and consistently among all students.

##  (4) SUSPENSION AND EXPULSION REGULATIONS Descriptor Code: FFK-BR

**Suspension**

Suspension involves either in-school suspension or the dismissal of a student from school classes, buildings, and grounds. Suspension shall not be for more than maximum duration allowed by law. The parent(s) of the student are to be notified promptly by the school principal that suspension has been issued.

The authority to determine whether or not a student shall be suspended rests with the principal and can be exercised after the student is given:

1. Oral or written notice of the charges against him/her.
2. An explanation of the evidence against him/her.
3. An opportunity to present his/her side of the story.

There need be no delay between the time notice is given and the conduct of the above procedure. In those cases where a student's presence poses a continuing danger to persons or property or any ongoing threat of disrupting the educational process, the student may be immediately removed.

**Expulsion**

Expulsion shall not be for more than the maximum duration permitted by law and the District shall follow the procedure for conducting an expulsion hearing contained in state law. If the student involved has a disability, see the section on suspension and expulsion of students with disabilities.

The responsibility of the school may not end with expulsion. The guidance department may notify other appropriate agencies when a student has been expelled.

**Expulsion Pre-Hearing Notice to Student**

The student and the student's parent shall be provided with the following notices, prior to the expulsion hearing outlined below:

1. **Notice of Charges**: The specific charges against the student shall be stated clearly enough for the student and the parent to understand the grounds of the charge and to be able to prepare a defense.
2. **Notice of Hearing**: The date of a hearing, which shall be within a reasonable time not to exceed ten school days, if the student is currently under suspension, unless a postponement is requested or agreed to by the parent.
3. **Presenting Evidence**: A student may present witnesses or documentary evidence to rebut the charges against the student.
4. **Notice of Right to Adult Representation**: The right to be represented and/or assisted at the hearing by a lawyer or other adult at the student’s expense shall be explained. A parent or guardian who is unable to attend the hearing may provide written designation of another adult to assist the student in the parent's absence.

**Conducting Hearings for Expulsion**

1. **Nature of the Hearing**: The hearing is not a court proceeding and should not be referred to or conducted as such. There are no specific rules of evidence or procedure that must be followed. The intent of the hearing is to determine whether the reasons offered for the proposed expulsion are supported by the evidence. The evidence offered at the hearing should be directed toward attaining the truth and shall include an opportunity for the presentation of evidence as to the existence of mitigating circumstances.
2. **The Hearing Officer**: The student is entitled to an impartial hearer of facts. If the school board has designated a hearing officer, the hearing officer may conduct the hearing unless s/he is biased or prejudiced against the student or was directly involved with the incident at issue. If the hearing officer is not qualified under this rule, another hearing officer should be called upon to conduct the hearing.
3. **Representation of the Student**: There is no requirement that the student must have representation at the hearing; however, if the student or his/her parent(s) request that s/he be represented by an attorney at the student’s expense, the request must be granted. The school may choose to involve the parents in the disciplinary proceedings from the outset.
4. **A Recording of the Hearing**: A record of the hearing should be made to substantiate that the required elements of procedural due process were afforded the student. This can be accomplished by several methods. The preferred method of recording is tape recording or court reporter transcription of the entire proceeding. All evidence that is introduced in the form of written documents should be marked so as to identify the origin and order of introduction (e.g., School Exhibit 1, 2, 3, and Student Exhibit 1, 2, 3). All records of a hearing should be kept at least six years after the expelled student reaches the age of 18 years.
5. **Open or Closed Hearing**: Since an expulsion hearing before a designated hearing officer or the school board is subject to the Family Rights and Privacy Act (FERPA) the hearing shall be closed unless the parent/eligible student waives their rights under FERPA in writing.
6. **Witnesses in the Room**: At the request of the school representative or the student or his/her parents, witnesses may be excluded from the room except when offering testimony. The hearing officer should make this option known at the beginning of the hearing, before any evidence is presented. At no time may the student or his/her parent or representative be excluded from the room.
7. **Cross-Examination**: The hearing officer should permit cross-examination if any circumstances indicate that it is necessary in order to reach the truth or to otherwise conduct a hearing, which is fundamentally fair.
8. **Sworn Witnesses**: Witnesses should be given an oath or affirmation before offering testimony.
9. **Evidence**: If, at the conclusion of the hearing, the reasons given for the proposed expulsion are supported by the evidence offered at the hearing, the student may be expelled. The action of the student does not have to be proven beyond a reasonable doubt as in a criminal trial, but the action must be supported by the evidence. There must be evidence presented upon which the hearing officer can conclude that the student did do the alleged acts. In determining whether there is evidence to support an expulsion, the hearing officer may take into consideration only that evidence presented at the hearing.
10. **Making the Decision and Giving Notice to the Parties**: After the hearing, the hearing officer decides whether to expel a student. The hearing officer has the responsibility of promptly informing the student, his or her parents, the student's counsel, or his or her representative in writing of the decision. The decision must be specific enough so that a reasonable person can be advised of the finding and basis for the decision to expel. The decision should also contain information on how to appeal to the Board, if the Board did not serve as the hearing officer.
11. **Appeal to School Board**: Except when the Board served as the hearing officer, an appeal of the hearing officer's decision may be made to the Board based upon a review of the record of the expulsion hearing. This decision should be reviewed at the next regular meeting of the Board, except when good cause is shown for calling a special meeting for that purpose. Since the expulsion will affect or become a part of the student's educational record, the appeal hearing before the Board will be in executive session unless the parent/guardian signs a written waiver of their rights under the Family Educational Rights and Privacy Act.

FFK-BR Approved: 5/14

 **(5) SUSPENSION AND EXPULSION OF SPECIAL EDUCATION STUDENTS**

Descriptor Code: FFK-E2

**Definitions**

* *Change of Placement (long-term removals)* occurs when either
1. The removal is for more than 10 consecutive school days; or
2. The student has been subjected to a series of removal that constitute a pattern:
3. Because the series of removals total more than 10 school days in a school year;
4. Because the student’s behavior is substantially similar to behavior in previous incidents that resulted in the series of removals; and
5. Because of additional factors such as the length of each removal, the total amount of time the student has been removed and the proximity of the removals to one another.
6. The school determines on a case-by-case basis whether a pattern of removals constitutes a change of placement and this determination is subject to review through due process and judicial proceedings.
* *Controlled substance* means a drug or other substance identified under schedules I, II, III, IV, or V in section 202(c) of the Controlled Substances Act (21 U.S.C. 812(c)).
* *Functional behavioral assessment*: Functional behavioral assessment is generally considered to be a problem-solving process for addressing student’s inappropriate behavior.
* *Interim alternative educational setting*: A different setting that must allow a student covered by IDEA to continue to receive educational services that will enable him/her to continue to participate in the general education curriculum and to progress toward meeting the goals set out in his/her IEP
* *Illegal drug* means a controlled substance; but does not include a substance that is legally possessed or used under the supervision of a licensed healthcare professional or that is legally possessed or used under any other authority under that Act or under any other provision of Federal law.
* *Manifestation determination*: A process that occurs prior to a change of placement. During this process, the students’ parents and IEP team reviews all relevant information including:
	1. Test results and any independent educational evaluations
	2. Information provided by the parents
	3. Observations of the child and
	4. The child's IEP and placement

After the review of information, the team then determines if:

1. The conduct in question was caused by or had a direct and substantial relationship to the student’s disability; or
2. The conduct in question was the direct result of the school’s failure to implement the IEP.
* *Serious bodily injury* has the meaning given the term "serious bodily injury" under paragraph (3) of subsection (h) of section 1365 of title 18, United States Code.
* *Short-term removal*: Any an appropriate interim alternative educational placement, placement another setting, or suspension that does not result in a change of placement (see definition above).
* *Weapon* has the meaning given the term ‘‘dangerous weapon’’ under paragraph 2 of the first subsection (g) of section 930 of title 18, United States Code.

**Short Term Removals (No Change of Placement)**

School personnel may remove a child with a disability who violates a student conduct policy from his or her current placement to an appropriate interim alternative educational setting, another setting, or suspension, for not more than 10 consecutive school days, and for additional removals of not more than 10 consecutive school days in that same school year for separate incidents of misconduct (as long as those removals do not constitute a change of placement under 34 CFR 300.536). Suspension procedures under district regulations must be followed, and if the student is incapable of understanding any part of the suspension procedures, his/her parent should be present during the suspension due-process procedure contained in district regulations.

After determining if the student should be suspended, the principal or the Superintendent, in consultation with at least one of the student’s teachers, determines how best to address the student's needs during short-term removals.[[1]](#footnote-1) Providing alternative educational services for the first 10 days of short-term removals is only required if the District provides these services to regular education students.

Parents should be notified of short-term removals. The content of this notice does not have to follow the format of a change of placement notice (e.g., not required to provide procedural safeguards). In other words, notice of short-term removals need only state the charges against the student, the form and duration of the disciplinary action taken, and any services that will be provided/withheld during the disciplinary sentence.[[2]](#footnote-2)

**Change of Placement (Long-Term Removals)**

Longer removals include expulsion and suspensions that would constitute a change in placement. If a longer removal is being considered, the District must have a meeting with parents and the IEP team to make a manifestation determination. This meeting must be held within 10 school days of any decision to change the placement of a student. The manifestation determination meeting would occur after the initial suspension/expulsion proceedings, which must be held in accordance with district policy. The purpose of these proceedings shall only be to determine if the student violated policy and to make a tentative disciplinary recommendation if a policy violation is substantiated. Any disciplinary sentence recommended at the suspension/expulsion hearing shall only go into effect if criterion “1” below is satisfied and notice of change of placement is issued to parents.

**Manifestation Determination Criteria**

1. If the behavior that gave rise to the violation of the school code is determined not to be a manifestation of the child’s disability nor a result of the school’s failure to implement the IEP, the District:
2. May apply the relevant disciplinary procedures to children with disabilities in the same manner and for the same duration as the procedures would be applied to children without disabilities.
3. Must provide services that enable the student to continue to participate in the general education curriculum, although in another setting, and to progress toward meeting the goals set out in the IEP.
4. As appropriate, must conduct a functional behavioral assessment (FBA) and provide behavioral intervention services and modifications that are designed to address the behavior violation so that it does not reoccur.
5. If the team concludes that the misconduct was a manifestation of the student’s disability or a result of the school’s failure to implement the IEP, the school must:
6. Conduct a FBA, unless the school had already conducted an FBA before the behavior occurred, and implement a behavior intervention plan; or
7. Review the behavior intervention plan, if a behavior intervention plan already has been developed, and modify it as necessary to address the behavior; and
8. Return the student to the placement from which s/he was removed unless the student’s parent and the school agree to a change of placement as part of the modification of the behavior intervention plan, or the student’s misbehavior was related to drugs, weapons or serious bodily injury.

**Drugs, Weapons, and Serious Bodily Injury**

School personnel may remove a student governed by IDEA to an interim alternative educational setting, after holding an expulsion hearing, for not more than 45 school days if:

1. The student carries a weapon to school or to a school function;
2. The student knowingly possesses or uses illegal drugs or sells or solicits the sale of a controlled substance while at school or a school function; or
3. The student has inflicted serious bodily injury upon another person while at school, on school premises, or at a school function.

**Referral to Law Enforcement /Transmission of Records**

A school may report a crime committed by any child with a disability to appropriate authorities. In doing so, the school must ensure that copies of the special education and disciplinary records of the student are transmitted for consideration by appropriate authorities to whom the crime is reported, but must also obtain parental consent to send those records, consistent with the requirements of the Family Educational Rights and Privacy Act (FERPA).

**Notice for Change of Placements**

Parents must be provided prior written notice before an enacting a change of placement decision. This notice must include:

1. A description of the action proposed or refused by the school district;
2. An explanation of why the action is proposed or refused;
3. A description of any other options considered and the reasons why those options were rejected;
4. A description of each assessment procedure, test, record or report used as a basis for the action proposed or refused;
5. A description of any other factors relevant to the action proposed or refused;
6. A notice that parents can invite individuals with knowledge or special expertise about their child to an IEP meeting;
7. A statement that parents of a child with a disability are protected by the procedural safeguards and a copy of these safeguards
8. A list of resources parents can use to contact help in understanding these procedural safeguards, and a description of how parents can file a complaint.

Prior written notice must be provided in parents’ native language unless doing so is clearly not feasible. Your district’s special education unit should have a sample notice and sample procedural safeguards to assist your district with notification requirements.

**Protections for Children Not Yet Eligible for Special Education and Related Services**

A student is entitled to the procedural safeguards under IDEA if the school had knowledge that the student had a disability before the behavior that precipitated the disciplinary action occurred. A school is considered to have knowledge that a child is a child with a disability if:

1. The student’s parent expressed concern in writing to supervisory or administrative personnel of the school, or a teacher, that the student is in need of special education and related services;
2. The student’s parent requested an evaluation of his/her child; or
3. The teacher of the student or other school personnel expressed specific concerns directly to the director of special education of the agency or to other supervisory personnel of the school about a pattern of behavior demonstrated by the student.

**Appeals**

If a parent disagrees with any decision regarding the placement of his/her child as a result of a disciplinary action, the manifestation determination, or if the school believes that maintaining the current placement of the student is substantially likely to result in injury to the student or others, then the parent or the School District may appeal the decision by requesting a due process hearing.

The hearing officer may:

1. Return the student to the placement from which s/he was removed; or
2. Order a change in placement of the student to an appropriate interim alternative educational setting for not more than 45 school days, if the hearing officer believes that maintaining the current placement of the student is substantially likely to result in injury to him/her or others.

When an appeal has been made, the student must remain in the interim alternative educational setting pending the decision of the hearing officer or until the expiration of the timeline determined by the district’s disciplinary procedures, whichever occurs first, unless the District and parent agree otherwise.

**Expedited Due Process Hearing**

Whenever a due process hearing is requested regarding a dispute over placement, then the parent and the school must have the opportunity to an expedited due process hearing. The expedited due process hearing timelines differ from the standard due process hearing timelines in that:

1. The hearing must occur within 20 school days of the date the due process complaint is received and;
2. The hearing officer must make a determination (final decision) within 10 school days after the conclusion of the hearing.

**Resolution Session and Expedited Due Process Hearings**

Unless parents and the school agree in writing to waive the resolution meeting or agree to use the mediation process to resolve the issues in dispute:

1. The resolution meeting must occur within 7 days of receiving the due process complaint notice; and
2. The due process hearing may proceed unless the matter has been resolved to the satisfaction of both parties within 15 days of the receipt of the due process complaint.

**Placement by a Hearing Officer**

A hearing officer may order a change in placement of a student covered by IDEA to an interim alternative educational setting for not more than 45 school days if the hearing officer determines that maintaining the current placement of the student is substantially likely to result in injury to student child or other students.

Extensions of 45 school day removals by a hearing officer may be repeated, if necessary, when returning the student to the current placement would be substantially likely to result in injury to student or other students.

**Civil Action**

The decisions on expedited due process hearing are appealable through civil action within 90 days from the date of the decision of the hearing officer.

5/14

 (6) Locker Searches

 (a) All lockers are the property of the LaMoure School and are loaned to the students for the school year. Lockers may be searched by school administrators at any time. Lockers will remain the property of the LaMoure School and damage to the locker will be the responsibility of the user.

**Section XXIII. BILINGUAL INSTRUCTION** Descriptor Code: AACD

 FBBE

 GBEDA

 Students whose primary languages are languages other than English will be provided appropriate assistance, in conformity with applicable Federal and State statutes and regulations, until they are able to use English in a manner that allows effective, relevant participation in regular classroom instruction.

 Parents of students who are placed in a program for limited-English proficiency will be notified as soon as placement is made. Notification will include an explanation of why their child has been placed in the program, a description of the program their child is in, as well as a description of all other types of available language programs, available, an explanation of how the current program will help their child to develop academically, learn English, and achieve the standards necessary for grade promotion and graduation, and notice of a parent’s right to have the child moved from a LEP program to regular program if they so desire. In addition, parents will be informed if their child does not make progress on the state English proficiency objectives and accountability provisions.

 Parents who are not able to use English in a manner that allows effective, relevant participation in educational planning for their student will be provided with relevant written, verbal, or signed communication in a language they can understand.

Cross Ref: Policy FDCAB/GAD/KBB Parental Involvement

Legal Ref: 1964 Civil Rights Act, Title VI

 Equal Education Opportunities Act as amended, 1974

20 U.S.C. 7401 et seq. Bilingual Education Act

PL 107-110 Title III No Child Left Behind Act of 2001

NDCC 15.1-27-12 Per student payments – Limited English

 Proficient student

REFERENCE POLICY ADOPTED: 11/03

03/03 POLICY AMENDED:

# Section XXIV. WEAPONS

Descriptor Code: KADA

## WEAPONS PROHIBITION ON SCHOOL PROPERTY—PUBLIC

**Definitions**

For purposes of this policy, the following definitions apply:

* *Weapon* includes, but is not limited to:
	1. Dangerous weapon as defined by NDCC 62.1-01-01
	2. Any device designed to stun through use of voltage whether through direct contact or through a projectile
	3. Any firearm look alike or dangerous weapon look alike brought on school property with the intent to threaten or intimidate
	4. Any other object that is used, attempted to be uses, or intended to be used to threaten or intimidate, cause destruction to property, or to cause injury to self or others
	5. Spray or aerosol containing ortho-chlorobenzamalonitrile or other irritating agent intended for use in the defense of an individual
* *Firearm* as defined by 18 U.S.C. 921 and NDCC 62.1-01-01
* *School property is defined in NDCC 15.1-19-10 (6)(b)* as all land within the perimeter of the school site and all school buildings, structures, facilities, and school vehicles, whether owned or leased by a school district, and the site of any school-sponsored event or activity.

**Prohibitions**

Parents and members of the public are prohibited from knowingly possessing weapons and firearms on school property including those individuals who may otherwise be permitted by law to carry such weapons. This prohibition does not apply to law enforcement personnel. Weapons and firearms under the control of law enforcement personnelare permitted on school property.

**Exceptions**

The prohibitions in this policy do not apply when the school administration has authorized the following:

1. Use of a blank firearm cartridge or look alike weapon in a sporting, memorial, or theatrical event
2. Participation in educational, training, cultural, or competitive events that require use of a firearm or dangerous weapon
3. For purposes of a hunter’s safety course
4. Firearms or dangerous weapons stored in residences of individuals living in district-owned housing

The public is not in violation of this policy if using an item prohibited by this policy to defend oneself or others in an emergency situation that warrants self-defense.

**Notification**

The Superintendent will ensure parents and members of the public are notified of this policy using methods deemed most efficient.

**Firearms Stored in Vehicles**

Members of the public who have firearms and/or weapons stored in their vehicles shall park their vehicles off school property when visiting the school or attending a school-sponsored event.

**Enforcement**

When a school employee observes a violation of this policy, s/he shall inform the violator and ask him/her to remove the weapon or firearm from school property. When the violator refuses or in emergency situations, the school employee shall follow applicable emergency response protocols.

End of LaMoure Public School Policy KADA Adopted: [07/16]

 Descriptor Code: FFD

## CARRYING WEAPONS

**Definitions**

* *Firearm* is defined in accordance with 18 U.S.C. 921.
* *School property is defined in NDCC 15.1-19-10 (6)(b)* as all land within the perimeter of the school site and all school buildings, structures, facilities, and school vehicles, whether owned or leased by the District, and the site of any school-sponsored event or activity.
* *Weapon* includes, but is not limited to:
	1. Any dangerous weapon as defined by NDCC 62.1-01-01
	2. Any device designed to stun through use of voltage whether through direct contact or through a projectile
	3. Any firearm look alike or dangerous weapon look alike brought on school property with the intent to threaten or intimidate
	4. Any other object that a student used, attempted to use, or intended to use to threaten or intimidate, cause destruction to property, or to cause injury to self or others
	5. Spray or aerosol containing ortho-chlorobenzamalonitrile or other irritating agent intended for use in the defense of an individual

**Prohibitions**

No student will *knowingly* possess, handle, carry, or transmit any firearm or weapon on school property.

**Disciplinary Consequences**

Violation of this policy may result in disciplinary action up to and including suspension or expulsion. Bringing a weapon other than a firearm to school may lead to proceedings that lead to the suspension for up to 10 days and/or expulsion for up to 12 month in accordance with the district’s suspension and expulsion policy.

Bringing a firearm to school may result in that the School District initiate proceedings for the expulsion or suspension of the student involved in accordance with the district’s suspension and expulsion policy. The Administration may modify the length of a firearms-related expulsion / suspension on a case-by-case basis based on the following criteria:

1. The totality of the circumstances, including the severity of the incident and the degree of endangerment of other students and staff.
2. The age and grade level of the student.
3. The prior disciplinary history of the student being expelled.
4. Relevant factors that contributed to the student’s decision to possess a firearm in violation of this policy.
5. The recency and severity of prior acts resulting in suspension or expulsion.
6. Whether or not the optional provision of educational services in an alternative setting is a viable alternative to modifying the duration of the expulsion.
7. Input, if any, provided by licensed professionals (psychologists, psychiatrists, counselors) as to whether or not the expelled student would place himself/herself or others at risk by returning to the school prior to the expiration of the expulsion period.

Parents will be notified and all weapons will be confiscated and may be turned over to the student's parents or to law enforcement officials at the discretion of the administration. Firearms will be confiscated and turned over to law enforcement.

**Special Education Students**

A student who is defined as having a disability under the Individuals with Disabilities Education Act (IDEA) who has brought a weapon to school shall be handled in accordance with IDEA regulations. The District shall make manifestation determinations, disciplinary decisions, and placement decisions of such students in accordance with IDEA regulations.

**Nonapplicable Provisions**

This policy does not apply to students enrolled and participating in a school-sponsored shooting sport, provided that the student informs the school principal of the student’s participation and the student complies with all requirements set by the principal regarding the safe handling and storage of the firearm. The principal may allow authorized persons to display weapons, other dangerous objects or look-a-likes for educational purposes. Such a display will be exempt from this policy.

Complementing NDSBA Templates (may contain items not adopted by the Board)

* FFK, Suspension & Expulsion
* FFK-BR, Suspension & Expulsion Regulations
* FFK-E1, Suggested Procedure for Conducting an Expulsion Hearing
* FFK-E2, Suspension & Expulsion for Special Education Students

End of LaMoure Public School Policy FFD Adopted: [07/16]

# Section XXV. TRANSFER OF RIGHTS

 (1) Federal Regulations

 (a) Under Family Education Rights and Privacy Act (FERPA) regulations (99.5) and PL 101-476, educational rights transfer to eligible students who are 18 years of age or are attending a post-secondary educational institution. This means that all procedural safeguards and rights held by the parents, including right to consent or withhold consent for evaluation and placement are guaranteed to the student. Unless parents obtain legal guardianship for their child who is 18 years of age, the student is the person whom all prior notices/listing of rights are sent and who will be asked for consent for those situations requiring consent.

# Section XXVI. HOME SCHOOL

 (1) Right to Home School

 The LaMoure Public School acknowledges the right of a parent to provide their own child’s education in a home based setting. The superintendent will accept as correct the

information on the statement of intent filed with the district in accordance with the North Dakota Century Code. The parent must file an Intent to Home School form with the superintendent at least 14 days prior to starting the home school program along with proper immunization forms and a copy of the birth certificate as identification.

 (2) Individual Classes and Extra-curricular Activities

 Students who are being home educated are eligible to participate in individual classes within the LaMoure Public School curriculum and in any extra-curricular activities on the same basis as any other student who is enrolled in the LaMoure Public School.

 (3) Transfers

 The parent of any student seeking to transfer from home based instruction to the LaMoure Public School will provide the district with all records concerning the courses taken by the child and the child’s academic progress assessments that the parent has maintained according to law. These records, along with those of the standardized achievement tests that have been filed with the district, will be considered in placing the child in appropriate classes. Students who arrive without transcripts or other educational records which would indicate proper placement will be given standardized tests in the basic skills areas within 3 weeks of enrollment to facilitate proper placement which will be determined by the superintendent.

 (4) Testing

 Students thought to be individuals with disabilities as defined by PL 94-142, Section 504, and/or North Dakota law will be referred for testing and will receive an assessment within 30 days of the time that the child was referred. Evaluation resources used to determine placement will be the current achievement test and competency test for each required subject for the particular grade being transferred into. A student transferring to LaMoure Public School from a home based school will be placed according to the principals’ recommendation, after the student has taken the competency and achievement tests. Results of the competency tests will be weighed against the results of the achievement tests and class averages for both. The principal in consultation with the superintendent will then place the student. A minimum course selection will be language arts, math, social science and science, for the appropriate grade. The same resources will be used to determine eligibility for any credits that the student may be awarded toward high school graduation. Students who fall below the 30th percentile on their standardized tests may be removed from home based instruction and placed in the LaMoure Public School by state law.

 (5) Diplomas

 The LaMoure Public School will not award any certificates or diplomas to home based instructed students. Students must enter the regular LaMoure Public School program full time for the last full year of attendance and complete all the necessary requirements to be eligible for a diploma or a certificate from the LaMoure Public School. 6/03

**Section XXVII. EDUCATION OF THE HOMELESS** Descriptor Code: AACE

 FBBD

 No child or youth shall be discriminated against or stigmatized in the LaMoure Public School District in the provision of educational services because of homelessness. Students who become homeless have a right to continued enrollment in their school of origin while they are homeless. It is the responsibility of this District to seek to eliminate barriers to school attendance. This includes facilitating enrollment and providing equal access to all educational programs and services for which they are eligible.

 A homeless student is defined as one who is:

* Sharing the housing of other persons due to loss of housing or economic hardship.
* Living in motels, hotels, trailer parks or camping grounds due to lack of alternative adequate accommodations.
* Living in emergency or transitional shelters
* Abandoned in hospitals.
* Awaiting foster care placement.
* Living in public or private places not designed for or ordinarily used as regular sleeping accommodations for human beings.
* Living in cars, parks, public spaces, abandoned buildings, substandard housing, transportation stations, or similar settings.
* A migratory child living in conditions described in the previous examples.

It shall be the responsibility of the Superintendent in consultation with the parents to decide whether to continue the enrollment of a child of homeless parents or a homeless youth or to enroll the child or youth in the school or district where the child or youth is actually living , including any transportation arrangements necessary. The decision shall be made based on the best interest of the child or youth. If the District and the parents cannot agree on placement, the student shall be enrolled in the school or district of the parents’ choosing while the dispute is resolved using the process developed by the North Dakota Department of Public Instruction.

 The Superintendent shall designate an appropriate staff member to be the District’s liaison for homeless students and their families. The duties of the liaison shall include but not be limited to:

* assisting parents and students in enrolling in and attending school.
* Helping unaccompanied youth enroll in and attend school.
* Administering the enrollment appeal process when families don’t agree with their student’s assignment to a school.
* Coordinating with local social service agencies that provide services to homeless families.
* Collaborating with state and local housing agencies.
* Providing notice of the rights of homeless students to attend school and access services in schools, family shelters and soup kitchens.
* Evaluating district policies and recommending changes to reduce barriers for homeless children enrolling in and attending school.

Cross Ref: Policy FBEB/GCAE Placement Adjustment of Transfer

 Students

 Policy FDCAB/GAD/KBB Parental Involvement

 PL 107-110 Title III No Child Left Behind Act of 2001

 NDCC 15.1-19-08 Homeless child – Education

 NDCC Ch. 15.1-29 Transfer of Students and Nonresident

 Tuition

 NDCC Ch. 15.1-31 Open Enrollment

REFERENCE POLICY ADOPTED: 11/03

04/03 POLICY AMENDED:

**ARTICLE VII**

**ACTIVITIES**

**Section 1. EXTRA-CURRICULAR ACTIVITIES**

 (1) Advisors

 (a) Each teacher is encouraged to participate in some phase of extra-curricular activity of the school. An attempt will be made to balance the work among members of the staff. 6/10

 (b) It shall be the duty of each coach and/or advisor to supervise all aspects of the sport or activities program. At no time should students be in an activity without direct supervision by the advisor or coach or by a faculty designate as approved by the principal.

 (c) No Wednesday night practices after 6:30 p.m. will be allowed.

 (d) No activities will be scheduled or sponsored by the school on Sunday with the exception of graduation and other special events which have prior approval by the school administration. POLICY AMENDED 3/08

 (e) Coaches and Advisors not on staff shall return keys following the conclusion of the season/activity. Head coaches for a sport/activity will be reissued keys with the permission of the school administration. Keys will only be issued to the areas of the school deemed necessary by the administration. All staff members are responsible for their keys and will be held accountable for any misuse of them. \* \*POLICY AMENDED: 07/05

 (2) Substance Abuse Policy

 The LaMoure Public School believes in truth and honesty and the school believes that the use or possession of alcohol, tobacco and illegal drugs are not in the best interest of the student body; therefore the board has adopted the following policy on extra-curricular eligibility which will be administered by the principal with an appeal available from the superintendent. This is a full year policy.

 (a) The use or possession by a student of tobacco, alcohol or any controlled substance as defined by North Dakota Law is prohibited by the LaMoure School.

 (b) A student found in violation of any drug, alcohol or tobacco related policy will be suspended from all school sponsored extra-curricular activity six (6) weeks for the first offense, and eighteen (18) weeks for the second offense. The suspension will start from the date of notification by the administration. School sponsored activities include but are not limited to are, all athletic teams, drill team, cheerleaders, music contests, speech, one act and three act plays, FCCLA, FFA, homecoming activities, acolympics, intramurals, Grand March of Prom, competitive activities, and activities that are performance based, and all award ceremonies except graduation. This policy will exclude graded classroom activities. Students may still be allowed to practice with the team if approved by the advisor. 10/03

 (c) The substance abuse policy suspension will reset or end when the last day of school ends for students not involved in NDHSAA events. If a student is involved in NDHSAA spring events, that suspension will continue till the end of season for determining eligibility. Any violation that occurs after that date of eligibility, will be considered a violation on the next academic school year for the student.

 (d) If a student knowingly is in the mere presence of the use of illegal alcohol or illegal drugs being used and the student does not leave or attempt to leave as soon as possible, the student will be suspended from all school-sponsored activities for a minimum of two weeks. Any subsequent violation of the section will be doubled each time.

 (e) If a student is convicted in juvenile or adult court of a felony under the laws of North Dakota or federal law he/she will be subjected to a suspension for a period of thirty-six (36) consecutive school weeks from all school sponsored activities.

 (f) The school will work with the parents to seek drug abuse counseling for any student who violates this policy two (2) or more times.

 (g) Law enforcement officials must notify schools (by state law) when they have reason to suspect a violation of law by a juvenile, however even if no charges are made by law enforcement officials the school can enforce the above policy on those students that they have sufficient evidence to believe that they have violated this policy.

# Section II. ADVISOR POLICIES

 (1) Final Reports

 (a) Two (2) copies of the final report, including an inventory, shall be turned in, one (1) each to the superintendent and principal, at the end of each activity on the form provided. Salary payments will not be made until this is done.

 (b) Information requested on the report will consist of such things as: number of practices, number of performances, goals, achievements, awards and suggestions, names, inventory and equipment.

 (2) Guidelines

 (a) All activities should have some general guidelines governing your students.

(b) When holding practice on non-school days or evenings, please don’t let in

extra students that you don’t want to supervise. POLICY AMENDED 3/08

(c) Before leaving the building after practice, make sure that all

students have left, the lights are turned off and all doors are locked.

 (3) Fair Treatment

 (a) All students are to be treated in a fair and impartial manner with emphasis placed on fun, learning, participation and good sportsmanship.

 (4) Schedules

 (a) Schedules are arranged by the athletic director and principal and all scheduling must be approved by the principal including any changes that need to be made.

 (5) Transportation

 (a) Bus transportation is arranged by the superintendent and a schedule provided for each coach. The Superintendent and the bus driver assigned must be notified by the coach any time a change of schedule or time is necessary.

# Section III. FINANCIAL RESPONSIBILITIES

 (1) Fund Accountability

 (a) All monies collected by the secretary/treasurer or advisor of an organization must be turned in to the office and a receipt received.

 (b) All group funds shall be checked through the Activities Director’s Office for deposit in the School Activity Fund. The Activity Director shall be responsible for the Activity Fund and all purchases must be accompanied by a school purchase order and signed by the advisor and/or coach and by the school principal. Non-fund raising items which are sold must be paid in advance through the office.

 (2) Fund Raising

 (a) All fund raising items and non-fund raising items for sale must be approved by the principal before activities are planned or an order placed. Students purchasing items through the school are not to be given the item until they have paid for it.

 (b) All items purchased by a school organization remain the property of the school and may not be resold without the permission of the advisor and the principal.

# Section IV. RULES

 (1) Dress Code for Games and Activity

 (a) Students who dress in dirty clothes, clothes which disrupt class, and clothes having imprinted sayings on them which do not show good moral character, will not be permitted to participate. They will be requested to change their attire. Always remember you are

representing your community, your school, your teachers and coaches, and most of all you are representing yourself. Coaches and advisors will be expected to set standards for their activity.

 (2) Eligibility

 (a) A student in grades 7-12 shall be ineligible if he fails two subjects. His class load must include 5 solids. The courses that are not considered solids are those that do not count toward a student’s GPA. A 7-8 grade student shall be ineligible for high school competition if he fails one subject. 6/10

 (b) Grades will be checked every Friday, starting on the third Friday of each new nine-weeks grading period to determine eligibility.

 (c) Ineligibility will run from Sunday through Saturday of the next week.

 (d) Students will not be able to compete against other schools during the week(s) they are ineligible and will not be able to travel with the team or represent the team or school in any way.

 (e) Extracurricular activities will include all activities that deal with competing against other schools such as all athletics, speech, FCCLA, and music.

 (f) Students will be allowed to practice while ineligible.

 (g) If a student is declared ineligible at the end of the nine week marking period, they shall remain ineligible until the third week of the next marking period.

 (h) A student in grades 1-6 must be passing in all his subjects in order to be eligible to play on an elementary school team.

 (i) We will follow NDHSAA rules or beyond. 6/12

 (3) Attendance

 (a) All participants in extra-curricular school activities must be in attendance the immediate half day before to be eligible for participation in the activity either in the afternoon or evening. Emergencies will be judged on the basis of merit by the principal.

 (4) Conduct

 (a) Students who represent LaMoure High School on any team or activity will be expected to conduct themselves in a proper manner both in and out of school or be subject to disciplinary action. Those involved in displays of poor sportsmanship may be removed for an appropriate time by the coach or the principal.

 (5) Cheerleaders

 (a) Cheerleaders must travel to and from all out of town games on the players bus or spectators bus. All exceptions must be cleared through the superintendent or principal at least one (1) day prior to the game.

 (b) All problems concerning cheerleaders should be brought to the attention of the cheerleading advisor.

 (6) Participation

 (a) Coaches must have approval of the Activity Director before eliminating students from participation on an athletic team.

 (b) In the interest of the health and safety of all athletes in LaMoure High School, the following policy is adopted with reference to all high school athletics in the LaMoure Public School District: LaMoure High School athletes in grades 9-12 will not be permitted to participate simultaneously in more than one sport unless approved by the coach(s) and the administration.

 (c) For purpose of clarification the following are the sports sponsored by this school that are so affected. These sports are seasonal, require physical exertion and are competitive.

 GIRLS BOYS

 cross country cross country

 basketball football

 volleyball basketball

 dance & drill wrestling

 golf golf

 track track

 baseball

Other endeavors of our students are classified as academics or activities. Examples of academics would be math, science, social studies etc. Examples of activities would be drama, speech, statistician, cheerleading etc.

 (d) It will also be the administrative practice of this school to:

 1. Provide two (2) hours recovery time between practice sessions when two (2) such practices are scheduled for the same day.

 2. Schedule practice times through the athletic director. No change in approved practice times shall be made without the prior consent of the athletic director.

 (7) Church Night

 (a) The LaMoure School will do all that they can to cooperate with the local churches. School activities for students will not be scheduled to extend beyond 6:30 p.m. on Wednesday evenings. When the school facilities are used by an adult group on Wednesday evenings, those adults may bring their family to the event. Other students will not be included.

 (8) Elementary

 (a) The school sponsors interscholastic athletics for students in grades 5-12. Participation below grade 5 is at parent discretion. 6/03

# Section V. SCHOOL PARTIES/DANCES

 (1) School parties shall be the responsibility of the faculty members. Party regulations shall be as follows:

 (a) Party hours shall end no later than midnight for all activities.

 (b) Application for a party must be made at least one (1) week in advance with the principal.

 (c) No one may leave the building and return to the party.

 (d) Parties shall be for students in grades 7 through 12 unless otherwise provided.

 (e) Advisors/chaperones shall be responsible for supervising the parties.

 (f) Doors will be locked one (1) hour after the dance begins.

 (g) Students entering will not be allowed to bring pop cans, bottles or any other containers into the building.

ARTICLE VIII

**DRUG ABUSE POLICY**

**LaMoure Public School**

**Tobacco-Free School Policy**

**Definitions**

“District” means the LaMoure Public School District.

“District property” includes all property, both indoor and outdoor, that is owned or leased by the district including, but not limited to, all buildings, playgrounds, athletic fields, parking lots and vehicles.

“Tobacco products” includes any product that contains tobacco, is derived from tobacco or contains nicotine or lobelia that is intended for human consumption, or is likely to be consumed, whether smoked, heated, chewed, absorbed, dissolved, or ingested by any other means. The term “tobacco products” includes e-cigarettes and other electronic smoking devices, but does not include any cessation product approved by the United Stated Food and Drug Administration for use as a medical treatment to reduce and eliminate nicotine or tobacco dependence.

**Rationale for Regulating Possession & Use**

The health hazards of tobacco use have been well established and studies have shown that nearly 90% of current smokers began smoking as teenagers. This tobacco free policy is established to:

1. Reduce the high incidence of tobacco use in North Dakota
2. Protect the health and safety of all students, employees, and the general public.
3. Establish a standard of healthy, tobacco free behavior by adults and students.

Use of tobacco products is the leading cause of preventable death and disability in North Dakota. To support and model a healthy lifestyle for our students, staff and community, the LaMoure School Board establishes the following tobacco-free policy.

**Use & Possession Prohibitions**

1. Students: Possession and/or use of tobacco products by students on district property and at school-sponsored events (whether on or off district property) is prohibited at all times.
2. Employees and Visitors: The use of tobacco projects by school employees and visitors on district property and at school-sponsored events (whether on or off district property) is prohibited at all times.

This tobacco-free policy includes all events held on district property whether or not such events are sponsored by, or associated with, the District, and all events sponsored by the District or an school within the District regardless of where such events are held.

1. Advertising and Sponsorship: The District prohibits all advertising of tobacco products, whether formal or informal, on district property, at school functions, and in all school publications. This includes all signs, clothing or other gear that contains a logo of, advertisement for, or reference to, any tobacco product.

The District will not accept any form of contribution including, but not limited to, financial support, gifts (such as curriculum, book covers, speakers, etc.) or in-kind support from the tobacco industry for the sponsorship or promotion of any event or activity affiliated in any manner with the District or located on district property.

**Communicating the Policy to Students, Staff, & Public**

This policy will be printed in the employee and the student handbooks. The district shall poste signs indicating that the property is tobacco-free in all locations and in the manner identified in NDCC 23-12-10.4 1(a) and (b). In addition, notices should be posted in other highly visible places on district property including, but not limited to, school playgrounds, athletic fields, parking lots and at all school-sponsored events (whether or not such events occur on district property). Parents will be sent notification of this policy in writing, and the local media will be asked to communicate this tobacco-free policy communitywide.

**Enforcement**

All individuals on the district’s premises share in the responsibility for adhering to and enforcing this policy. The District superintendent shall develop regulations for the enforcement and implementation of this policy. Violations should be reported to the LaMoure Public School staff.

**Tobacco Cessation Services**

Individuals requesting assistance with tobacco cessation services will be referred to NDQuits, the North Dakota Department of Health multi-media tobacco cessation program. This is a free cessation service provided to citizens of North Dakota.

REFERENCE: POLICY ADOPTED:10/15

**Section II. STUDENTS**

 The school has a clear responsibility to maintain an atmosphere which will promote a quality learning environment.

 This district will conduct a comprehensive education program, which will include the teaching about drugs and alcohol in the curriculum.

 (1) Prohibited Activities:

 (a) It shall be against school policy for any student:

 (1) To sell, deliver, or give, or attempt to sell, deliver or give to any person any of the substances listed in this policy or what the student represents or believes to be any of the substances listed in this policy.

 (2) To possess, procure, purchase, or receive, or attempt to possess, procure, purchase or receive, the substances listed in this policy or what is presented by or to the student to be any of the substances in this policy.

 (3) To be under the influence of (legal intoxication not required), or to use or consume or attempt to use or consume the substances listed in this policy or what is represented by or to the students to be any of the substances listed in this policy or what the student believes is any of the substances in this policy.

 (b) Students should be aware that if they are in a place where alcohol or drugs are being consumed, they may be considered in possession of the alcohol or drugs.

 This policy applies to any student who is on school property, who is in attendance at school or at a school sponsored activity or whose conduct at any time or in any place interferes with or obstructs the missions or operations of the school district or the safety or welfare of students or employees.

 (2) Prohibited Substances:

 (a) Alcohol or any alcoholic beverage

 (b) Any controlled substance or dangerous drug as defined by NDCC Sections

19-03.1-05 through 19-03.1-13 and 19-03.1-26 (paraphernalia) or as defined by Section 812, Schedules I-V, of Title 21, United States Code, Section 801, et. seq., including but not limited to marijuana, any narcotic drug, any hallucinogen, any stimulant or any depressant;

 (c) Any abusable glue or aerosol paint or any other chemical substance, for inhalation, including but not limited to, lighter fluid, white out and reproduction fluid;

 (d) Any prescription or non-prescription drug, medicine, vitamin or other chemical including, but not limited to aspirin, other pain relievers, stimulants, diet pills, multiple or other type vitamins, pep pills, “no-doze” pills, cough medicines and syrups, cold medicines, laxatives, stomach or digestive remedies, depressants and sleeping pills not taken in accordance with the authorized use policy.

 (e) Any tobacco product, either cigarettes, e-cigarettes, cigars, pipes or chewing tobacco. 5/18

(3) Violation

 (a) Violation of this policy will result in suspension. Repeated violations may result in expulsion. Prohibited substances will be confiscated and may be turned over to law enforcement authorities. The student may be referred to the school

 (b) Any student who is observed to be under the influence of a prohibited substance will be taken immediately to the Principal’s Office. The student’s parents will be notified and asked to pick up the student. If there appears to be imminent danger to other students, school

personnel, and/or the student involved, the student may be removed from the school by school, medical or law enforcement personnel.

 (4) Intervention

 (a) We also recognize the responsibility to assist students in recognizing their own addiction. It is realized that the public school has neither the authority nor the responsibility to make medical or health determinations regarding chemical dependency. However, when observed behavior indicates that a problem exists which may affect the student’s ability to learn or the educational climate of the school. the school has a right and a responsibility to refer the student for a formal chemical dependency diagnosis. To this end the LaMoure School encourages faculty members to be observant of student behavior and to participate in the program of intervention. If the family member decides that the behavior indicates a possible prohibited activity, the student should be (1) referred to the school counselor or (2) reported to the principal.

 (5) Disciplinary Actions

 (a) Situational Category - Student suspected of possible alcohol or other drug use. No violation or physical evidence. Immediate Action - Student informed of available help and encouraged to seek assistance. Investigation - Limited to staff member contacting counselor or principal for assistance. Notification of Parents - Limited to behavior problems. Discipline Rehabilitation - None. Encouraged to contact Crisis Intervention Counselor.

 (b) Situational Category - Student contacts staff member in regard to alcohol or other drug use of another student. Immediate Action - Student who contacts staff member encouraged to get student with problem to personally seek assistance. Investigation - Limited to staff member; although counselor or principal may be contacted for assistance. Discipline Rehabilitation - None. Encouraged to contact Crisis Intervention Counselor.

 (c) Situational Category - Student voluntarily informs about personal alcohol or other drug use; asks for help. Immediate Action - Student informed of services available and encouraged to seek assistance. Investigation - Staff member may request advice from Crisis Intervention Counselor, counselor or principal. Notification of Parents - Only with consent of student, unless there is clear and imminent danger. Discipline Rehabilitation - None. Referral to Crisis Intervention Counselor.

 (d) Situational Category - Student has alcohol or other drug related medical emergency. Immediate Action - Principal summoned immediately. Student transported to medical facility. Investigation - Principal will investigate incident. May include search of student, locker and other possessions. Notification of Parents - yes. Notification of Police - Only where safety of emergency victim or school population is at risk. Discipline Rehabilitation - Referral to Crisis Intervention Counselor.

 (e) Situational Category - Student possesses drug related paraphernalia. No evidence of use. Immediate Action - Principal summoned. Paraphernalia confiscated. Staff member writes anecdotal report of incident. Investigation - Student, his/her locker, and other possession will be searched. Confiscation of substance. Notification of Parents - yes. Notification of Police - At discretion of principal. Disposition of Substance - Substance turned over to appropriate authorities. Discipline Rehabilitation - Referral to Crisis Intervention Counselor or principal.

 (f) Situational Category - Student (in school) possesses, uses, or is under the influence of alcohol or other drugs, lst offense. Cooperative behavior. Immediate Action - Principal summoned. Staff member writes anecdotal report of incident. Parents are summoned to remove student from school. Investigation - Student, his/her locker, and other possessions will be searched. Confiscation of substance. Notification of Parents - yes, conference arranged as soon as possible. Notification of Police - At discretion of the principal. Disposition of Substance - Turned over to appropriate authorities. Discipline Rehabilitation - Discipline at discretion of principal (with probable suspension. Required to meet with Crisis Intervention Counselor for time Counselor specified.

 (g) Situational Category - Student possesses, uses or is under influence of alcohol or other drugs. lst offense. Uncooperative behavior. Immediate Action - Principal summoned. Staff member writes anecdotal report of incident. Parents are summoned to remove student from school. Investigation - Student, his/her locker, and other possessions will be searched. Confiscation of substance. Notification of Parents - Yes, requested to come to school as soon as possible. Notification of Police - Yes. Disposition of Substance - Turned over to appropriate authorities. Discipline Rehabilitation - Discipline at discretion of principal (with probable suspension). Required to meet with Crisis Intervention Counselor for time Counselor specifies.

 (h) Situational Category - Student possesses, uses, or is under influence of alcohol or other drugs at school related activity on or off school property. Immediate Action - Chaperone will contact group advisor or principal. Student is sent home. Arrangements made for student to get home safely. Investigation - Student and his/her possessions will be searched. Confiscation of substance. Notification of Parents - Yes. Notification of Police - At discretion of principal or advisor. Disposition of Substance - Turned over to appropriate authorities. Encouraged Crisis Intervention counseling. Discipline Rehabilitation - Student may be sent home immediately at parental expense or detained until parent can accompany student. Further discipline may be appropriate following investigation.

 (i) Situational Category - Student distributing alcohol, drugs, or controlled substance. Immediate Action - Principal summoned. Staff member writes anecdotal report or incident. Investigation - Student, his/her locker, and possessions will be searched. Confiscation of substance. Notification of Parents - Yes. Notification of Police - Yes. Disposition of Substance - Turned over to proper authorities. Discipline Rehabilitation - Suspension or expulsion from school.

 (j) Other violations not specifically identified will be handled on an individual basis as they occur.

# Section llI. DRUG ABUSE FOR EMPLOYEES

 The school has a clear responsibility to maintain an atmosphere which will promote a quality learning environment. The misuse of alcohol and other drugs by one employee may endanger the safety and well being of all other employees and all students. It is necessary that our employees be made aware of the danger inherent in making unwise choices about chemical use. Further it is the responsibility of the school to intervene when the school’s learning environment or the employee’s ability to perform assigned duties is threatened.

 Therefore, the School Board of the LaMoure School District support the strict enforcement of the following alcohol and drug policy:

 (1) Provide employee assistance as a service to employees of the school in overcoming problems that may jeopardize continued employment and health. The school assures employees that if such personal problems are the cause of unsatisfactory job performance they will receive careful consideration and an offer of assistance in an effective and confidential manner. Problems may include physical or emotional illness, financial, marital or family distress, alcoholism, drug abuse, etc. This service will provide information for counseling and treatment referral so that employees may seek and get counseling on alcohol and drug matters at any time without fear or reprisal and with assurance of the confidentiality of the counseling. Providing information for referral or treatment when needed should be constructive and not a punitive action. We recognize that chemical addiction is a treatable disease. Employees shall be allowed to use sick leave, to the extent accumulated, for chemical addiction treatment if undertaken at a facility approved by the Division of Alcohol and Drug Abuse of the North Dakota Department of Health. However, no employee shall be granted sick leave for inpatient treatment of alcoholism/chemical dependency more than once.

 We will provide a supportive school environment for students and staff who have been harmfully involved with drugs and alcohol, including those whose families are disrupted by chemical abuse.

 If accumulated information appears to indicate a high probability that the employee’s job performance is endangered, the supervisor will conduct the interview. At the interview the employee will be asked to comment on their use of alcohol or drugs.

 A formal chemical dependency diagnostics interview (and treatment, if the report of the diagnostician indicates a need for treatment) may be made a condition of continued employment if the employee’s job performance is adversely affected.

 The school will make every effort to provide supportive assistance to those employees who return after completing a therapeutic regimen, realizing that behavior change in an unchanged environment is especially difficult.

 Failure to comply with a counseling and treatment program when an employee is deemed to be dependent will cause termination of employment.

# Section IV. DRUG ABUSE TESTING OF EMPLOYEES

LAMOURE SCHOOL

REQUIRED ALCOHOL AND CONTROLLED-SUBSTANCE TESTING

OF EMPLOYEES IN SAFETY-SENSITIVE POSITIONS (CDL)

 In an effort to prevent injuries and deaths due to drug or alcohol impaired drivers operating

commercial vehicles, the United States Congress enacted the Omnibus Transportation Employee Testing Act of 1991 (the “Act”. This federal law mandates drug and alcohol testing for certain classes of transportation employees.

 All LaMoure School District employees, who, as a requirement of their job, operates vehicles classified as commercial and have a commercial driver’s license, are considered to be in “safety sensitive positions and are subject to the Act. This policy describes school district implementation of the Act.

 This personnel policy concern only employees subject to the Act. For brevity these employees will be called SSP Employees (Safety Sensitive Position Employees).

## Alcohol and Controlled Substance Testing

 The Act requires that SSP Employees be available to be tested for alcohol and controlled substances while on duty and just prior to, just, after, or while performing a safety sensitive function. Employees who refuse to be tested or to cooperate in testing, or who attempt to alter test results, are subject to termination procedures.

## Alcohol Prohibition

 Employees must:

 (a) Test when requested.

 (b) Not work under the influence of alcohol (breath alcohol concentration (BAC) of .02 or greater; not have even one drink fewer than four (4) hours before work duties begin and not use alcohol, in any form, on the job (including mouthwash or cough syrup containing alcohol).

 (c) Not use alcohol within eight (8) hours after an accident or until undergoing a post-accident alcohol test.

## Controlled Substance Prohibition

 Employees must:

 (a) Test when requested.

 (b) Not use illegal controlled substances.

 (c) Not use prescription drugs containing controlled substances contrary to the physician’s instructions.

 (d) Must notify their supervisor if using a prescription containing a controlled substance. The driver must also provide documentation that use of the drug does not adversely affect the driver ability to operate a commercial motor vehicle.

ALCOHOL AND CONTROLLED SUBSTANCE TESTS

 All applicants and employees who undergo school district mandated tests must be notified if the test result is positive.

 The vendor will follow specific procedures if an alcohol test result is positive. The procedures are required by federal guidelines and are intended to make sure that the test result is a true positive.

 Test required by the school district, except for pre-employment tests and return to duty tests, are considered a duty assignment. Time for travel and time spent is providing the specimen at the collection site will be with pay.

## Definition of Positive Alcohol Test

 Alcohol test will be considered positive if the breath test indicates an alcohol presence of .04 or greater. If an alcohol test indicates an alcohol concentration of at least .02, but less than .04, the test is considered negative, but the driver will be taken out of service for twenty-four (24) hours.

 If the test results are positive, the employee and supervisor will be notified before the employee leaves the test site.

## Testing Vendor Responsibilities in Alcohol Tests

 If the initial test results are .02 or greater, the testing vendor will wait fifteen (15) minutes and then issue a retest or confirmation test. During the fifteen (15) minute waiting period before the confirmation test, the employee will be given a set of instruction (for example, no eating or drinking) that must be followed. If the employee does not follow these instructions, it may be considered an attempt to alter the test result. The confirmation test result is used to make decisions about employment and treatment.

## Definition of Positive Controlled Substance Test

 A test will be considered positive if controlled substance for which no legitimate explanation is determined by the medical review officer is found in the urine specimen.

## Testing Vendor Responsibilities in Controlled Substance Tests

 Controlled substance tests must use proper laboratory procedures.

 If a test is positive, it will be reviewed by the physician serving as the testing vendor’s medical review officer (MRO). The MRO will follow specific procedures required by the federal guidelines. These procedures are intended to make sure that the test result is a true positive. The MRO will call the employee who has tested positive, discuss what might have caused the test result to the positive, and make sure of the result before notifying the school district. If the test remains positive, the employee may request, at his or her expense, that second independent analysis be performed on the untested portion of the sample.

## Pre-Employment Tests

 New employees will be hired for safety sensitive positions on the condition of a negative alcohol and drug test (administered after being but before being hired) and a drug testing record from previous employers that shows no drug use for the previous two (2) years of successful treatment followed by a lengthy non use time period.

## Post-Accident Tests

 Drivers are responsible for notifying the school district of any vehicle accident.

 (a) In an accident resulting in death. all school bus drivers working at the scene must undergo post-accident testing.

 (b) In an accident which does not result in death, but in which the school bus driver is cited for a moving traffic violation, the driver must undergo post-accident testing.

 Employees must be tested for alcohol within two (2) hours, the supervisor must file and maintain records stating why. If no alcohol test is administered within eight (8) hours of the accident, no test will be given, and the supervisor must file and maintain records stating the reason for the delay and the lack of testing. Employees must remain at work, but must not perform safety sensitive functions, until the post-accident alcohol test is administered or eight (8) hours after the accident.

 If the controlled substance test is not administered within thirty-two (32) hours, no test will be given, and the supervisor must file and maintain records stating the reason for the delay and the lack of testing.

## Random Tests

 A minimum number of alcohol tests, equal to 25% of the average number of school bus drivers covered under the Act, will be performed each year. The vendor will select drivers using a computerized random selection program. Drivers selected will be tested only while the driver is on duty and just prior to, just after, and while performing safety sensitive function.

 A minimum number of controlled substance tests, equal to 50% of the average number of drivers, will be performed each year. Tests may be performed at any time the driver is on duty, regardless of the duties being performed at the time of testing.

 Drivers may potentially be tested at any time, even if there is a recent previous test.

 Once a driver is notified of the testing, he or she must report immediately to the testing site.

## Reasonable Suspicion Tests

 A driver must undergo alcohol or controlled substance testing when his or her supervisor has a reason to believe that the driver has used alcohol or controlled substances in violation of the Act or this policy. An alcohol test may be administered just prior, just after, or while the employee d is performing a safety sensitive function.

 All supervisors will be given adequate training to make judgments about a reasonable suspicion of drug and alcohol use. The supervisor’s judgment must be based on specific observations relating to appearance, behavior, speech or body odors, including indications of the chronic and withdrawal effects of controlled substances. The supervisor must document the observations fully upon notifying the employee that testing is required. Supervisors will be trained regarding physical, behavioral, speech and performance indicators of probable alcohol misuse and use of controlled substances.

 If the alcohol test is not administered within two (2) hours following the supervisor’s observation, the supervisor must file and maintain records explaining the reason for the delay. If the alcohol test is not administered within eight (8) hours following the supervisor’s observation, no tests will be given, and the supervisor must file and maintain records explaining the reason for the delay and the lack of testing. Employees must remain at work, but must not perform safety sensitive functions, until the reasonable suspicion test is administered or eight (8) hours after the reasonable suspicion was determined.

 If the controlled substance test is not administered within thirty-two (32) hours, no test will be given, and the supervisor must file and maintain records stating the reason for the delay and the lack of testing.

## Return-to-Duty Tests

 If any test result is positive and the course of treatment recommended by the Employee Assistance Program (EAP) has been completed, the driver must submit to return-to-duty alcohol or controlled substance tests prior to resuming duties.

 The return-to-duty alcohol test must indicate a breath alcohol concentration of less than .02.

 Controlled substance test results must be negative.

## Follow-Up Tests

 Unannounced follow-up tests are required for any driver who, after a positive test result, is determined by a substance abuse professional to need help with alcohol or controlled substance abuse.

## Test Results-Required Action

 CONTROLLED SUBSTANCE TEST

 Results - Positive

 Employee Status - Applicant

 Required Action - Not hired

 Results - Positive

 Employee Status - Employee, Probationary employee

 Required Action - Referred to EAP and terminated

ALCOHOL TEST

 Results - .02-.039

 Employee Status - Employee, probationary employee or temporary employee

 Required Action - Taken out of service for twenty-four (24) hours without pay

 (may take annual leave if available)

 Results - .02+

 Employee Status - Applicant

 Required Action - Not hired

 Results - .04+

 Employee Status - Probationary employee, temporary employee (employment conditional

 upon negative test)

 Required Action - Taken off duty, referred to EAP and terminated

 Results - .04+

 Employee Status - Employee

 Required Action - Taken off duty, referred to EAP for evaluation and treatment, subject to

 school district discipline, up to and including termination

 Results - .1+

 Employee Status - Employee

 Required Action - Referred to EAP and terminated

 OTHER PROHIBITED CONDUCT-REQUIRED ACTION

 Prohibited Conduct - Refusing to be tested

 Employee Status - Applicant

 Required Action - Not hired

 Prohibited Conduct - Refusing to be tested

 Employee Status - Employee, probationary employee, temporary employee

 Required Action - Terminated

 Prohibited Conduct - Reporting to duty few than four (4) hours after having a drink

 Employee Status - Employee, probationary employee, temporary employee

 Required Action - Taken off duty, referred to EAP and treatment, subject to school

 district disciplinary action, up to and including termination

 Prohibited Conduct - Unless the test is complete, consuming alcohol within eight (8) hours

 after a reasonable suspicion occurrence or an accident in which

 there was a fatality or a citation for moving violation

 Employee Status- Employee. probationary employee, temporary employee

 Required Action - Taken off duty, referred to EAP for evaluation and treatment, subject to

 district disciplinary action, up to and including termination

 Prohibited Conduct - Possessing or consuming alcohol, i.e. beverage as defined in

 Title V of the NDCC, on the job

 Employee Status - Employee, probationary employee, temporary employee

 Required Action - Taken off duty, referred to EAP and terminated

 Prohibited Conduct - Possessing or consuming cough syrup, mouthwash or any other

 substance containing alcohol while on the job

 Employee Status - Employee, probationary employee, temporary employee

 Required Action - Taken off duty, referred to EAP for evaluation and treatment, subject

 to school district disciplinary action, up to and including termination

 Prohibited Conduct - Possessing or using controlled substance without a doctor’s

 prescription

 Employee Status - Employee, probationary employee, temporary employee

 Required Action - Taken off duty, referred to EAP and terminated

 Prohibited Conduct - Performing a safety sensitive function while using a prescription

 containing a controlled substance when a physician has not

 instructed the driver that the substance does not adversely

affect the drivers ability to safely operate a commercial motor vehicle

 Employee Status - Employee, probationary employee, temporary employee

 Required Action - Taken off duty, referred to EAP for evaluation and treatment, subject to

 to school district disciplinary action, up to and including termination

## Out-of-Service Request

 All drivers are subject to call for emergency duties. However, if the driver has had even one (1) drink in the four (4) hours prior to the call, or suspects that he or she may have a breath-alcohol concentration .02 or above, the driver must take himself or herself out of service. No disciplinary measures will be taken for out-of-service requests.

## Disciplinary Action

 The charts on pages 5 and 6 show the required action for controlled substance tests, alcohol tests, and prohibited conduct. Any employee who commits any of the acts where the required action says “terminated” will automatically lose employment with the school district.

 However, in order to determine the appropriate progressive disciplinary action, all other violations such as situations where the employee will be evaluated and treated under the EAP will be evaluated based on the severity, the degree of danger to other employees and the general public, and the frequency of occurrence.

 All action involving suspension, demotion or termination of classified employees who have completed probation shall be taken only if the employee has had a chance to respond to the charges and shall be subject to appeal.

## Self-Referral to Employee Assistance Program

 All drivers who feel they have a problem with the use of alcohol or controlled substances may refer themselves for evaluation and any needed rehabilitation through the EAP. No employee will be subjected to disciplinary action for self-referral. However, repeated work absences due to repeated self-referral could result in a determination of unsatisfactory attendance and work performance.

## SUPERVISORS’ RESPONSIBILITIES

Supervisors Include:

 No supervisor of employees in safety-sensitive positions will permit any driver to violate this policy. All supervisors must require reasonable suspicion testing of any employee who would appear to be in violation of this policy. Failure to carry out supervisory duties under this policy will result in disciplinary action up to and including dismissal.

 All responsible administrators will receive the training necessary to perform their supervisory duties. The training will cover the physical, behavioral, speech and performance indicators of probable alcohol misuse and use of controlled substances. The vendor or EAP provider will train supervisors.

 All administrators are bound by the rules of confidentiality. No information may be released except as provided in this policy or expressly authorized by 49 CFR 382.405. No administrator responsible for implementing random testing may give any notice or information about upcoming test requirements. Any violation of these confidentiality requirements will result in disciplinary action up to and including termination.

## Program Administration

 The superintendent will be the coordinator for the program, responsible for implementing and overseeing the program. Duties will include managing the vendor contract, responding to inquiries from the U.S. Department of Transportation, and relaying information on positive test results to the (Human Resources Division). In the absence of the superintendent, the high school principal will be responsible for relaying information on positive test results.

 Each affected district will have a designated position and backup position for coordinating testing with the vendor. Coordinators will receive the list of employees to be tested, arrange test dates, times, and places, and notify the employees who will be tested. The coordinator will also make sure that each employee with a breath alcohol test result of .02 or greater has a safe ride home from the work site.

## Required Records

 The Maintenance and Procurement Division, Human Resources Division, and any vendors providing services under this section will maintain necessary records at the primary vendor’s place of business. In all cases, information must be available at the school within twenty-four (24) hours if requested by officials of the U.S. Department of Transportation responsible for the testing program.

 Here is the record retaining schedule that must be used.

 Retain for five (5) years

 (a) Results of driver-alcohol tests indicating an alcohol concentration of .02 or greater

 (b) Result of positive controlled-substance tests

 (c) Documentation of refusals to submit to tests

 (d) Calibration documentation

 (e) Driver evaluation and referrals

 (f) Annual summary

 Retain for two (2) years

 (a) Records related to the alcohol and controlled-substance collection process

 (b) Training

 Retain for one (1) year

 (a) Records of negative and canceled controlled-substance test results and alcohol-test results with a concentration of less than .02.

 By March 15 of each year, the primary vendor will prepare an annual summary, in the format prescribed by US DOT, of the program results for the previous calendar year. The summary will be retained five (5) years.

 All testing information about individual drivers is confidential and is not in the public domain. Such information may not be released except as required by law or expressly authorized by 49 CFR 382.405.

## School District Requirements to Inquire With Previous Employers

 The school district must inquire with previous employers before hiring someone to fill a safety-sensitive position. Prior to being hired by the school district, applicants must sign a release of information allowing school officials to inquire with previous employers about the applicant’s drug and alcohol testing history during the previous two (2) years.

 (a) Previous test dates

 (b) Positive test result

 (c) Refusals to test

 (d) Evaluation and rehabilitation results

## School Requirements to Inform Prospective Employers

 If asked, and the proper release of information is provided, the Human Resources Division will disclose the following information to any potential future employers of drivers covered under the school’s alcohol and drug testing programs.

 (a) Results of any tests which a driver took

 (b) Any referral for evaluation and rehabilitation

 (c) The results of any such referral

## School Requirements to Notify Employees About This Policy

 All current school employees will be notified about this policy by January 1, 1996. By January 1, 1996 all current employees must sign off, indicating they they have read and understand the policy.

 New employees will be notified about this policy after they are hired but before they report to work with the school. They must sign off, indicating that they have read and understand the policy, before they begin work duties with the school.

**ARTICLE IX**

### GENERAL EMPLOYEE POLICIES

**Section 1. FEDERAL LAWS**

 (1) Nondiscrimination Policy

 (a) The LaMoure School District provides equal opportunities for all students, free from limitation based upon race, color, sex, handicapping conditions, nationality or religious affiliation.

 (b) This concept of equal opportunity will serve as a guide for the school board, administration and staff in making decisions relating to employment of personnel, school facilities, intramural and interscholastic athletics, curriculum, activities and regulations affecting students and employees.

 (2) Title IX Policy

 (a) You are hereby notified that the LaMoure Public School District does not discriminate on the basis of sex in the educational programs or activities which it operates, and

that it is required by Title IX and Part 86 of the Department of Health and Human Services regulations not to discriminate in such a manner. This requirement not to discriminate extends to educational programs and activities, as well as to employment therein.

 (b) You are further notified that inquires concerning the application of Title IX and this Part may be referred to the designated person responsible for coordinating the efforts of the LaMoure Public School District to comply with and carry out its responsibilities under Title IX and this Part, including any investigation of complaints alleging non-compliance. This person is the Superintendent of Schools.

 (c) The LaMoure School system does not discriminate on the basis of race, color, national origin, sex or handicap in its educational programs/activities and employment policies/practices.

 (3) Section 504 of the Vocational Rehabilitation Act of 1973, as amended

 Policy Statement

 (a) The School Board of the LaMoure Public School District No. 8 in the County of LaMoure and State of North Dakota supports the provisions of Section 504 of the Vocational Rehabilitation Act of 1973, as amended, which commit all North Dakota schools to the elimination of discrimination on the basis of handicapping condition in those programs and activities which

receive Federal funds, as well as in all other programs and activities offered to its students. It is the expressed intent of the LaMoure Public School District No. 8 to provide equal opportunities for all students, free from limitations based upon handicapping condition.

 (b) The concept of equal educational opportunity will serve as a guide for the school board, administration and staff in making decisions relating to employment of personnel, school facilities, intramural and interscholastic athletics, curriculum, activities and regulations affecting students and employees.

 (c) The LaMoure Public School System does not discriminate on the basis of race, color, national origin, sex or handicap in its educational programs/activities and employment policies/practices.

(d) 504 Plan of Action

 1) Referral of a student is made by a teacher, parent or other person and paperwork (filed in the principal’s or counselor’s office) is completed.

 2) The paperwork is turned into the principal or support team member and copied for others on the team.

 3) The case manager is determined and the student’s file is used to get background information to complete the paperwork.

 4) A meeting is scheduled through the principal’s office for the referred student, his teachers, parents, principal and support team.

 5) The meeting is held and the decisions are made, recorded, a 504 is made if necessary by the case manager. A follow-up meeting is set.

 6) The case manager copies the forms for the principal, support team and the referred students, teachers and parents.

 7) A follow-up meeting is held when the time set at the initial meeting comes up.

 (4) Affirmative Action

 Grievance Procedure: Title III, Title VI, Title IX, Section 504 and ADA.

 Any person who believes him/herself or any specific class of individuals to be subjected to discrimination on the basis of race, color, national origin, sex, or handicap may by her/himself or by a representative file a complaint as outlined below. A complaint must be filed not later than 180 days from the date of the alleged discrimination unless the time for filing is extended by the responsible official or his/her designee.

 (a) Complaint Procedure:

 Any student or employee of the LaMoure Public School District No. 8 may file a complaint alleging discrimination on the basis of race, color, national origin, sex, or handicap in any of the programs or activities of the school district as follows:

 1) An oral complaint may be informally filed with the department chairperson, or immediate superior of a complaining student or employee, OR

 2) A formal written complaint may be filed with the Principal or director of the building in which the discrimination occurred, OR

 3) A formal written complaint may be filed with the district administrator, or his designee who has been designated as the person responsible for coordinating the efforts of LaMoure Public School District No. 8 to comply with Title VI, Title IX, ADA and Section 504, including the investigation of complaints alleging non-compliance. The office address and telephone number of our coordinator are as follows:

 Mr. Mitch Carlson, Supt.

 LaMoure Public School

 PO Box 656

 LaMoure ND 58458

 883-5396

Any person lodging an informal, oral complaint reserves the right to file a formal written complaint within sixty (60) days of filing the oral complaint. Further, a formal written complaint must be filed as outlined in (2) or (3) above prior to the filing of an appeal as outlined below:

 (b) Formal Appeal Procedure:

 When a formal written complaint has been filed as outlined above, if an equitable resolution of that complaint has not been obtained within sixty (60) days of the filing of said complaint, or if the allegations of the written complaint are rejected as unfounded, then the complainant shall have the right to file a formal written appeal within thirty (30) days after a final decision has been submitted in writing to the complainant.

 Such an appeal should be made to the school board of the LaMoure Public School District No. 8 or to the State Department of Public Instruction.

 Upon receipt of an appeal, a date shall be fixed for a hearing to be held not less than twenty (20) days after receipt of the appeal. Both the school board and the complainant shall have the right to:

 1) be represented by counsel;

 2) introduce all relevant evidence on the issue;

 3) take direct testimony of any witness, given orally under oath or affirmation;

 4) cross examine witnesses on any matter material to the proceeding, without regard to the scope of his/her direct examination;

 5) have the proceeding transcribed by a court reporter, at the expense of the person requesting such transcript.

 In addition to the above specified procedural rights, the provisions applicable to Title VI, of the Civil Rights Act of 1964 as found at 45 CFR Sections 80.6 - 80.11 and 45 CFR Part 81 are also made applicable to Formal Appeals under Title IX.

 NOTE: Any student or employee of the LaMoure Public School District No. 8 shall also be entitled to submit any complaint of alleged discrimination on the basis of race, color, national origin, sex or handicap directly to the Regional Office for Civil Rights of the United States Department of Education by sending said complaint to: Office of Civil Rights

 10220 North Executive Hills Blvd.

 8th Floor

 Kansas City MO 64153-1367

 (5) Sexual Harassment

 Sexual harassment is recognized as form of sex discrimination and thus a violation of the laws which prohibit sex discrimination. Under the Equal Employment Opportunity Commission (EECC) guidelines which the school district follows, an employer may be held accountable if a person is harassed by supervisory employees, whether or not the employer is aware of the harassment or act promptly to remedy the situation. If a person is harassed by fellow workers or by non-employees the employee is held accountable if the employer knows or should have known of the harassment and fails to take immediate and appropriate corrective action.

 A learning and working environment that is free from sexual harassment will be maintained in the LaMoure School District. It will be a violation of policy for any member of the district staff to harass another staff member or student, or for students to harass other students, through conduct or communication of a sexual nature as defined by this policy.

 Administrators and supervisors will make it clear to their staff and students that sexual harassment is prohibited by board policy and is grounds for disciplinary action. Administrators will use staff meetings and in-service sessions and student assemblies to inform employees and students of their rights and remedies under the law.

 Sexual harassment is defined as unwelcome sexual advances, request for sexual favors and other verbal or physical conduct or communication of a sexual nature when:

 1) submission to such conduct or communication is made a term or condition, either explicitly or implicitly, of obtaining or retaining employment, or of obtaining an education, advancement or grade;

 2) submission to or rejection of such conduct or communication by an individual is used as a factor in decisions affecting such individual’s employment or education; or

 3) such conduct or communication has the purpose or effect of substantially or unreasonably interfering with an individual’s employment or education or creating intimidating, hostile, or offensive employment or education environment.

 Sexual harassment, as defined above, may include, but is not limited to:

 1) Sex oriented verbal “kidding”, abuse or harassment;

 2) Pressure (subtle or otherwise) for sexual activity;

 3) Repeated remarks to a person with sexual or demeaning implications; 4) Unwelcome touching, such as patting, pinching, or constant brushing against another’s body;

 5) Suggesting or demanding sexual involvement accompanied by implied or explicit threats concerning one’s grades, employment status or similar personal concerns.

 Any person who believes he or she has been the victim of sexual harassment by any employee or student of the school district or any third person with knowledge or belief of conduct which may constitute sexual harassment, should report the alleged acts immediately to the Superintendent. If the official designated is the person alleged to have sexually harassed another, the complaint may be made to any other administrators or directly tot he board president. Filing of a complaint or otherwise reporting sexual harassment will not reflect upon the individual’s status or affect future employment, work assignments, or grades.

 The right to confidentiality, both of the complainant and of the accused, will be respected consistent with the school district’s legal obligations and with the necessity to investigate allegations of harassment and to take disciplinary action when this conduct has occurred.

 A substantiated charge against a school district staff member will subject such member to disciplinary action, which may include discharge.

 A substantiated charge against a student in the school district will subject that students to disciplinary action, which may include suspension or expulsion, consistent with student disciplinary policies. Students shall notify:

 Mr. Mitch Carlson, Supt. Mr. Lucas Isaacson, Sec. Principal

 LaMoure Public School LaMoure Public School

 PO Box 656 PO Box 656

 LaMoure ND 58458 LaMoure ND 58458

 883-5396 883-5397

 Mrs. Laura Shockman , Elem. Principal Mr. Greg Hermes, Counselor

 LaMoure Public School LaMoure Public School

 PO Box 656 PO Box 656

 LaMoure ND 58458 LaMoure ND 58458

 883-5397 883-5396

 (6) Student to Student Sexual Harassment

 (a) Discipline

 The LaMoure School is committed to maintaining a learning environment that is free of abuse or harassment. Students shall be assured that they need not endure any harassment which impairs the educational environment.

 Any student who engages in the sexual harassment of anyone at school or a school related activity shall be subject to disciplinary action. For students in grades K-3 this disciplinary action shall depend on the maturity of the students and the circumstances involved. For students in grade 4-12 the disciplinary action may include, but are not limited to:

 1) verbal/written warning

 2) parent conference

 3) detention

 4) in school suspension

 5) suspension

 6) expulsion and/or

 7) referral to police

The discipline will be done in this order depending upon the severity of the incident. If the incident is serious then the discipline may be more serious.

 (b) Reporting

 Students shall be informed that they should immediately report any incidents to either the principal or the superintendent if they feel they are being harassed. Any student or parent, on behalf of the student, who feels that he/she is being sexually harassed may pursue the complaint in an informal process or may file a formal complaint. Staff members shall similarly report any such incidents they may observe even if the harassed student has not complained to the principal or superintendent.

 The principal or superintendent shall immediately investigate any report of the sexual harassment of a student and prepare a written report of the results of that investigation to the parents of the child and all other pertinent personnel, including the action to be taken or not taken by the administrator.

 The district prohibits retaliatory behavior against any complaint or any participant in the complaint process. Information in this process will be kept confidential in so much as the law allows. All participants in the investigation process shall respect the confidentiality rights of all parties during the investigation.

 (c) Definition

 Prohibited sexual harassment include, but is not limited to unwelcome sexual advances, requests for sexual favors, and other verbal, visual or physical conduct of a sexual nature. Examples of this conduct may be: unwelcome sexual flirtations, sexual slurs, leering, epithets, threats, derogatory comments, graphic verbal comments about an individual’s body, sexual jokes, notes, stories, drawings, spreading sexual rumors, touching an individual’s body or clothes in a sexual way, cornering or blocking of normal movement, displaying sexually suggestive objects, acts of retaliation.

 Harassment of any type has no place in the school setting. The James River Multidistrict Special Education Unit will endeavor to maintain a learning and working environment that is free of harassment. The James River Special Education Board expects administrators and supervisors to make it clear to students and staff that harassment in the school building, on school grounds, or at school sponsored functions will not be tolerated and will be grounds for disciplinary action up to and including suspension or expulsion of students and termination of employment for employees. Harassment may include but is not limited to sexual harassment, racial harassment or harassment because of a physical condition or disability, appearance, or sexual orientation. It may also include but is not limited to hostile, demeaning or intimidating behavior or conversation.

 (d) Complaint Procedure

 Any student who feels they may have been harassed by another student or an employee of the LaMoure School District may file a complaint or their parent may file a complaint with the principal or the superintendent. After the complaint has been investigated and a report given to the parent they may appeal the decision of the administrator. The appeal process goes from the principal to the superintendent to the school board. The board of education will not hear an appeal that has not gone through the superintendent.

 The complaint procedure will be provided for parents and students each year through the school newsletter. Staff members will receive it through the policy handbook which will be reviewed with them annually. Notification of the person to whom the complaints are made shall be posted annually.

Descriptor Code: DAB

DCB

**SECTION II**

**RECRUITMENT, HIRING, & BACKGROUND CHECKS**

**FOR AT WILL EMPLOYEES**

The LaMoure School Board is committed to hiring individuals who will best meet the needs of the District consistent with budget limitations, with its goal to ensure student and staff safety, and in compliance with state and federal law.

**Definitions**

For the purposes of this policy:

* Applicant is defined as any individual applying for a non-licensed position.
* Crime is defined as a felony offense, misdemeanor, a violation of an ordinance, and charges that result from non-sufficient funds or “no account.”
* Misconduct is defined as any action that caused discharge from previous employment, a traffic offense(s), and arrest(s) when the Superintendent verified that the applicant engaged in conduct for which s/he was arrested.
* Sexual offender is defined in accordance with Board policy as an individual meeting the criteria in NDCC 12.1-32-15 and/or is required to register under NDCC 12.1-32-15.
* Unsupervised contact is defined in accordance with NDCC 12-60-24 as being in proximity to one or more students, on school grounds, or at school functions.

**Recruitment and Hiring Authority**:

The Board authorizes the Superintendent to hire non-licensed staff. No action of the Board shall be necessary so long as the Board previously established the position and hiring is within budget limitations.

**Background Checks:**

The Superintendent shall require each applicant to fill out an employment application to be employed at LaMoure School District.

Each final applicant seeking a District position that allows for unsupervised contact with students must give authorization and submit to state and federal criminal history record checks. The Superintendent may check all applicable sexual offender registries for all final applicants. The Superintendent shall conduct a driving record check for all final applicants seeking a position involving the transportation of students with regular use of District vehicles.

**Selection Process**:

The Superintendent shall make all hiring decisions on a case-by-case basis based on the applicant’s compatibility with the District’s mission statement; his/her short and, when applicable, long-term ability to perform job requirements, protect the integrity of the District, and promote the efficiency of District operations; and the applicant’s potential risk to district operations, students, and staff. The Superintendent shall determine risk based on the following factors:

* The nature and gravity of misconduct and/or offense(s);
* The time that has passed since misconduct, criminal conviction, and/or completion of a sentence occurred;
* The nature of the job sought.

**Final Applicant Rights**:

Records obtained by the District for background and other record checks will be used solely for purposes that they were requested. The Superintendent shall advise applicants that the procedure for obtaining, correcting, or updating federal records is contained in 28 CFR 16.34. Before making a hiring determination, the Superintendent shall give the applicant a reasonable time to correct and/or complete his/her criminal history record or decline to do so. The Superintendent shall follow the requirements under the Fair Credit Reporting Act if using credit reports to make employment decisions.

**Disqualifying Factors**:

Factors that may exclude an applicant from employment include but are not limited to the following:

* The applicant is a sexual offender or has committed an offense involving a child victim.
* The falsification or omission of any information on a job application or in a job interview, including but not limited to information concerning criminal convictions or pending criminal charges.

**Employees Subject To Background Checks:**

* All new employees to the LaMoure School District are required for a background check.
* Those employees that have been previously employed by the LaMoure School District, who have ceased their employment for more than three years are required to a background check.

POLICY ADOPTED 12/07

**Background Check Screening Procedure** Descriptor Code: DAB-R

 DCB-R

1. No later than ten calendar days after the Superintendent or his designee has notified a job applicant of a decision to hire the applicant, or as soon thereafter as practicable, the Superintendent or his designee will supply the applicant with a packet containing all documents and materials necessary for the applicant to be fingerprinted by the regional service center. This packet shall also contain all documents and materials necessary for the regional service center to submit the completed fingerprints to the State Policy Bureau of Identification for the processing of state and national criminal record checks.
2. No later than ten calendar days after the Superintendent or his designee has provided the successful job applicant with the fingerprinting packet, the applicant must arrange to be fingerprinted. Failure of the applicant to have his/her fingerprints taken within such ten-day period, without good cause, will be grounds for the withdrawal of the offer of employment.
3. The Superintendent or his/her designee shall arrange for the local service center to return fingerprinting materials to the school district. Final applicants will not be permitted to return these materials to the district.
4. The Superintendent shall submit the final applicant’s background check authorization form, the sets of fingerprints, and payment for screening fees to the North Dakota Bureau of Criminal Investigation (BCI) within five calendar days of receiving the applicant’s background check materials or soon thereafter as practicable.
5. If BCI rejects a final applicant’s final fingerprints, the applicant must arrange to be refingerprinted within five calendar days of receiving notification of the rejection. Failure of the applicant to have his/her fingerprints taken within such five-day period without good cause will be grounds for disqualification from employment
6. Should a BCI reject an applicant’s fingerprints three times, the District reserves the right to conduct a name-based criminal record check search.

Descriptor Code: DABA

DCBE

REFERENCE POLICY ADOPTED: 1/07

01/02 POLICY AMENDED:12/07

**EMERGENCY HIRING OF CLASSIFIED PERSONNEL**

The LaMoure School Districtauthorizes the Superintendent to hire non-licensed personnel on a provisional basis in emergency situations prior to the completion of a criminal history record check provided that the Superintendent has taken the following precautionary measures:

1. The applicant has completed and submitted all required application, authorization, and certification forms.
2. A criminal history record check has been initiated.
3. The Superintendent has received and reviewed other applicable records, including but not limited to credit history and/or driving records.
4. The Superintendent has reviewed the items listed in #1 and #3 in accordance with policy DAB/DCB, Recruitment, Hiring, and Background Checks for Classified Personnel, and ruled that pending the completion of the criminal history record check, the applicant meets the District’s employment criteria;
5. The applicant has been advised that s/he is an at-will employee and employment is subject to successful completion of a background check.

 POLICY ADOPTED: 12/07

# Section III. CHILD MOLESTATION

 Any employee who is convicted of a child molestation charge is subject to removal from their position after proper due process is given.

# Section IV. OVERTIME AND COMPENSATORY TIME FOR NON-CERTIFIED EMPLOYEES

 (a) The Superintendent shall determine whether it is necessary for employees to work overtime hours. Employees shall be required to perform all overtime hours assigned by them by their supervisor. The Superintendent shall have the option of providing either overtime compensation or compensatory time off to employees who work overtime and shall notify employees accordingly on or before the pay day following the performance of overtime work.

 If overtime hours are compensated in cash, payment shall be made in accordance with

 1) current policy for all overtime hours worked on or before April 14, 1986; and

 2) Section 7 of the Fair Labor Standards Act for all overtime hours worked on or after April 15, 1986.

 If any employee is employed for two (2) or more different positions which have different rates of pay, the district will pay the employee overtime compensation based upon the weighted hourly rate or may enter into an agreement with the employee, before the work is performed, to pay overtime at the regular overtime rate of pay for the actual work performed after the first forty (40) hours of work in that work week.

 If overtime hours are compensated with time off, compensatory time shall be provided at a rate of one and a half hours for each hour of overtime employment. For hours worked after April 15, 1986, compensatory time may be accumulated to a maximum of 240 hours, or to a maximum of 480 hours if the work is in a public safety activity, an emergency response activity, or a seasonal activity. Any employee who, after April 15, 1986, has accrued 480 or 240 hours, as the case may

be, of compensatory time off shall be paid overtime compensation for additional overtime hours of work. If compensation is paid to an employee for accrued compensatory time off, such compensation shall be paid at the regular rate earned by the employee at the time the employee receives the compensation.

 Upon termination of employment, employees who have accrued compensatory time after April 15, 1986, shall be paid for unused compensatory time at a rate of compensation not less than

 1) the average regular rate received by the employee during the last three (3) years of the individual’s employment, or

 2) the final regular rate received by the employee, whichever is higher.

 Employees who have accrued compensatory time off after April 15, 1986, may request the use of compensatory time and shall be permitted to use such time within a reasonable period after making the request if the use of compensatory time does not unduly disrupt the operations of the employee’s office or department.

Section V. SEPARATION

Whenever possible, support personnel are expected to give notice of intention to terminate employment two weeks prior to resignation. Written notice of resignation should be addressed to the Superintendent and presented to the employee’s immediate supervisor.

Employment may be terminated by the District at any time. The Superintendent is authorized to discharge ancillary employees. The employee shall be given notice and a hearing by the Superintendent prior to discharge. The employee may be suspended during any investigation prior to the hearing. The Board shall be notified of any suspension and/or discharge.

All full-time employees shall receive vacation pay to which they are entitled as provided by law. Employees are subject to immediate dismissal for the following causes:

* + 1. Unauthorized absence.
		2. Commitment or conviction of any criminal act.
		3. Conduct unbecoming any employee in the public service.
		4. Disorderly or immoral conduct.
		5. Incompetency or inefficiency.
		6. Insubordination.
		7. Intoxication while on duty.
		8. Neglect of duty.
		9. Negligence or willful damage to public property or waste of pubic supplies or equipment.
		10. Violation of any lawful order given by a supervisor.

Cross Ref: Policy DCB Recruitment and Hiring

Legal Ref: Cleveland Board of Education vs. Laudermill; 470 US, 84 Led 2d 494, 106 5 Ct.

 POLICY ADOPTED: 07/05

**Section VI. CHILD ABUSE REPORTING**

 All employees are required by state law to report child abuse or neglect to the proper authorities. The report should be made to the county social worker within 48 hours of knowing the event has taken place.

# Section VII. TITLE I COMPLAINTS Descriptor Code: GABCA

Any individual who believes that the LaMoure Public School District has violated the regulations or law governing the Title I program should submit a detailed statement of facts supporting the allegation to the Superintendent. The Superintendent shall investigate the complaint and provide the individual with a written response within 30 days.

 If the complaint is not resolved to the satisfaction of the complainant, the complainant may forward the complaint to the Title I Director, Department of Public Instruction, 600 East Boulevard, Bismarck, ND 58505. The Director will investigate the charges and issue a report providing suggestions for resolution within 60 days of receipt of the complaint.

 If the complaint is still not resolved to the satisfaction of the complainant, the complaint may be forwarded to the Secretary of Education, U.S. Department of Education, 555 New Jersey Avenue, NW, Washington, DC 20208

Legal Ref: P.L. 103-382 20 U.S.C. 6301-6514

 60 F.R. 21400 (to be codified)

 34 C.F.R. Parts 200,201,203,205,212

 POLICY ADOPTED:12/03

 POLICY AMENDED:

# Section VIII. PRAYER DURING NON-INSTRUCTIONAL TIME Descriptor Code: FHCL

 LaMoure students are permitted to engage in religious expression during non-instructional time, i.e., before school, after school, during lunch and recess, and while not engaged in school activities. Religious expressions permitted include Bible reading, prayer, scripture reading, and grace before meals. These activities may be engaged in by individual students. However, the exercise of constitutional rights of religious expression may not be engaged in when the expression disrupts educational activities or extracurricular activities. The decision to participate or not participate in religious expression is a matter of individual choice. No student will be permitted to harass or intimidate other students to participate or refrain from participating in religious expression.

Legal Ref: PL 107-110 No Child Left Behind Act of 2001

REFERENCE POLICY ADOPTED:01/04

04/03 POLICY AMENDED

 **ARTICLE X**

###  HEALTH AND SAFETY

**Section I. POLICIES**

 (1) Regulations

 (a) Public schools are expected to promote the physical health of pupils, to keep them safe from injury while in school and to instill in them good habits of mental health and hygiene. It is therefore the duty of the staff members to see that the school environment is such as to encourage a wholesome growth in body and mind.

 (b) All students desiring to participate in sports must comply with the rules as set forth by the North Dakota High School Activities Association requiring that he is physically fit.

 (c) Pupils may be excused from participation in the physical education program or their participation may be limited upon the recommendation of a physician.

 (d) The LaMoure School Board has elected not to carry individual student accident insurance.

 (e) All health records shall become a part of the cumulative record of the students.

 (f) The County Health Authority shall report promptly all diseases of suspected contagion. The opinion of the County Health Authority shall prevail in the handling of any special health problems that should develop in the school.

 (g) Fire drills and storm drills shall be held in compliance with the law as set forth in Section 15-3509. NDRS 1943

 (h) All playground activities during recess periods shall be supervised. During inclement weather we may conduct the activity period in the gym providing it does not interfere with another group.

 (i) The LaMoure School shall adhere to and enforce the regulations concerning immunization of all students coming into the LaMoure School and immunization records shall be kept permanently.

 (j) During the winter, all students are to wear coat and cap or parka, mittens and boots on the bus, both regular route and activity. These should also be provided during cold weather for other students so that we may allow them outside for recess.

 (k) All parents are welcome to visit the LaMoure School. All parents and visitors are to check in at the office. 5/18

 (l) No employees who volunteer for ambulance or fire department duty shall lose pay for the time they are on ambulance duty.

 (m) No prescription medicine will be given to a student by an employee of this school without written permission from a parent of the child. The permission should include specific directions and those directions will not be altered without permission from the parent. All

medicine will be stored in the safe place where students do not have access. Non-prescription medicine must be taken according to label directions.

 (n) The LaMoure School is a smoke free building.

 (o) No pets or other animals will be allowed in the school unless they have been given the necessary immunizations for rabies and other communicable diseases.

**(2) ADMINISTERING MEDICINES TO STUDENTS** Descriptor Code: FEAA

The giving of aspirin/Tylenol at school is not approved without the prior consent of a parent or legal guardian. Other over-the-counter medication may be administered only with written consent of the parent or legal guardian. Students who must depend on receiving prescription medication during school hours for medical reasons must have a written order from a physician, dentist, or other legally designated health care professional giving specific directions for taking the medication. Such written order may be the prescription label on the original pharmacy labeled container.

Any medication which is ordered to be administered at school may only be given using procedures developed by the administration and approved by the board.

Cross Ref: Policy FFC Accidents

Policy FHCF Drug Usage

Policy IBDA First Aid/Accidents

45 CFR Part 99 Regulations

NDCC 15.1-24-04 Treatment or assistance records – Confidential

**PROCEDURE FOR ADMINISTERING MEDICATION** Descriptor Code: FEAA-R

1. Any medication that is ordered for administration at school should be given using the following procedures:
	* 1. The medication sent or brought to the school must be accompanied by a signed request/consent from the parent or legal guardian. This consent must grant permission for school personnel to administer the medication.
		2. The following information must be included on the original pharmacy labeled-container:
			+ 1. The student’s name.
				2. Amount of dosage
				3. Time of administration.
				4. Name and strength of medication and route (i.e., oral, eye drops, ear drops, nebulizer).
		3. Major side effects of the medication should be listed on the information accompanying the medication. Generally, the pharmacist will provided this information.
		4. Medication for emergency use. In emergency cases, such as acute allergic reactions, the school personnel shall promptly notify emergency medical personnel and the parent(s) or legal guardian.
			+ 1. If medication is for known acute allergic reactions, such as a bee sting kit, then it may be administered by the school nurse or a person trained by a physician, dentist, nurse or other legally designated health care professional upon written consent from a parent or legal guardian.
				2. Personnel who have been trained according to rules established by the local board of health may administer epinephrine (Epi Pen) without written consent. (NDCC 23-01-05.2)
		5. All labeled medications shall be kept in a secure, locked, clean container or cabinet to protect the safety of the student receiving the medication and other students. The administrator of the school shall determine who within the school will be given the responsibility to check in and administer the medication.
		6. The administrator shall establish a check-in procedure for medication brought to the school. This procedure shall include: recording the date the medication was deposited, ensuring that parent request /consent is on file, and notifying the person who has been designated to administer the medication
		7. It is recommended that no more than one month’s supply of any medication be brought to school at one time and that it is the parent or guardian’s responsibility to replenish the medication supply if necessary.
		8. A separate record for each student shall be kept of the administration of the medication, noting date, time, and signature of the person administering it. All such records are confidential and are separate from the student’s education records. )NDCC 15.1-24-04)

Be sure the following criteria are followed each time medication is administered:

* + - * 1. Right student
				2. Right medication
				3. Right dosage
				4. Right route
				5. Right time
		1. Administration of prescribed medication during school hours will be noted on the designated form for each student that includes: student name, medication, dosage, route, time/frequency, signature of person administering the medication, and a place for other information to be recorded, such as any observed reaction to the medication or possible side effects. When this medication regimen is completed or the form is filled, it is to be placed in the student’s medical treatment record.
		2. Medications must be picked up by the parent(s) or legal guardian at the end of each school year or when the medication is no longer needed by the student or when the student withdraws from school. If parent or guardian does not pick up medications by the end of the school year, the school will consult with the pharmacy that filled the medication or the local health department for proper disposal of the medication.
		3. A new pharmacy label/container must accompany any new prescription order, change in prescription, or refill. A parent request /consent must be on file for any new prescription or change in prescription. Parent request /consent must be current for each medication.
1. Personnel Responsible for Administering Medication
	* 1. All personnel should be familiar with the policy and procedures for administering medication in the school.
		2. All personnel having responsibility for supervising students shall be given adequate information about the student, including related medical problems, is any, suspected allergies, emergency contact persons, etc., and shall be informed of anticipated circumstances for which school personnel may need to be in touch with out-of-school personnel (e.g., medical personnel, other agencies, etc.).
		3. A list of personnel within the school building who are responsible for administering the medication should be kept on file. Personnel on the list must receive instruction about the administration of medication and a specific review of instructions for a given student’s medication needs.
2. Other Safeguards or Circumstances
	* 1. Even when students are determined to be capable of independently administering their own medication, the student will be required to deposit the medication in the designated area. However, there may be exceptions that will be documented in the student’s school record.

POLICY ADOPTED: 11/05

POLICY AMENDED:

**Section II. SIGNIFICANT INFECTIOUS DISEASE**

 (1) Students

 (a) The intent of the instruction program on significant contagious diseases is to provide information about the diseases, methods of transmission, the means of protecting against contracting the disease in an institutional setting, the use of universal precautions, and prevention appropriate to specified grade levels. Instruction will begin in grade K and continue through grade 12.

 State law requires that all students be educated concerning significant contagious disease. Specify the grades that are included in your district enrollment.

 Appropriate curriculum will be designed including a scope and sequence to assure that all students receive age-appropriate education (integrated in the health curriculum). The superintendent is charged with recommending revisions in the program to the school board to update and modify the curriculum as new information about significant contagious diseases is made available. Any curriculum and materials developed for use in this program will be approved for medical accuracy by the Department of Public Instruction and/or the State Department of Health according to the guidelines furnished by the Center for Disease Control.

 Prior to the start of the student instructional program, and at any time thereafter, parents and guardians of students who will be involved with the curriculum and materials will have an opportunity to preview the curriculum and materials in a specific program being presented. Thereafter, any parent or guardian may review the curriculum and materials at any time including any revisions in the program to update and modify the curriculum as new information about significant contagious diseases is made public.

 (2) Employees

 (a) All new employees of the district will receive appropriate training which addresses all learner outcomes of the significant contagious disease prevention education program. The training will be presented by a health professional or someone specifically trained in education for the prevention of significant contagious diseases. Training will include the proper use of universal precautions.

 Those employees designated to teach significant contagious disease prevention to students will receive additional in-service from qualified health education professionals.

 (3) Employees with Chronic Communicable Diseases

 (a) An employee with a chronic communicable disease may be reassigned to a position which limits student/employee contact or may be placed on medical leave if medical judgments substantiate that such employee poses a significant health threat to students and/or other employees. The board reserves the right to terminate an employee who is unable to return to work at the conclusion of the medical leave period.

 (b) A chronic communicable disease shall be defined as a persistent or recurring infection which may be transmitted to a susceptible person by contract with an infected individual. This policy does not apply to acute infectious diseases of childhood such as measles, mumps and chicken pox. A few diseases it does include are AIDS, CMV, and Hepatitis B. The National Center for Disease Control (Atlanta, Georgia) shall be the definitive authority on the identification and transmission of chronic communicable diseases.

 (c) The superintendent of schools shall be responsible for assuring that procedural safeguards are utilized when determining the employment status of employees with chronic communicable diseases.

 (4) Medical Examination

 (a) For the protection of children, the board of education may require of each employee a health certificate from a physician authorized to practice medicine under the laws of the state.

 (b) Health examinations must be repeated every year by those required only.

 (5) Independent Contractors

 (a) All independent contractors performing services for the district will receive a brochure concerning significant contagious diseases upon entering into a contract with the district.

The brochure shall contain information regarding the transmission of significant contagious diseases in an institutional setting, the means of protecting against contracting the diseases is an institutional setting, and the use of universal precautions.

 (6) Confidentiality

 The affected individual, his/her parents, and the affected individual’s physician have no obligation to inform the school district of the disease unless the following is true. The disease poses a significant health risk to others in the institutional setting or if special provisions are necessary to protect the health of the affected person or the health of those in the institution.

If the health risk or protective provisions are identified, the individual, his/her parents or the physician shall contact the Superintendent of Schools. When the Superintendent is notified, he/she shall identify the individuals who must be aware of the disease in order to protect the health of the affected person or those with whom he/she comes in contact or in order to arrange the special provisions necessary. The extent and nature of the special provisions will be determined in consultation with the affected individual’s physician. The Superintendent will strictly confine release of information regarding the affected person to those who need to know. It will be stressed that information shared with such identified persons must remain absolutely confidential and that any breach of confidentiality will be considered a serious violation subject to policies and procedures for disciplinary action.

The affected individuals and his/her parents, if the affected person is a student, will be notified of the persons with whom information about the disease will be shared.

 (7) Attendance, Employment and Contracts

 (a) No person may be denied admission at a student, a contract as an independent contractor, or employment solely because they have, or they are perceived to have, a significant contagious disease. The personal physician of the affect individual shall be the sole decision maker as to whether the individual constitutes a public health threat or the ability of the individual to continue in school (except as provided below) or perform their duties.

 When a students personal physician or in the case of a student who is defined as disabled under the Education for All Handicapped Children Act or NDCC Chapter 15-59, the multidisciplinary team determines that the student is unable to participate in regular classroom instruction, either reasonable accommodations, special provisions, or an individualized education program will be provided. The superintendent shall establish procedures for the development of special provisions.

 When an employee’s, prospective employee’s or independent contractor’s personal physician determines that the employee, prospective employee or independent contractor cannot perform their duties, the district will consider and implement reasonable accommodations to allow the affected individual to become or continue as an employee or contract or continue an existing contract as an independent contractor.

 (8) Universal Precautions

 (a) The LaMoure School District will use universal precautions as standard procedure in the care and maintenance of school property and in administering first aid or otherwise handling emergencies.

 (9) Designation of Spokesperson

 (a) The superintendent is designated as the person to receive information concerning the status of students, employees and independent contractors from their physicians. The superintendent and/or principal shall be the official spokesperson for the institution when information concerning an affected individual becomes public and may not delegate this duty. The superintendent shall develop procedures that protect against possible breeches of confidentiality. The superintendent may request assistance from the Department of Public Instruction or State Department of Health in developing a plan for conflict resolution.

 (10) LaMoure Public School Head Lice Policy

 The LaMoure Public School, with the assistance of trained personnel, will use the following procedure to control head lice in the building.

 (a) There will be periodic hair and scalp examinations conducted by trained volunteers when deemed necessary by the administration.

 (b) In suspected and/or confirmed cases of head lice, infested students and their belongings will be isolated from the classroom and sent home as soon as a parent or guardian is notified. Proper procedure and recommendation for treatment will be provided.

 (c) After proper treatment and cleaning procedures have been followed, students will be rechecked upon their return to school for the presence of nits. The LaMoure Public School follows the “NO NIT” policy. This means the child will not be readmitted to school until hair is completely free of nits.

 (d) According to procedures recommended by the U.S. Government’s Public Health Service, a second treatment should be administered in one week. The child, his/her classmates, and classmates of infected siblings, will be rechecked in one week. 5/14

 (11) Discrimination

 (a) It shall be a violation of school policy for any student, employee or official to harass or discriminate against any affected individual within the institutional setting on the basis of

having been diagnosed as having a significant contagious disease(s). No harassment or discrimination will be tolerated in any school building, at any school function, or on any school property.

**Section III. SANITARY CLEANUP AND DISPOSAL**

 (a) Hygienic procedures will be practiced by all school personnel when disposing of human secretions and excretions including blood, feces, semen, urine and vomit since they may contain infectious agents capable of spreading disease.

 The steps listed below will be followed in all such cleanup situations since carriers of infectious or contagious diseases are often undetected. The procedures are not intended to replace basic common sense principles of health and hygiene.

 1) Wear disposable gloves when cleaning up blood. Gloves will be used for aesthetic reasons when cleaning up other spills. Individuals with nonintack skin (dermatitis, chapped hands, cuts, abrasions) will use gloves when handling all body fluids.

 2) Cover the spill with chlorine disinfectant as soon as possible.

 3) Wipe up the spill with disposable paper towels or rags or with a scoop and brush.

 4) Clean the surface with a cleaning agent appropriate for the surface to be cleaned.

 5) Spray the surface with a hospital grade disinfectant labeled “tuberculocidal.”

 6) If assisting a person with a bloody nose or wound, disposable gloves should be worn and the blood will be removed with disposable paper towels, gauze or rags. The exposed skin should be cleaned with an appropriate antiseptic (alcohol, iodine, etc.) and a leakproof dressing applied if appropriate.

 7) Scoops or implements to be reused are to be washed and sprayed with disinfectant. After use, the cleansing materials, gloves and soiled diapers should be secured in plastic bags and disposed of in a specifically designated sanitary disposal site.

 8) When changing diapers, disposable gloves will be used. After use, the cleansing materials, gloves, and soiled diapers will be secured in plastic bags, tied and disposed of in a sanitary disposal site.

 9) Soiled clothing or personal items will be bagged and sent home with the child, not cleaned or rinsed at the school.

 10) Using the following procedures, wash hands immediately after completing the cleaning and disinfecting process.

 (a) Wet hands and apply antiseptic soap.

 (b) Rub hands together vigorously for at least 15-30 seconds, paying particular attention to finger tips, nails and jewelry.

 (2) Sex Education Policy

 (a) The school board believes that the purpose of sex education is to help students acquire factual knowledge, skills, attitudes and values which will result in behavior that contributes to the well-being of the individual, the family and society. Helping students attain a mature and responsible attitude toward human sexuality is a continuous task of every generation. Parents have the prime responsibility to assist their children in developing moral values. The school should support and supplement parents’ efforts in the areas of family life and sex education by offering students factual information and opportunities to discuss concerns, issues and attitudes inherent in family life and sexual behavior, including traditional moral values. Instruction dealing

with family life and sex education, including sexually transmitted diseases, may be offered in several different courses.

 1) In all courses where human reproductive organs and their functions and processes are described, illustrated or discussed, opportunity will be provided for all parents or guardians to request in writing that their children not attend.

 2) Instructional materials to be used in family life and sex education will be available for inspection by the parent or guardian during school hours prior to the commencement of the instructional program.

 3) Teachers who provide instruction in family life and sex education will have professional preparation in the subject area, either at the pre-service or in-service level.

Section IV. LAMOURE SCHOOL WELLNESS PLAN

The link between good nutrition and learning is well documented. Good nutrition and improved health optimizes student performance and ensures that no child is left behind. In addition, healthy eating patterns are essential for students to achieve their full physical and mental growth, and lifelong health and well-being. It has been demonstrated that healthy eating reduces the risk of developing many chronic diseases in both children and adults. It is also linked to reduced risk of mortality.

Schools have a responsibility to help students and staff, establish and maintain lifelong, healthy eating patterns. A Healthy School Nutrition Environment has been shown to positively influence student’s eating habits.

The LaMoure Public School District promotes a Healthy School Nutrition Environment. The District supports and promotes:

# Setting Nutrition Education Goals

* School Personal are encouraged to practice consistency of nutrition messages throughout the curriculum and school environment (e.g. in learning activities, classroom snacks, etc.)
* The nutrition classes should be taught by well-qualified and well-supported staff and should be aimed at influencing students’ eating habits (behaviors) as well as their knowledge and attitudes.
* School personnel are encouraged to use outside agencies as resources for nutrition education. Such as, but not limited to, Public Health, County Extension, and WIC.
	+ The school will offer ongoing professional development for teaching nutrition education.
* Nutrition education will be integrated into the health education or core curricula areas to the extent possible.
* Consistent nutrition education messages will be provided for the students throughout the school, classrooms, cafeterias, homes, community and media.

# Setting Physical Activity Goals

* The entire school environment, not just the classroom, shall be aligned with healthy school goals to positively influence a student’s understanding, beliefs, and habits as they relate to good nutrition and regular physical activity.
* Every student in grades K – 12 shall be encouraged to participate in at least one program of school-based physical activity at every grade level, either a physical education class and/or competitive sport.
* School Personnel are encouraged to be good role models.
* Follow State and National Standards for Physical Education classes
* Introduction of more “Fitness for Life” activities among the students & staff.
* Promote participation in school wide physical activity events by developing partnerships between school and community.
	+ Healthy Heart
	+ Fitness Challenge
* Provide parents/guardians with educational materials dealing with student health and fitness issues

# Establishing Nutrition Standards for All Foods Available on School Campus

Students and adults will be persuaded to select high quality foods while on the LaMoure School campus. This will be accomplished through (a) the types of foods that are made available, (b) the portion sizes that will be served and (c) through nutrition education information provided throughout the school building. Emphasis will be placed on the individual’s choice and motivation to select foods that will enhance their well-being. The contribution toward an individual’s daily habits will be taken into consideration when deciding which foods will be available and promoted.

**School Food Service:**

* All breakfast meals will contain two fruits (only one being 100% fruit juice).
* All lunches will contain two to three fruits and/or vegetables with at least one raw fruit or vegetable being offered.
	+ A salad bar will be made available during lunch hour.
	+ Reduced-calorie salad dressings/mayonnaise-type dressings will be used
* Breads, which contain at least 50% grain from whole grains, will be available at least three days per week.
* Meals will contain less than or equal to 35% of their calories from fat.
* Portion size for all calorie dense, low nutrient baked items will be reduced.
* School food service will adhere to all USDA guidelines. 5/14

**Concessions/Snack bar/Vending Machines:**

* Fresh fruits and/or raw vegetables will be available and encouraged through nutrition education at school-sponsored events.
* Water or flavored waters, along with milk products, will be available in any size container that is appropriate for the vending machines.
	+ Starting in 2006 – 2007 pop machines will be turned off during the breakfast and lunch periods
	+ Starting in 2007 – 2008 pop machines will be turned off during the regular school day and no outside pop will be permitted.
* Any vending machine located on school grounds that sells food products will dispense only those products that qualify under the guidelines established by the Wellness Committee.

**Parties and Celebrations:**

* The school will provide parents with educational materials on the importance of supplying health snacks for parties and celebrations in the classroom.
* A list of possible alternatives will be provided to the parents at the beginning of each school year in the Back to School mailing.

**Fundraising:**

* All current fundraising activities involving food will be allowed to continue
* Advisors will be asked to explore healthy alternatives when fundraising.
* All new, ongoing fundraising efforts will need to follow nutritional guidelines established by this committee.
* Healthy alternatives should be offered when calorie dense, low nutrient products are being sold.

Fund raising events that occur on an infrequent or one time basis must receive approval from the school administration.

**Plan Assessment:**

In order to determine the effectiveness of our plan the LaMoure Wellness Committee will take the following steps for assessment purposes:

* A student survey will be conducted to help us determine student eating habits at the school and to allow students the opportunity to provide the committee with some feedback.
* Ongoing curriculum reviews should allow us to determine whether or not we are meeting our Nutrition Education Goals.
* An increase in the physical fitness opportunities offered to staff and students from the beginning of the school year to the end of the year will be measured to help determine whether or not the school is working to met it’s physical fitness goal.
* Our School Food Service goals of increasing student and staff intake of fresh fruits and vegetables will be measured by a checklist that our cooks are required to keep for their records.

POLICY ADOPTED: 6/06

POLICY AMENDED:

**Section V Sexual Offenders On School Property**

**Definitions:** For the purpose of this policy:

A sexual offender is defined in NDCC 12.1-20-25.

A sexual offender is an individual who meets this policy’s definition of sexual offender.

School property includes all land within the perimeter of the school site and all school buildings, structures, facilities, computer networks and systems, and school vehicles, whether owned or leased by the school district, and the site of any school-sponsored activity.

**1. Parent / Nonparent Sexual Offenders:**

A parent / nonparent sexual offender is prohibited from entering a district school except:

1. A. When s/he is a qualified voter and is entering school property solely for the purpose of casting his/her vote.
2. B. To attend an open meeting as defined in NDCC chapter 44-04.

Sexual offenders are prohibited from entering school property except for purposes outlined in Section One Parts A and B of this policy and with the Superintendent’s prior approval in the following instances:

1. A. To transport his/her child to and/or from school. The sex offender will only be permitted to transport his/her own child.
2. B. To attend a conference to discuss his/her student’s progress, placement, or individual education plan (IEP).
3. C. Under other circumstances on a case-by-case basis, as determined by the administrative team.

A sex offender who attempts to communicate electronically with a student while the student is on school property will be considered on school property without permission and will be in violation of this policy.

**2. Student Sex Offenders:**

The Superintendent shall determine the appropriate educational placement for student sex offenders except those identified as having a disability. When determining educational placement, the Superintendent shall consider such factors as the safety and health of the student population. The Superintendent shall develop guidelines for managing each student sexual offender in district schools. If the Superintendent determines that, in the best interest of district schools, the student sexual offender should be placed in an alternative educational setting, the district shall pay for the costs associated with this placement.

An IEP team shall determine the educational placement of a student sexual offender with a disability. The student with a disability is entitled to all the due process procedures available to a student with a disability under the Individuals with Disabilities Education Act. The IEP team shall develop procedures for managing each student sexual offender with a disability that attends a district school. If the IEP team determines that the student sexual offender should be placed in an alternative educational setting, the district shall pay for the costs associated with this placement.

**3. General Provisions**:

The Superintendent will inform the appropriate principal and other relevant district staff of the scope of the permission granted to each sexual offender.

Sexual offenders who receive permission to enter school property must report to the individual or location designated by the Superintendent. The building principal shall assign a chaperone to accompany the sexual offender while s/he is on district property if deemed necessary. The only exceptions to these requirements are when the Superintendent grants permission to a parent sex offender to transport his/her child and when a student sex offender receives permission to attend a district school in which case the guidelines developed for this individual shall apply.

The Superintendent shall establish a system for identifying sexual offenders and will inform known sexual offenders of this policy. Lack of notification does not excuse sexual offenders from abiding by the requirements and prohibitions in this policy.

The Superintendent will contact law enforcement anytime a sexual offender violates this policy and will immediately revoke any privileges granted to the sexual offender under this policy.

Legal Ref: NDCC 12.1-20 Sexual Offender Presence Near Schools Prohibited

NDCC 12.1-32-15 Offenders Against Children and Sexual Offenders

 POLICY ADOPTED 12/07

**Section VI - BULLYING POLICY**

**Definitions**

For the purposes of this policy:

* *Bullying* is defined as follows prescribed in NDCC 15.1-19-17.
	+ Conduct that occurs in a public school, on school district premises, in a district owned or leased school bus or school vehicle, or at any public school or school district sanctioned or sponsored activity or event and which:

(1) Is so severe, pervasive, or objectively offensive that it substantially interferes with the student's educational opportunities;

(2) Places the student in actual and reasonable fear of harm;

(3) Places the student in actual and reasonable fear of damage to property of the student; or

(4) Substantially disrupts the orderly operation of the public school; or

* b. Conduct that is received by a student while the student is in a public school, on school district premises, in a district owned or leased school bus or school vehicle, or at any public school or school district sanctioned or sponsored activity or event and which:

(1) is so severe, pervasive, or objectively offensive that it substantially interferes with the student's educational opportunities;

(2) Places the student in actual and reasonable fear of harm;

(3) Places the student in actual and reasonable fear of damage to property of the student; or

(4) Substantially disrupts the orderly operation of the public school.

* Conduct" includes the use of technology or other electronic media.

 The Superintendent should place this definition, in its entirety, in student and staff handbooks and should develop guidelines to assist students and staff with identifying this conduct.

* *Protected classes* are classifications/characteristics protected from discrimination by NDCC 14-02.4-01 and federal law. The following classes are protected: race, color, religion, sex, national origin, age, disability (physical or mental), and status with regard to marriage or public assistance.
* *School property* or the term *on-campus* refers to all property owned or leased by the District, school buses and other vehicles, or any school district sponsored or school-sanctioned activity.
* *School-sanctioned activity* is defined asan activity that:
1. Is not part of the district’s curricular or extracurricular program; and
2. Is established by a sponsor to serve in the absence of a district program; and
3. Receives district support in multiple ways (i.e., not school facility use alone); and
4. Sponsors of the activity have agreed to comply with this policy; and
5. The District has officially recognized through board action as a school-sanctioned activity.
* School-sponsored activity is an activity that the District has approved through policy or other board action for inclusion in the district’s extracurricular program and is controlled and funded primarily by the District.
* *School staff* include all employees of the LaMoure Public school volunteers, and sponsors of school-sanctioned activities.
* *True threat* is a statement that, in light of the circumstances, a reasonable person would perceive as a serious expression of an intent to inflict harm.

**Prohibitions**

While at a public school, on school district premises, in a district-owned or leased school bus or school vehicle, or at any public school or school district sanctioned or sponsored activity or event, a student may not:

1. Engage in bullying;
2. Engage in reprisal or retaliation against:
3. A victim of bullying;
4. An individual who witnesses an alleged act of bullying;
5. An individual who reports an alleged act of bullying; or
6. An individual who provides information/participates in an investigation about an alleged act of bullying.

3. Knowingly file a false bullying report with the District;

Off-campus bullying that is received on school property is also prohibited. The District has limited disciplinary authority to respond to such forms of bullying.

**Reporting Procedures for Alleged Policy Violations**

* Reporting requirements for school staff: Any school staff member with knowledge or suspicion of a violation of this policy or who has received an oral or written report of a violation of this policy from a student, community member, or anonymously shall contact the building principal to inform him/her as soon as possible. If the alleged violation implicates the building principal, the school staff member shall report it to the Superintendent. If the alleged violation implicates the Superintendent, the school staff member shall file it with the Board President.

Should school administration determine that a school staff member knew of or suspected a violation of this policy and failed to report it in accordance with the procedure above, the staff member may be subject to disciplinary consequences or, for sponsors of school-sanctioned activities, other corrective measures.

* Reporting options for students and community members: Students and community members (including parents) may report known or suspected violations of this policy using any of the following methods:
	1. Completing a written complaint form: A complainant will have the option of including his/her name on this form or filing it anonymously. The District will place the form in a variety of locations throughout the school and should inform students and staff of these locations. The form may be returned to any school staff member, filed in a school building’s main office, or placed in a designated drop box located in each school.
	2. Complete and submit an online complaint form. A complainant will have the option of including his/her name on the form or submitting it anonymously.
	3. File an oral report with any school staff member.

A complaint filed anonymously may limit the district’s ability to investigate and respond to the alleged violations.

**Reporting to Law Enforcement & Others Forms of Redress**

Anytime a school staff member has reasonable suspicion that a bullying incident constituted a crime, s/he shall report it to law enforcement. Also, nothing in this policy shall prevent a victim/his/her family from seeking redress under state and federal law.

**Documentation & Retention**

The District shall develop a form to report alleged violations of this policy. The form should be completed by school staff when they:

1. Initiate a report of an alleged violation of this policy; or
2. Receive an oral report of an alleged violation of this policy.

The form should be completed by an administrator when s/he:

1. Initiates a report of an alleged violation of this policy; or
2. Receives an oral report of an alleged violation of this policy.

All written reports of an alleged violation of this policy received by the District shall be forwarded to the appropriate school administrator for investigation and retention.

Report forms and all other documentation related to an investigation of an alleged violation of this policy shall be retained by the District for six years after a student turns 18 or graduates from high school, whichever is later. If a student does not graduate from the District, such reports and investigation material shall be retained for six years after the student turns 18.

**Investigation Procedures**

School administrators (i.e., a principal, an assistant superintendent, or the Superintendent) are required to investigate violations of this policy (as prescribed under “Prohibitions”), when in receipt of actual notice of an alleged violation. Actual notice of an alleged violation occurs when alleged

bullying, reprisal, retaliation, or false reporting is reported using the applicable method(s) prescribed in the reporting section of this policy.

Upon receipt of a report of an alleged policy violation, the designated administrator shall first determine if the alleged policy violation is based on a protected class—whether actual or perceived. Reports involving a protected class shall be investigated in accordance with the district’s harassment/discrimination policy, including the timelines contained therein.

In all other cases, administration shall determine the level of investigation necessary based on the nature of the alleged violation of this policy after considering factors such as, but not limited to: the identity of the reporter and his/her relationship to the victim/alleged perpetrator; the ages of the parties involved; the detail, content, and context of the report; whether this report is the first of its type filed against the alleged perpetrator. Based on the level of investigation the administrator deems necessary, investigations may include any or all of the following steps or any other investigatory steps that the administrator deems necessary:

1. Identification and collection of necessary and obtainable physical evidence (NOTE: In some cases physical evidence may be unobtainable, e.g., a private social networking profile);

2. Interviews with the complainant, the victim, and/or the alleged perpetrator. At no time during an investigation under this policy shall the victim/complainant be required to meet with the alleged perpetrator;

3. Interviews with any identified witnesses;

4. A review of any mitigating or extenuating circumstances;

5. Final analysis and issuance of findings in writing to the victim and bully and, if applicable, implementation of victim protection measures and disciplinary measures under this or other applicable policies.

Investigations shall be completed within 60 days unless the administrator documents good cause for extending this deadline. Such documentation should be sent to victim and alleged perpetrator during the investigation.

**Disciplinary & Corrective Measures**

Students that the District has found to have violated this policy shall be subject to disciplinary consequences and/or corrective measures. When determining the appropriate response to violations of this policy, administration shall take into account the totality of circumstances surrounding the violation. Measures that may be imposed include, but are not limited to:

1. Require the student to attend detention;
2. Impose in- or out-of-school suspension or recommend expulsion. Due process procedures contained in the district’s suspension and expulsion policy shall be followed;
3. Recommend alternative placement. This recommendation shall be submitted to the Superintendent for approval or denial. The Superintendent may approve such recommendations only if the student has been given notice of the charges against him/her and an opportunity to respond;
4. Create a behavioral adjustment plan;
5. Refer the student to a school counselor;
6. Hold a conference with the student’s parent/guardian and classroom teacher(s), and other applicable school staff;
7. Modify the perpetrator’s schedule and take other appropriate measures (e.g., moving locker) to minimize contact with the victim;
8. If applicable, contact the administrator of the website on which the bullying occurred to report it.

If the misconduct does not meet this policy’s definition of bullying, it may be addressed under other district disciplinary policies.

For bullying initiated off campus and received on campus (e.g. cyberbullying), the District only has authority to impose disciplinary measures if the bullying substantially disrupted the educational environment or posed a true threat. In all other cases of off campus bullying received on campus, the District may only take corrective measures as described in items five through eight above.

If the perpetrator is a school staff member, the District shall take appropriate disciplinary action including, but not limited to: a reprimand, modification of duties (only if allowed by applicable policy, the negotiated agreement, and/or the individual’s contract), suspension, or a recommendation for termination/discharge in accordance with any applicable law.

**Victim Protection Strategies**

When the District confirms that a violation of this policy has occurred, it should notify the victim’s parents and shall implement victim protection strategies. These strategies shall be developed on a case-by-case basis after administration has reviewed the totality of the circumstances surrounding the bullying incident(s) or other violations of this policy. Strategies may include, but not be limited to, the following:

1. Additional training for all students and applicable staff on implementation of this policy and/or bullying prevention.

2. Notice to the victim’s teachers and other staff to monitor the victim and his/her interaction with peers and/or the assignment of a staff member to escort the student between classes.

3. Assignment of district staff to monitor, more frequently, areas in the school where bullying has occurred.

4. Referral to counseling services for the victim and perpetrator.

5. Modification of the perpetrator’s schedule and other appropriate measures imposed on the perpetrator (not the victim) to minimize the perpetrator’s contact with the victim.

**Prevention Programs & Professional Development Activities**

In accordance with law, the District shall develop and implement bullying prevention programs for all students and staff professional development activities.

## **Section VII -** VIDEO SURVEILLANCE & RECORDING IN SCHOOL  ACDB

1. **Purpose & Scope of Use**

The LaMoure Public School uses electronic surveillance systems in order to help ensure that school premises and individuals on school premises are safe and secure. Any person entering a school facility, on school property, at a school function, or riding a school bus, is subject to being videotaped.

Cameras may be used for the following purposes:

1. To protect the school premises from property damage;
2. To deter property damage;
3. To ensure the safety and security of individuals who are on the school premises;
4. To monitor and deter criminal activity from occurring.

Cameras will have no audio capabilities and will be installed on a closed circuit network.

1. **Camera Locations**
	1. Subject to the provisions below, cameras may be placed both in and outside school building(s). Areas chosen for surveillance should be where surveillance serves the purposes outlined in section one of this policy.
	2. All cameras must be unconcealed and clearly visible.
	3. Cameras shall not be placed in changing rooms, washrooms, and areas where students, staff, and others have a reasonable expectation of privacy.
	4. Cameras located internally shall not be directed to look through windows to areas outside the building, unless necessary to protect external assets.
	5. Cameras shall not be directed in adjacent, non-district buildings.
2. **Notification**

Signs advising use of the presence of video surveillance practices will notify individuals of:

1. The area in which surveillance is conducted;
2. Hours during which surveillance may be conducted;
3. **Use of Recorded Information**

The Superintendent and designee(s) may only use recorded information for purposes as outlined in this policy or for purposes expressly stated under state and federal law.

1. **Access to & Disclosure of Recorded Information**
	1. Only the Superintendent or his or her designate shall have access to the electronic surveillance system while it is in operation.
2. Video monitors will be placed in locations free from public viewing.
3. The district shall comply with all applicable state and federal laws related to access, review, and release of video recordings that are part of the student's educational record under the Family Educational Rights and Privacy Act.
4. Recordings not subject to part “c” of this section will be released in accordance with state open record laws. Individuals requesting surveillance footage will be required to view it at the school or pay for the cost of creating a copy.
5. **Audits**

The Superintendent or his/her designate shall be responsible for auditing use and security of surveillance cameras, including recorded information.

1. **Retention & Disposal of Recordings**
2. All recorded information not in use shall be securely stored in a locked receptacle or area.
3. Recorded information may never be sold, publicly viewed, or distributed in any other fashion except as provided for by this policy and applicable laws.
4. All recorded information used for the purpose of this policy shall be numbered and dated by camera site.
5. All recorded information shall be retained and destroyed in accordance with applicable laws.

**Non-applicable Provision**

This policy does not apply to covert or overt surveillance cameras being used by or on behalf of the District as a case specific investigation tool for law enforcement purposes where there is statutory authority and/or the authority of a search warrant to conduct the surveillance.

**ARTICLE XI**

**TEACHER AIDES / PARAPROFESSIONALS**

**Section I. RESPONSIBILITIES**

 (1) Duties

 (a) Complete all tasks assigned by the superintendent, principal and teachers.

 (b) Follow policies of the school pertaining to teachers and control students where applicable.

 (c) Follow the policies of the school board and superintendent.

 (d) Keep the information relating to the daily work of this job in strict confidence.

# Section II. GENERAL

 (1) Benefits

 (a) The length of the day shall be assigned by the superintendent.

 (b) All full time aides are entitled to seven (7) days sick leave accumulative to sixty (60) and one (1) day personal leave cumulative to 4. Personal and sick leave are defined the same as for teachers.

 (c) Aides will be paid an hourly rate.

 (2) Regulations

 (a) Anticipated absence shall be reported by the aide to the superintendent sufficiently in advance so that a substitute may be obtained.

 (b) If the aide finds it necessary to leave the building during the period of her regularly assigned work day, she must notify the administration first.

 (c) No school employee shall give permission to a person not employed by the LaMoure School to interview a student. This authority rests only with the principal.

**ARTICLE XII**

**FOOD SERVICE**

# Section l. CLEANLINESS

 (1) Regulations

 (a) Clothes worn by school food service employees shall be clean and neat.

 (b) No one other than food service staff are to be in the kitchen while food is being served.

 (c) The food service personnel shall follow all USDA guidelines that deal with food preparation and serving of food. 5/14

# Section II. FOOD PREPARATION

 (1) Menus

 (a) A variety of foods shall be served and the cooks shall attempt to not repeat any one (1) meal during the month.

 (b) The menus will be turned in to the office each week in time to be published in the paper.

 (c) An attempt will be made to provide menus that appeal to the students.

# Section III. PURCHASING

 (1) Procedures

 (a) All bills are to be signed by the receiving cook and turned in to the office when delivered and checked.

 (b) No other organization is to purchase food through the food service fund.

 (c) Items other than daily cooking supplies need the authorization of the superintendent before purchase.

# Section IV. ACCOUNTING

 (1) Procedures

 (a) Bills will be paid by invoice monthly.

 (b) Payment for students meals are to be prepaid. Notices will be given to students when their accounts get low. (c) Recommended State Food Service Accounting procedures will be followed.

# Section V. PERSONNEL

 (1) Responsibility and Benefits

 (a) All food service employees are responsible to the superintendent and will

be assigned hours and duties by him.

 (b) All full time food service employees are entitled to seven (7) days sick leave accumulative to sixty (60) and one (1) day personal leave cumulative to 4. Personal and sick leave are, defined the same as for teachers.

 (c) Food service employees will be paid an hourly rate.

**ARTICLE XIII**

**TRANSPORTATION**

# Section I. BUS DRIVERS

 (1) School Regulations

 (a) All bus drivers shall keep an accurate record of their mileage and time on the forms provided.

 (b) Adults may ride school buses to school activities providing school buses are not full. Adults will ride buses at their own risk.

 (c) All students riding to and from school activities on buses shall return on buses unless they have permission from their parents or guardian which must be in writing and accompanied by a phone call and which must be approved by the chaperone on the bus/or the principal or superintendent before the trip begins or taken by the parent or guardian from an activity.

 (d) When drivers who take an extra trip which does not allow them to drive their regular route, the school will pay the cost of the substitute.

 (2) Responsibilities

 (a) Bus drivers shall be responsible for behavior of children on the bus. Chronic misbehavior shall be reported to the superintendent’s office and parents of these children shall be notified that they may no longer be transported.

 (b) Bus drivers must keep their buses as neat as possible.

 (c) Drivers must check buses for safety consistently.

 (d) Any driver not complying with board policies and safety of children may be dismissed of bus duties.

 (e) All drivers and their substitutes must attend the school bus safety workshop.

 (f) Report violations of bus law by other vehicles, when other vehicles pass the bus while loading and unloading children or any other infraction of the state law, to the superintendent immediately. Record time, place, date and all other necessary information. Be sure you are within the law when doing so.

 (g) No school employee shall give permission to a person not employed by the LaMoure School to interview a student. This authority rest only with the principal.

 (3) Duties

 (a) Meetings shall be held periodically with the superintendent at which time such things as discipline on the bus, safety, maintenance etc. shall be discussed.

 (b) Extra hours of driving to basketball games, music festivals, tours etc. shall be designated by the superintendent.

 (4) Laws

 (a) Buses shall be operated by regular drivers or assigned substitutes.

 (b) Bus drivers shall be paid for extra trips according to the schedule set by the board of education.

 (c) All bus drivers must pass a physical examination every other year.

 (d) All bus drivers must be 18 years or older. However, two (2) physicals per year are required after age 65.

 (e) Speed limits on school buses shall be that required by state law. (f) All yield right of way signs shall be treated as stop signs.

 (g) Never start the bus until child has been seated.

 (h) No smoking shall be allowed on school buses.

 (i) All driver shall be properly licensed.

 (5) Benefits

 (a) All regular bus drivers will be entitled to seven (7) days per school year sick leave. A sick leave day is defined as 4 hours per driving day for accounting purposes. The sick leave days accumulative to sixty (60), defined the same as for teachers. When a driver cannot make a trip he should call the superintendent the evening before the morning trip. Amended 7/16

 **ARTICLE XIV**

**USE OF BUILDING AND PROPERTIES**

**Section I. UTILITY AND SERVICE CHARGES**

 (1) Organizations

 (a) Any private or church organization may rent any room in the building except the kitchen. All groups will be charged each time they use a room.

 (b) No charge will be made to the school organizations, LaMoure Alumni, baseball boosters, community groups, charity groups, boy scouts, girl scouts, 4-H, Teammakers or fund-raising groups for charity.

 (c) Fees:

 1) Gym $75.00

 2) Commons Area $10.00

 3) Classrooms / Fitness Center $ 5.00

 4) Home Ec. Room $15.00

 (d) Each time a room is used, the user shall clean the room or hire a school janitor to do so.

 (e) The kitchen may only be used for the groups in item (b) and only as long as the event is open to the public or it is sponsored by the school or alumni organization.

 (f) Facility usage which involves employees using the facility for the purpose of conducting camps, clinics or activities for which students are charged a fee for participation will be limited to programs directly related to a recognized school academic or activity program and which teaches students skills used in the school program. Use for such school related activities will be considered educational and will not be subject to a rental fee. Any group/activity that does not fit the above descriptions will be handled on a case-by-case basis with the rental fee being determined by the Superintendent of Schools. \* \*POLICY ADOPTED: 07/05

# Section II. USE OF BUILDING

 (1) Regulations

 (a) No use shall be permitted without prior approval by the superintendent.

 (b) The superintendent will make decisions with respect to the use and availability of space.

 (c) The building will be opened by the janitor or person approved by the superintendent or board prior to the scheduled time of the event. He will be paid by the user.

 (d) Renters or users of the school building shall assume full responsibility for the condition of the building and the conduct of those in attendance.

 (e) No smoking or drinking of alcoholic beverages shall be permitted in the school building or on school grounds. 5/14

**Section III. LOAN OF EQUIPMENT AND MATERIALS**

 (1) Regulations

 (a) School equipment may be loaned with permission from the superintendent. All purchases which have been contributed to the school by any organization shall become the property of the school district. There may be a small fee for some equipment.

**ARTICLE XV**

**BUILDINGS AND GROUNDS**

**Section I. CUSTODIANS**

 (1) Responsibilities

 (a) Custodians employed in routine maintenance work during the course of the regular school term shall be under the authority of the superintendent and the work schedule shall be assigned by him.

 (b) If you need supplies, please present your request to the superintendent. A requisition list is available in the office.

 (c) The work schedule shall be observed carefully by custodian and the superintendent.

 (d) Lavatories must be scrubbed and disinfected as needed.

 (e) Shower and locker rooms must be swept every day. Check toilet issue and soap twice daily.

 (f) Definite noon schedules must be worked out so at least one (1) custodian is on duty at all times.

 (g) Dusting shall be a regular part of a custodian daily schedule. It should not be necessary for anyone to ask to have his room or office dusted.

 (h) Walks should be shoveled by the time students come to school. The whole width of the walk must be cleared, not just a narrow path. ICE MUST BE REMOVED CHEMICALLY OR OTHERWISE.

 (I) Each custodian shall be responsible for turning off the lights and locking the doors as he leaves. The teacher in charge of students must be responsible for after hours.

 (j) A custodian should be careful of his own personal appearance.

 (2) Benefits

 (a) Full time members of the custodial staff shall be entitled to the same benefits of sick leave and personal leave as provided for teachers, limited to eight (8) hours.

 (b) Custodians are entitled to two (2) weeks paid vacation, which will not be allowed if the full year is not completed.

 (c) Custodians are not required to work on legal holidays when school is not in session. Exception is that all heating equipment will be checked during the winter on these days to assure that it is working properly.

 (3) Regulations

 (a) Anticipated absence shall be reported by the custodian to the superintendent sufficiently in advance so that a substitute may be obtained.

 (b) The custodial staff shall be required to comply with the physical examination law.

 (c) School doors shall be unlocked between the hours of 7:45 a.m. and

4:45 p.m.

 (d) Teachers should leave the room in a reasonably orderly condition for the custodian. Any unusual messy condition should be reported to the superintendent. All windows shall be closed by the teacher.

 (e) Regular meetings of the custodial staff shall be held with the superintendent.

 (f) If the custodian finds it necessary to leave the building during the period of his regularly assigned work day, he must notify the superintendent first.

 (g) No school employee shall give permission to a person not employed by the LaMoure School to interview a student. This authority rests only with the principal.

### ARTICLE XVI

**OFFICE STAFF**

**Section I. BUSINESS MANAGER**

 (1) Qualifications

 (a) The person responsible for this job is expected to be very polite, courteous, prompt and tactful in all situations.

 (b) Must be able to keep the information relating to the daily work of this job in strict confidence.

 (c) Must possess personal qualifications of grooming and poise which strengthens the dignity of the school.

 (d) Must have a natural and easy ability to type neatly and accurately.

 (e) Must be familiar with general office procedures, including the operation of office machines and equipment.

 (2) Responsibilities

 (a) This person is responsible to the superintendent. Any requests of the Business Manager by other than office staff are to be approved by the superintendent.

 (b) Receptionist - Greet callers, answer all telephone calls and relay messages and operate intercom system as needed.

 (c) Secretarial - Type letters, reports and forms.

 (d) Accounting Duties:

 1) Balance bookkeeping system monthly

 2) Prepare all bills and other required information for the school

board meetings

 3) Collect, deposit and account for all money that is received in the office

 4) Be able to prepare the monthly school food service report.

 5) Prepare quarterly reports

 6) Prepare and send regular bills

 7) Issue and receipt each and every key

 8) Keep proper records of all other funds assigned by the superintendent

 (e) Keep a list of all office supplies needed

 (f) Distribute mail in the morning

 (g) No school employee shall give permission to a person who is not employed by the LaMoure School to interview a student. This authority rests only with the principal.

 (3) Benefits

 (a) This person is entitled to the same benefits of sick leave and personal leave as the teachers.

 (b) This person is entitled to two weeks paid vacation which will not be allowed if the full year is not completed.

* 1. This person will be paid a monthly rate and will receive compensatory time in place of overtime.

# Section II. RECEPTIONIST

 (1) Qualifications

 (a) The person responsible for this job is expected to be very polite, courteous, prompt and tactful in all situations.

 (b) Must be able to keep the information relating to the daily work of this job in strict confidence.

 (c) Must possess personal qualifications of grooming and poise which strengthens the dignity of the school.

 (d) Must have a natural and easy ability to type neatly and accurately.

 (e) Must be familiar with general office procedures including the operation of office machine and equipment.

 (2) Responsibilities

 (a) This person is responsible to the principals and the daily work agenda for the receptionist will be determined by the principals during the school year and the superintendent during the summer.

 (b) Receptionist - Greet callers, answer all telephone calls and relay messages and operate intercom system as needed.

 (c) Type letters, report and forms for both and principal and the superintendent.

 (d) Reconcile activity checkbook, balance bookkeeping system and prepare monthly activity account as directed by the principal.

 (e) Work with attendance, report cards and scheduling as directed by the principal during the school year.

 (f) No school employee shall give permission to a person who is not employed by the LaMoure School to interview a student. This authority rests only with the principal.

 (3) Benefits

 (a) This person is entitled to the same benefits of sick leave and personal leave as the teachers.

 (b) This person is entitled to two (2) weeks paid vacation which will not be allowed if the full year is not completed.

 (c) This person will be paid a monthly rate and will receive compensatory time in place of overtime.

ARTICLE XVI

**BARGAINING**

Section I. The current bargaining agreement is printed. The new contract shall be attached each year when completed.

**LAMOURE SCHOOL 2021 – 2022 AND 2022 – 2023**

# BARGAINING AGREEMENT

1. All teachers shall have a minimum of six semester hours of college credit during each five-year certificate period. Lifetime certificates will be monitored for state requirements. This is to be documented by college grade transcripts as approved by the Superintendent. (Amended 6/19)
2. Annual sick leave shall be ten days cumulative to ninety days and may be used each year for family medical appointments, illness in the family or funerals of those other than immediate family. A teacher who expects to become a parent may request leave of absence for up to twelve consecutive weeks. Four of these weeks may qualify for sick leave providing the teacher has sick leave available. The sick leave may be extended after four weeks with a medical certificate from a doctor that indicates it is necessary to have additional sick leave. The leave of absence shall begin the day of birth/adoption or at the beginning of the first contracted day of the school year. Unpaid vacation days will not count as part of the four weeks (four weeks being defined as twenty working days). The school district will pay staff $10 per day for unused sick leave if employed in the school district for 9 years and below and $30 per day if employed for 10 or more years upon leaving the LaMoure School District. (Amended 5/17)
3. Personal leave will be three days yearly cumulative to five days. Personal leave will be given with no reason indicated by the teacher. It is granted any time a substitute is available except the first and last week of school with an emergency being an exception to this rule. The school district will pay teachers the daily rate for substitute pay for unused personal days that would bring the teacher down to a minimum remainder of two (2) personal days left at the end of the school year. This amount would be added into the end of year checks. (Amended 05/21)
4. A teacher who is absent because of a storm or bad roads on a day when school is in session may either use a personal day, if one is available, or have the cost of the substitute for that day deducted from his/her paycheck.
5. All teachers may request professional growth leave, emergency leave, sabbatical leave, and/or professional leave. Sabbatical leave or professional growth leave must receive board approval.
6. When a teacher is asked to cover class time in the absence of another staff member, they will be compensated at a substitute rate for extra time rendered.
7. The LaMoure School District will pay for five-year license renewals for all educators who have taught for the LaMoure Public School for three or more years. The board will also pay for any endorsements that are required by the school to obtain.(Added 05/07))
8. The LaMoure School District will provide $100 per teacher each school year to reimburse teachers the dues they pay to belong to professional organizations in their content areas. The administration must approve all organizations, which must be in the teachers’ content area. Teachers will pay dues to their chosen organizations; they may request reimbursement upon submitting signed proof of approval and dues payment to business manager**.** (Added 05/07)
9. Grades or classes will be put on the teacher contract when possible, and all other staff will be notified of their teaching assignments as soon as possible. The superintendent and teacher will mutually agree upon any changes made after the contract has been signed.
10. The school year will consist of the number of days required by the state plus the extended contract days for teaching staff which is agreed upon in negotiated agreement. This includes item # 20 in the negotiated agreement.
11. An advisor or coach required to drive to an event shall be paid a sum of $50.00 for an event up to 75 miles away and $55.00 for an event more than 75 miles away. An advisor or coach that drives to a practice shall be paid a sum of $15.00 for each practice. No payment will be made if the event occurs during the regularly scheduled hours of the school day. An event is defined as but not limited to where the students compete or perform at an event or where the group is representing the LaMoure School at a function. (Amended 6/19)
12. The LaMoure School Board will pay 50% of a full family health insurance policy. The amount may be used toward each teacher’s individual health insurance plan or an annuity or any combination of insurance plans not to exceed 50% of the full family health insurance premium. This benefit may not fall below the previous years’ dollar value starting with the 2006 – 2007 school year. \* (Amended 5/06)
13. All benefits fringe and regular, are to be pro-rated to the amount of time on the contract. All steps in this salary schedule are based on the number of days in the school contract. An example of this would be a half time teacher would be paid one-half the rate of a full time teacher. An exception to this is the educational advancement clause.
14. Extra curricular contracts will be issued separately from the teaching contract with the salary determined using the extra curricular salary schedule**.** Extra curricular salary pay will increase 4% on the base pay per year starting with the 2007 school year. (Amended 05/07)
15. A coach or advisor that has an extended season will receive added pay of 5% of the base salary of that activity directing. The following are qualifiers for extended season pay.
	1. Region Tournament Advancement – Volleyball, Basketball, Cheerleading
	2. State Tournament Advancement– Baseball, Wrestling, Track, Golf, X-Country, Speech, Music, 1-Act Play, Cheerleading
	3. Playoff Advancement – Football, Cheerleading
	4. National Advancement – FFA, FCCLA (Added 2015).
16. The LaMoure School Board and the LaMoure Education Association agree to the following: In the event that curriculums require the sharing of LaMoure teachers between school districts, both parties agree that the teacher’s fulltime status will not be jeopardized. The LaMoure School Board will hold the contract and may negotiate with the participating school district to compensate teachers in addition to the bargaining agreement salary schedule. The intended purpose of this agreement is to compensate teachers for the inconvenience of teaching in a multiple school arrangement. In the event the teacher is required to be advisor or coach of the same extra-curricular activity or organization in both schools, it is suggested that a co-op be formed to prevent a conflict of interests. The arrangement will guarantee state rate for mileage if transportation is not provided, and travel time will not be considered a teacher’s prep time.
17. Teachers are guaranteed a duty-free lunch. Teachers supervising noon recess will be compensated with a free lunch. Any teacher volunteering lunchroom duty supervision will also receive a free lunch. The practice of elementary teachers monitoring students until they have gone through the lunch line and are seated is not part of a duty-free lunch and will continue.
18. Savings Clause - If any provision of this agreement or any application thereof to any party of the contract is finally held to be contrary to law, then such provision or application shall be deemed invalid to the extent required by such decision, but all other provisions and applications shall continue in full force and effect. If such provisions exist which are so held, at the request of either party, negotiations shall immediately commence in order to alter said section(s) providing the benefit(s) according to the intent of the parties. (Added 2009)
19. Grievance Procedure – The enclosed grievance procedure will be followed when dealing with concerns or grievances involving Teacher’s signed contracts. (Added 2015)
20. Each teaching staff member will have an extended contract day which is as follows:
	1. A half – day will be added to the contract for teaching staff that occurs at the beginning of the school year. This day will be utilized by staff for preparing the classroom for the start of the school year. This ½ day will be part of the teaching contract. The half day rate will be one-half the daily rate of pay for each teacher. (Amended 6/19)
21. Duration Clause: This agreement shall be effective on July 1, 2021 to June 30, 2023, and shall be automatically renewed and will continue in force for additional periods of one year unless either party gives notice to the other party, not later than the March School Board Meeting of its desire to re-open certain provisions. If such notification occurs, the Agreement shall be renegotiated. In the event a successor agreement is not agreed upon before the anniversary date of this agreement, all provisions of this agreement shall remain in full force and effect until a mutual agreement is reached. All salaries, benefits and working conditions agreed upon in the successor agreement will be retroactive to the anniversary date of this agreement.

The Board and the Association agree that the terms and conditions set forth in this agreement represent the full and complete understanding and commitment between the parties and that said terms and conditions may not be altered, changed, added to, deleted from, or modified without the mutual consent of the parties in amendment, written and attached and made a part of this agreement.

Signed \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Signed \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

 President of Association President of School Board

Dated this \_\_\_\_\_\_\_ of May, 2021

SICK LEAVE BANK

**A. Establishment** - A sick leave bank is available to members of the LaMoure School faculty. Faculty shall be defined as employees eligible to receive sick leave at LaMoure School. The purpose of the “bank” shall be for faculty if they, their spouse or child has unexpected or extended medical illness or injury. The sick leave bank’s days were established beginning with the school year 1983-84. No individual may draw more than 180 days from the sick bank in her/his lifetime of employment with the LaMoure School.

**B. Qualifications** – All faculty will have the option to join the sick bank at any time during their employment with LaMoure Public Schools. To be in the sick bank a faculty member will need to invest two sick leave days into the bank. Contributions for the year must be done by Sept. 10th to be included in the sick bank. Once a member has invested two days into the bank, they will be considered in the bank while they continue to work in a faculty position at LaMoure Public Schools. Faculty of the LaMoure Public School employed on a halftime contract will draw at one-half the full time employee. Any employee who was previously in the sick bank, who ceases to be employed at LaMoure School and then returns to employment at LaMoure School, will contribute one sick day to belong to the sick bank.

**C. Replenishment** - At any time the balance reaches a trigger point of 180 days minus an accumulated total of one day per sick bank member (Ex. 42 Sick Bank Members, the trigger point would be 180-42), each member shall be assessed a day to restore the 180 day balance. If at the beginning of the school year, the sick bank balance is below 180 but above the trigger point, those teachers whose sick leave has accumulated to 90 days will contribute all of their extra days that would be over 90 into the sick bank until the bank reaches 180 days. Any member who has depleted their sick leave and is unable to contribute at the time of replenishment shall have the one (1) sick leave day deducted during their first pay period the subsequent year.

**D. Application** – Any faculty member having used their total accumulated personal sick leave may apply to the Sick Leave Bank for consideration to draw on the Sick Leave Bank days. Applications must be in writing and given to the Sick Leave Bank Committee of consideration. The application should include a HIPAA compliant release. A medical doctor’s certificate of illness shall accompany all applications to the Sick Bank Committee.

**E. Committee** – The Sick Leave Bank Committee shall consist of three (3) teachers selected by the LaMoure Education association plus the principal, the superintendent, support staff and a member of the school board, making a total of six (~~6~~ 7 ). Selection of the teachers’ representatives and the school board member representative shall occur when a sick bank committee needs to be assembled. The purpose of the Sick Leave Bank Committee shall be to oversee the use of the bank, review all applications, accept or reject the application, maintain proper balance and provide reasonable assurances that the Sick Leave Bank is not abused. When a member of the committee needs to request leave from the Sick Leave Bank, they will be replaced by another teacher and an administrator shall be replaced by an administrator or by a board member.

 **F. Others** – All bookkeeping will be done in the office. A summer employee will be treated in the same manner as a regular employee as long as the day missed cannot be made up. (adopted 5/17

**GRIEVANCE PROCEDURE**

**Purpose**

The purpose of this procedure is to secure equitable solutions to concerns and grievances involving the Teachers’ Signed Contract in the shortest reasonable time and at the lowest possible administrative level. Since it is important that grievances be processed as rapidly as possible, the number of days indicated at each level should be kept at a minimum and every effort should be made to expedite the process. The time limit specified may be extended by mutual agreement. Both parties agree that these proceedings shall be kept as informal and confidential as may be appropriate at any level of the procedure.

**Definition of Grievance**

A grievance is defined as a specific complaint regarding an alleged violation of this bargaining agreement.

**Procedure**

A teacher must first discuss the concern with his or her principal or immediate supervisor as may be appropriate with the intent of resolving the matter informally.

If the concern is not satisfactorily resolved with discussion, an aggrieved teacher can move to Level One by submitting a written statement of the grievance to the principal or immediate supervisor.

**Level One:**

Within 3 working days of receipt of this written statement, the principal or immediate supervisor shall hold a conference with the grievant. Following the conference, the principal or the immediate supervisor shall tender a written response to the grievant within 2 working days.

**Level Two**:

If the grievance is not satisfactorily resolved at Level One within 7 working days after the grievant filed a written grievance, the grievant may submit the written grievance to the office of the Superintendent. The Superintendent shall schedule and hold a conference relative to such grievance within5 working days of its receipt. Within 2 working days of such meeting, the Superintendent or designee shall communicate in writing a decision to the grievant.

**Level Three:**

If the grievance is not satisfactorily resolved at Level Two within 10 working days after the grievance was filed at Level Two, the grievant may submit the written grievance to the Board. The Board shall schedule and hold a conference relative to such grievance at the next scheduled Board meeting or within two weeks of receipt of such grievance. Within 2 working days of such meeting, the Board shall communicate in writing a decision to the grievant. This decision is binding on all points to all parties of interest.

**Rights and Representation**

No reprisals of any kind shall be taken by either party or by any member thereof against a party of interest, or any other participant in the grievance procedure by reason of such participation.

Any party of interest may be accompanied by representation at all stages of this procedure by a person(s) of his/her choosing. Except for those grievances involving the Drug Policy, the Association shall have the right to be present and to state its views, and the Association shall be further entitled to receive a copy of any written decisions rendered. (In those grievances involving the Drug Policy, the grievant has the option of including or excluding the Association.)

**Miscellaneous**

All documents, communications, and records dealing with the processing of a grievance shall be filed separately from the personnel file of the participants.

The grievant shall be informed at least 1 working day in advance of any scheduled meeting herein, but may agree to waive such time consideration to expedite the meeting at any earlier date.

Should a teacher or an Association representative be required by the employer’s scheduling to be absent from his/her regular assignment for the execution of this grievance procedure, he/she shall be released without loss of pay or benefits, and a substitute will be provided.

In the event a grievance is filed on or after April 15 which, if left unresolved until the beginning of the following school year, could result in irreparable harm to any party of interest, the time limits set forth herein shall be reduced to one-half rounded to the nearest day so that the grievance procedure may be completed prior to the end of the school year or as soon thereafter as is practical.

1. Law does not require parents be involved in making the determination of the extent to which services are needed for a student removed from school on a short-term basis. However, there is nothing in federal regulations that would prohibit the principal or Superintendent, if they choose to do so, from including parents in the consultation. [↑](#footnote-ref-1)
2. This notice is not required by law but is strongly recommended [↑](#footnote-ref-2)