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Descriptor Code: AAA

**PHILOSOPHY OF PUBLIC SCHOOLS**

We, the North Border Public School Board, present this statement of our basic beliefs concerning education in order to formulate district goals and objectives and to establish programs that are designed to meet these goals and objectives within the legal framework of state and federal law.

We Believe:

1. The purpose of education is to equip students with the knowledge and skills necessary to become active, informed, and productive members of society. Our

public schools have a responsibility to foster the growth of intelligent and informed citizens.

2. All individuals are entitled to equal rights, freedoms, and opportunities regardless of economic, cultural, or intellectual differences. The District is committed to creating and preserving a learning and working environment that promotes tolerance and is free from discrimination and harassment.
3. Only through the study of basic subject matter, history, culture and fine arts will students be prepared for both the practical tasks and complexities of the world. The District will provide all students with opportunities to participate in varied curricular offerings.
4. Education should aid in the development of good character, self-respect and self-worth, and offer opportunities to form satisfying and responsible relationships with other people. The District will offer programs that allow students to practice the skills of family and community living and that promote an appreciation for health and safety.
5. Education must look to the future. The District will offer programs to help equip students with skills that may be demanded by our future society, that help students select appropriate occupations, and that provide opportunities to develop worthwhile leisure time activities. The District will also offer programs that teach money, property, and resource management techniques and conservation practices in order to assist students with planning for the future.
6. Educational experiences should be timed in accordance with students' readiness for them. All district programs will take into account factors such as age, maturity, and readiness.
7. Appropriate discipline helps ensure that the educational program operates efficiently and helps mold students into upstanding citizens. The Board shall develop policies in accordance with law to ensure administrators are equipped to appropriately respond to disciplinary issues.
8. Parents and the community should serve as partners with schools. It takes the combined effort of all members of the community to develop and maintain an educational program that meets the objectives delineated above. District schools will embrace the support and reflect the expectations of the community.

**End of Policy AAA.....Adopted: 6/2012**

**REQUIRED**

Descriptor Code: AAB

DISTRICT GOALS & OBJECTIVES

The District shall comply with approval requirements in state law and shall strive to provide schools that meet the criteria for accreditation with commendation from Department of Public Instruction and that show adequate yearly progress as defined in federal law.

In addition to meeting these approval and accreditation requirements/standards, the Board has established yearly goals for the District.

End of Policy AAB ..... Adopted: 6/2012

**REQUIRED**

Descriptor Code: AAC

**NONDISCRIMINATION & ANTI-HARASSMENT POLICY**

**General Prohibitions**

The North Border School District is committed to maintaining a learning and working environment free from discrimination and harassment in all employment and educational programs, activities, and facilities. The District prohibits discrimination and harassment based on a student's, parent's, guardian's, or employee's race, color, religion, sex, gender identity, national origin, ancestry, disability, age, or other status protected by law. The District also provides equal access to the Boy Scouts and other designated youth groups, as required by federal law.

It is a violation of this policy for any district student, parent, guardian, employee, or third party to discriminate or harass against another district student or employee, based on any status protected by law, if the conduct occurred within the context of an education program or activity, or if the conduct had a continuing effect in the educational setting of a program or activity occurring on or off school district property. The District will not tolerate discrimination or harassment of a district student or employee by a third party. The District also prohibits aiding, abetting, inciting, compelling, or coercing discrimination or harassment; discriminating against or harassing any individual affiliated with another who is protected by this policy and/or law; knowingly making a false discrimination and/or harassment report; and retaliation against individuals who report and/or participate in a discrimination and/or harassment investigation, including instances when a complaint is not substantiated.

The District shall promptly investigate any discrimination, harassment, or retaliation complaint and act on findings as appropriate, which may include disciplinary measures such as termination of employment or expulsion in accordance with board policy, law, and, when applicable, the negotiated agreement. Students and employees are expected to fully cooperate in the investigation process. The District will take steps to prevent recurrence of discrimination, harassment, or retaliation and remedy discriminatory effects on the complainant and others, if appropriate.

**Definitions**

- Complainant* is the individual filing the complaint. If the complainant is not the victim of the alleged discrimination and/or harassment, the victim must be afforded the same rights as the complainant under this policy and regulation AAC-BR.
- Disability* is defined in accordance with NDCC 14-02.4-02 (5).
- Discrimination* means failure to treat an individual equally due to a protected status.

- *Protected status* is defined in applicable state (NDCC 14-02.4-02 (6)) and federal laws.
- *Employee* is defined in accordance with NDCC 14-02.4-02 (7).
- *Harassment* is a specific type of discrimination based on a protected status. It occurs under the following conditions:
  - a. For employees: When enduring the offensive conduct becomes a condition of continued employment, or the conduct is severe or pervasive enough to create a work environment that a reasonable individual would consider intimidating, hostile, or abusive
  - b. For students: When the conduct is sufficiently severe, persistent, or pervasive so as to limit the student's ability to participate in or benefit from the education program or to create a hostile or abusive education environment.
- *Section 504* (Section 504 of the Rehabilitation Act of 1973, as amended, 29 U.S.C. § 794) is a federal law designed to protect the rights of individuals with disabilities in programs and activities that receive federal financial assistance from the U.S. Department of Education.
- *Sexual harassment* is a form of harassment based on sex or gender identity. It is defined as unwelcome sexual advances, requests for sexual favors, and/or other verbal, written, or physical conduct or communication of a sexual nature when:
  - a. It is quid pro quo, meaning submission to such conduct or communication is made a term or condition, either explicitly or implicitly, of the basis for employment decisions or educational decisions or benefits for students (e.g., receiving a grade).
  - b. It creates a hostile environment, meaning unwelcome sexual conduct or communication that is sufficiently serious to deny or limit a student's ability to participate in or benefit from the school's program(s). For employees, a hostile environment is created when submission to unwelcome sexual conduct is made, either explicitly or implicitly, a term or condition of an individual's employment.
- *Sexual harassment* examples include:
  - a. Sexual or "dirty" jokes;
  - b. Sexual advances;
  - c. Pressure for sexual favors;
  - d. Unwelcome touching, such as patting, pinching, or constant brushing against another's body;
  - e. Displaying or distributing of sexually explicit drawings, pictures, and written materials;
  - f. Graffiti of a sexual nature;
  - g. Sexual gestures;

- h. Touching oneself sexually or talking about one's sexual activity in front of others;
  - i. Spreading rumors about or rating other's sexual activity or performance;
  - j. Remarks about an individual's sexual orientation; and
  - k. Sexual violence, including rape, sexual battery, sexual abuse, and sexual coercion.
- Title II of the Americans with Disabilities Act* extends the prohibition on discrimination established by Section 504 to all services, programs, and activities of State and local government entities.
  - Title IX* is a federal law that protects people from discrimination, based on sex, in education programs or activities that receive federal financial assistance.

### **Complaint Filing Procedure**

The Board shall create an informal and formal discrimination and harassment complaint filing procedure in board regulations coded AAC-BR. The procedure provides for an impartial investigation free of conflicts of interest. Nothing in this policy or in the discrimination and harassment grievance procedure prevents an individual from pursuing redress through state and/or federal law.

### **Confidentiality**

An individual wishing to file an anonymous discrimination and/or harassment complaint must be advised that confidentiality may limit the district's ability to fully respond to the complaint and that retaliation is prohibited. The appropriate grievance coordinator (Title IX, 504/Title II, or Nondiscrimination) shall perform a confidentiality analysis to determine when a request for confidentiality cannot be honored due to safety reasons or the district's obligation to maintain a nondiscriminatory educational environment. The complainant must be notified in writing of the confidentiality analysis outcome. A discrimination or harassment investigation report is subject to the open records law after 60 days or when the investigation is complete (whichever comes first), with limited exceptions such as when the record is protected by FERPA.

### **Complaint Recipients**

If any district employee receives a discrimination or harassment complaint, the employee shall forward it to the appropriate grievance coordinator. All district employees must receive training on their reporting duties.

### **Policy Training and Dissemination**

The Board authorizes the Superintendent to develop discrimination and harassment awareness training for students and employees. In addition, the Superintendent shall display this policy and complementary grievance procedures in a prominent place in each district building and publish it in student and employee handbooks.

### **Grievance Coordinators**

The Title IX Coordinator's responsibilities include overseeing the district's response to Title IX reports and complaints and identifying and addressing any patterns or systemic problems

revealed by such reports and complaints. The Title IX Coordinator must have knowledge of the requirements of Title IX, of the district's policies and procedures on sex discrimination, and of all complaints raising Title IX issues throughout the District. To accomplish this, the Title IX Coordinator must be informed of any report or complaint raising Title IX issues, even if the report or complaint was initially filed with another individual or office or if the investigation will be conducted by another individual or office. The Board designates the Superintendent as the Title IX Coordinator. He/She may be contacted at: 605 10<sup>th</sup> St, Walhalla, ND 58282, or 701 549-3751.

The 504/Title II Coordinator's responsibilities include overseeing the district's response to disability discrimination reports and complaints. The 504/Title II Coordinator must have knowledge of the requirements of Section 504 and Title II, of the district's policies and procedures on disability discrimination, and of all complaints raising Section 504/Title II issues throughout the District. To accomplish this, the 504/Title II Coordinator must be informed of any report or complaint raising Section 504/Title II issues, even if the report or complaint was initially filed with another individual or office or if the investigation will be conducted by another individual or office. The Board designates the Superintendent as the 504/Title II Coordinator. He/She may be contacted at: 605 10<sup>th</sup> St, Walhalla, ND 58282, or 701 549-3751.

The Nondiscrimination Coordinator's core responsibilities include overseeing the district's response to discrimination and harassment reports and complaints that do not include sex or disability, but instead the other protected statuses. The Board designates the Superintendent, as the Nondiscrimination Coordinator. He/She may be contacted at: 605 10<sup>th</sup> St, Walhalla, ND 58282, or 701 549-3751.

The Title IX, 504/Title II, and Nondiscrimination Coordinators, and any other school official responsible for the investigation of discrimination complaints, shall receive training. This training must include:

1. The definition of discrimination, harassment, and retaliation;
2. The handling of complaints under the Discrimination and Harassment Grievance Procedure (AAC-BR); and
3. The applicability of confidentiality requirements.

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

- AAC-BR, Discrimination and Harassment Grievance Procedure
- AAC-E, Filing a State or Federal Discrimination and/or Harassment Complaint
- AAC-E2, Discrimination and/or Harassment Complaint Confidentiality Assessment
- AAC-E3, Discrimination and/or Harassment Training Requirements for Students and Employees
- AAC-E4, Reasonable Accommodation Request Physician Form
- ABBB, Non-Curricular Use of District Property
- DE, Staff Code of Conduct
- FGDB, Student Handbooks

[10/19]

**REQUIRED**

Descriptor Code: AAC-BR

**DISCRIMINATION & HARASSMENT GRIEVANCE PROCEDURE**

The following procedure is designed to resolve harassment and discrimination complaints as defined in board policy in a prompt and equitable manner. Board policy requires all students and staff to fully cooperate when asked to participate in a harassment investigation. The procedure contained in these regulations supersedes the district's complaints about personnel and bullying policies.

**Retaliation Prohibited**

The District prohibits retaliation for an individual's participation in and/or initiation of a harassment/discrimination complaint investigation, including instances when a complaint is not substantiated. The consequences for violating this prohibition are delineated in policy.

**Complaint Filing Format and Deadlines**

Complaints can be filed verbally or in writing and should be filed as soon as a victim or witness of alleged harassment and/or discrimination becomes aware that alleged harassment or discrimination occurred. Complaints must be filed within statutory deadlines contained in law.

**To Whom Complaints May be Filed**

Complaints may be filed with any responsible employee. Each district school shall print a list of responsible employees in its student handbook. Responsible employees are required to report any discrimination/harassment to the Title IX Coordinator/Superintendent] when they knew (e.g., received a complaint, directly observed it) or should have known it was occurring (e.g., overheard students talking about an incident, saw discriminatory or harassing graffiti or vandalism on school property). Failure by a responsible employee to report under this regulation may result in disciplinary action.

**Initiating Complaint Resolution Procedure**

After receiving a discrimination/harassment complaint or gaining knowledge of potentially discriminatory/harassing conduct, the Title IX Coordinator/ Superintendent shall contact the complainant/victim, determine if an informal or formal investigation is appropriate, and determine if the complainant/victim requests confidentiality. Requests for confidentiality shall be handled in accordance with policy AAC.

**Prohibition on Meeting with the Accused**

At no time during the informal or formal resolution process shall the complainant be required to meet with the accused. If any school official listed in this regulation as responsible for



conducting or overseeing the investigation is the accused, the Superintendent or Board President (if the Superintendent is the accused) shall designate a different individual (which may be a third party) to carry out the accused's responsibilities associated with the investigation.

### **Third-Party Assistance**

School officials responsible for conducting/overseeing discrimination/harassment investigations are authorized to receive assistance from the district's legal counsel throughout the process.

### **Investigation Timeframes**

The informal resolution procedure shall be completed within 30 days of a responsible employee reporting the complaint or incident to the Title IX Coordinator/Superintendent unless the investigator documents reasons for delays and communicates these reasons with the complainant and accused. The formal resolution procedure shall be completed within 60 days of a responsible employee reporting the complaint or incident to the Title IX Coordinator/Superintendent or a complainant or accused terminating the informal complaint procedure unless the investigator documents reasons for delays and communicates these reasons with the complainant and accused.

### **Interim Measures**

Pending the final outcome of an informal or formal investigation, the District shall institute interim measures to protect the complainant and inform him/her of support services available. These interim measures should have minimum impact on the complainant.

### **Informal Resolution Procedure**

This procedure shall not be used when the alleged discrimination or harassment may have constituted a crime. This procedure shall only be used when mutually agreed to by complainant and the Superintendent.

During this process, the Superintendent shall only gather enough information to understand and resolve the complaint. Based on this fact-gathering process, the Superintendent shall propose an informal solution, which may include, but not be limited to, requiring the accused to undergo training on harassment/discrimination, requiring all students and staff to undergo such training, instituting protection mechanisms for the complainant, and/or holding a formal meeting with the accused to review the harassment/discrimination policy and discuss the implications of violating it. Both the complainant and the accused must agree to the informal resolution before it can be instituted.

The Superintendent shall monitor the implementation and effectiveness of recommendations and initiate the formal resolution procedure below if harassment/discrimination persists.

Both the complainant and the accused have the right to terminate the informal procedure at any time to pursue a remedy under the formal grievance procedure.

### **Formal Resolution Procedure**

Whenever alleged discrimination or harassment may have constituted a crime, the Superintendent should contact law enforcement and enter into a memorandum of understanding concerning sharing of evidence and coordination of the investigation.

The fact-gathering portion of the investigation shall be carried out by the Superintendent/Title IX Coordinator and shall consist of interviews with the complainant, the accused, and any others who may have witnessed or otherwise have knowledge of the circumstances giving rise to the alleged complaint and may involve gathering and review of information relevant to the complaint. Both the complainant and accused will have equal opportunity to present evidence and name witnesses. Witnesses shall be instructed not to discuss this matter with others.

The fact-gathering portion of the investigation shall be completed within 15-20 calendar days or as soon as practical. After gathering this information, the investigator shall determine if a recommendation for expulsion for an accused student or discharge for an accused teacher should be made. If this recommendation is made, the hearing shall be held in accordance district policy and law, except that both the complainant and accused shall have an equal right to attend the hearing, have parents/spouse (for employees) and a representative present, present evidence, and question witnesses. The complainant may choose to watch the hearing remotely and appoint a representative to participate in the hearing in his/her stead.

#### **Investigation Report:**

After the fact-gathering process and, if applicable, hearing is complete, the Superintendent or hearing officer (if a hearing was held) shall complete a written report containing a determination of whether allegations were substantiated, whether the discrimination/harassment policy was violated, and recommendations for corrective action, if any. These determinations shall be made on a case-by-case basis. The Superintendent/hearing officer shall assess if discrimination/harassment more than likely not occurred based on, but not limited to, the following criteria:

- Whether evidence suggests a pattern of conduct supporting of disproving the allegations or harassment or discrimination
- Whether behavior meets the definition of harassment, sexual harassment, and/or discrimination as defined in board policy
- Ages of the parties involved
- Relationship between the parties involved
- Severity of the conduct
- How often the conduct occurred, if applicable
- How the District resolved similar complaints, if any, in the past.

Any disciplinary action shall be carried out in accordance with board policy, law, and, when applicable, the negotiated agreement.

The investigation letter shall indicate if any measures shall be instituted to protect the complainant. Such measures may include, but not be limited to, extending any interim protection measures taken during the investigation. The letter shall also inform the complainant of support services available.

The investigation letter shall contain a monitoring plan to evaluate the effectiveness of the resolution and help prevent recurrence.

The resolution listed in the investigation report shall be final and binding; however, nothing shall prevent the parties from seeking judicial redress through a court of compensate jurisdiction or through any applicable state or federal complaint procedures.

End of Board Reg. AAC-BR .....Approved:

[07/14]

**EXHIBIT**

Descriptor Code: AAC-E

FILING A STATE OR FEDERAL DISCRIMINATION & HARASSMENT COMPLAINT

Most employment-related discrimination or harassment complaints:

- Statute of limitations is 300 days (NDCC 14-02.4-19)
- Complaints should be filed with:  
North Dakota Department of Labor  
Human Rights Division  
600 East Boulevard Ave, Dept. 406  
Bismarck, ND 58505-0340  
Phone: (701) 328-2660 or 1-800-582-8032

Employee, student, or other person claiming to be aggrieved by a discriminatory practice with regard to public services or public accommodations:

- Statute of limitations is 180 days (NDCC 14-02.4-19)
- Complaints should be filed with:  
North Dakota Department of Labor  
Human Rights Division  
600 East Boulevard Ave, Dept. 406  
Bismarck, ND 58505-0340  
Phone: (701) 328-2660 or 1-800-582-8032

Student harassment or discrimination complaints related to programs and activities that receive federal financial assistance:

- Statute of limitations is 180 days for most claims (28 CFR 35.170 and 34 CFR 100.7). There may be an exception for Section 504 claims.
- Complaints should be filed with:  
Chicago Office for Civil Rights  
U.S. Department of Education  
Citigroup Center  
500 W. Madison Street, Suite 1475  
Chicago, IL 60661

End of Exhibit AAC-E

## REQUIRED

Descriptor Code: AACA

### SECTION 504 DISPUTE RESOLUTION POLICY

For purposes of identification, evaluation or educational placement of a child under Section 504, the District or designee (i.e., special education unit) shall provide a parent/guardian with notice, an opportunity to examine relevant records, an impartial hearing with an opportunity to participate and/or be represented by counsel, and a review procedure. Notification, record review, and hearing procedures are on file with Pembina County Special Education Cooperative.

Any other complaint concerning Section 504 may be filed using the district's discrimination and harassment grievance procedure (AAC-BR) or through state or federal law.

#### Complementary Documents

- AAC, Nondiscrimination & Anti-Harassment Policy
- AAC-R, Discrimination & Harassment Grievance Procedure
- FDE, Education of Special Education/Disabled Students

### **EMERGENCY CLOSINGS**

The Board authorizes the Superintendent to delay the opening of, dismiss early, or close district schools in the event of hazardous weather, an epidemic, or other unexpected and extraordinary circumstances that threaten the health and/or safety of students and employees. The decision for an emergency closing shall not be arbitrary, capricious, or based merely on convenience.

The Superintendent shall, at a minimum, consider the following factors when exercising their authority under this policy:

1. Actual occurrence or imminent possibility of any emergency condition that would make operation of school difficult or dangerous.
2. Ability of students and staff to safely report to school. The Superintendent may consider items such as, but not limited to, weather and road conditions.
3. Whether or not conditions pose a threat to one or all district schools. If conditions only affect certain schools, only the affected schools shall be closed.

The Superintendent may consult traffic, weather, law enforcement authorities, and administrators from neighboring districts when weighing the above factors.

#### **Notification**

The Superintendent shall develop procedures for notifying students, parents, and staff of emergency closings, which should be published in district handbooks and disseminated annually.

#### **Compliance**

The Superintendent shall determine which district employees are required to report to work to ensure the operation of essential functions or departments during an emergency. Staff are expected to report for work unless unexpected and extraordinary conditions make this impossible. Staff that do not comply and/or do not have good cause for noncompliance may

be subject to disciplinary consequences in accordance with policy, law, and, when applicable, the negotiated agreement.

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

- ACAA-AR, Telework Procedure
- FGDB, Student Handbooks

End of North Border School District Policy ACAA .....Adopted: 08-17-20  
[04/20]

## **TELEWORK PROCEDURES**

### **Purpose**

These guidelines outline procedures for eligible employees to telework on a temporary basis, when the Superintendent has determined that schools, offices, or school property must be closed due to hazardous weather conditions, an epidemic, or other unexpected or extraordinary circumstances. Teleworking is not an entitlement. It is an option that allows employees to complete their duties and responsibilities from a location other than their assigned school or office.

### **Eligibility**

The Superintendent shall determine telework eligibility and work functions of district employees during the telework period. Not all district positions may be eligible to telework.

### **Work Location**

The employee's remote location must be free of distractions. The employee must be accessible by email, phone or other technological means during work hours. Employees are required to attend meetings in person when directed by their supervisor.

### **Guidelines for Telework**

The employment relationship for an employee teleworking stays the same as for employees working on-site. Compensation does not change, and employees are expected to follow existing job requirements, contracts, district policies and procedures, and all expectations that are in effect on school property. Teleworking employees shall:

1. Be available by phone and e-mail during normal work hours. Absences (including unavailability during work hours) must be pre-approved.
2. Promptly notify their supervisor when unable to perform work assignments due to illness, equipment failure, or other unforeseen circumstances.
3. Alter their schedule to attend mandatory meetings or other situations needing a physical presence and/or as needed by the supervisor. For overtime eligible employees, certain activities, such as travel to and from required meetings that occur during scheduled work time, are included as hours worked.
4. Report, at once, to the supervisor any work-related injuries that occur in the alternative work location during work hours. Teleworking employees are covered by workers' compensation for job-related injuries that occur in the course and scope of employment.
5. Maintain and protect equipment on loan from the district. Equipment on loan shall be used for work-related purposes only and use is governed by the district's Acceptable Use policy (ACDA).
6. Protect all data and ensure compliance with all regulations regarding confidentiality of materials. Records generated or accessed during teleworking remain subject to applicable open records laws.

Supervisors shall regularly check employee compliance with the teleworking procedure, relevant policies and guidelines, performance standards, expectations for work products, productivity and time accountability. An employee’s performance when teleworking shall be monitored in the same manner as employees at their assigned school or office.

**End of North Border School District Administrative Regulation ACAA-AR  
[04/20]**

**End of Policy AACA.....Adopted:**

**REQUIRED**

Descriptor Code: ABAC

**VIRTUAL LEARNING BECAUSE OF WEATHER OR OTHER CONDITIONS**

**Definitions**

- Virtual instruction* means teaching and learning that takes place remotely and can be synchronous or asynchronous.
- Weather or other conditions* means inclement weather, other unforeseen circumstances that render the school building unusable or inaccessible, or other conditions that temporarily warrant remote instruction for one or more students.
- Cancel hours of instruction* means that a school district has decided not to provide in-person instruction for one or more students for all or part of a previously scheduled school day. This may include one or more students not being able to attend school due to extenuating circumstances because of weather or other conditions.

**Virtual Learning Requirements**

The District may temporarily offer virtual instruction when weather or other conditions require the Superintendent or designee to cancel hours of instruction. The District must ensure that affected students make up all lost hours of instructional time if the absence will result in the school failing to meet the minimum number of hours required by state law.

Prior to the District offering virtual instruction, the Board in collaboration with the Superintendent shall:

1. Identify the mode of virtual instruction to be provided to students, method of content delivery, and process for monitoring learning when the decision is made to cancel hours of instruction because of weather or other conditions;
2. Establish procedures for transitioning students into and out of the virtual instruction period;
3. Establish procedures for ongoing communication with students, parents, or legal guardians during the virtual instruction period;
4. Establish processes for how districts will track participation and attendance of all students during virtual instruction; and
5. Communicate roles and responsibilities for staff working remotely and providing student services during virtual instruction.

**Reporting**

At the conclusion of each school year, the District shall report to the Department of Public Instruction the days in which virtual instruction was provided in accordance with this policy.

**End of North Border School District #100 Policy ABAC.....Amended: 04/19/22**

NORTH DAKOTA'S COMPREHENSIVE MODEL SCHOOL POLICY  
FOR TOBACCO USE

**Definitions**

For purposes of this policy:

*Electronic smoking device* means any device that can be used to deliver aerosolized or vaporized nicotine to the person inhaling from the device, including, but not limited to, an e-cigarette, e-cigar, e-pipe, vape pen or e-hookah. Smokeless tobacco means any

**RECOMMENDED**

Descriptor Code: ABBA

- snuff or chewing tobacco.
- Possession of Tobacco Products means:*
  - a. Actual physical possession of the tobacco product while on school property;
  - b. Use or consumption of the tobacco product while on school property;
  - c. Tobacco product located in the student's locker, car, handbag, backpack, or other belongings while on school property; or
  - d. Appearance by a student on school property after having consumed or ingested the tobacco product that is noticeable by breath odor.
- Smoking* means inhaling, exhaling, burning, or carrying any lighted or heated cigar, cigarette, or pipe, or any other lighted or heated tobacco, nicotine, or plant product intended for inhalation, including hookah and marijuana, whether natural or synthetic. "Smoking" also includes the use of an electronic smoking device.
- 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.
- Tobacco product* means any product that is made from or derived from tobacco, or that contains nicotine, that is intended for human consumption or is likely to be consumed, whether smoked, heated, chewed, absorbed, dissolved, inhaled or ingested by any other means, including, but not limited to, a cigarette, a cigar, pipe tobacco, chewing tobacco, snuff, or snus. Tobacco product also includes any electronic smoking device.
- Tobacco use* means smoking and the heating, inhaling, chewing, absorbing, dissolving or ingesting any tobacco product.

**Rationale for Regulating Possession & Use**

The health hazards of tobacco use have been well established. This 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. Set a non-tobacco-use example by adults.
4. Assist in complying with smoking restrictions in state and federal law (NDCC 23-12-10 and 20 U.S.C. 7973).

Tobacco use is the leading cause of preventable death and disability in North Dakota. To support and model a healthy lifestyle for our students, the North Border School Board establishes the following tobacco-free policy.

**Use & Possession Prohibitions**

1. **Students:** Possession and/or use of tobacco products by students on school property is prohibited at all times.
2. **Staff/Visitors:** The use of tobacco products by all school employees and visitors on school property is prohibited.

This policy includes all events on school property that are not sponsored by, or associated with, the school at all times.

3. **Additional:** The District will not allow advertising of tobacco products on school property or in any school publications. This includes clothing that advertises tobacco products.

The District will not accept any gifts (such as curriculum, book covers, speakers, etc.) or funds from the tobacco industry.

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

This policy will be printed in employee and student handbooks. The District shall comply with all smoking prohibition posting requirements in NDCC 23-12-10.4 and post such notices in other highly visible places in all district schools and property, such as, but not limited to: school playgrounds, athletic fields and school-sponsored events (on district property). Parents will be sent notification in writing, and the local media will be asked to communicate this tobacco-free policy communitywide.

**Responsibility for Violations**

All individuals on the district’s premises share in the responsibility for adhering to and enforcing this policy. The Superintendent shall develop regulations for the enforcement and implementation of this policy.

**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.

Complementing NDSBA Templates (may contain items not adopted by the Board)  DEAA, Drug & Alcohol Free Workplace

- FF, Student Conduct & Discipline
- FFE, Extracurricular Participation Requirements
- FGDE, Student Distribution & Posting of Non-curricular Material  HDD, Gifts & Bequests
- KAAA, Visitors in Schools
- KAAA-AR, Visitors in Schools Regulations
- KAAD, Distribution of Non-curricular Material in Schools

**End of Policy ABBA.....Adopted:**



[10/17]

REQUIRED

**Descriptor Code:**

**ABBE DISPLAYS OF RELIGIOUS OBJECTS OR DOCUMENTS**

Classroom and school displays may include religious symbols. The displays must be temporary, require no active participation in any religious activity, and should include diverse religious, cultural, and ethnic symbols.

Requests to display a religious object, decoration, or document within a school shall be filed with the building principal and approval must be obtained prior to displaying the object, decoration, or document. Any such display shall meet the following criteria:

1. It is not a permanent display;
2. The educational purpose of the display is clearly articulated in the request, and the request outlines the manner in which this purpose will be relayed to students;
3. The cultural, legal, or historical significance of the religious document or object is clearly articulated in the request, and the request outlines the manner in which this significance will be relayed to students;
4. The influence that the religious document or object has had on the legal and governmental systems of the country or culture being studied is clearly articulated in the request, and the request outlines the manner in which the document/object's influence will be relayed to students;
5. The religious object or document is part of a larger display and is to be displayed in the same manner and appearance as other objects or documents in the display;
6. Nothing in the display shall call attention to the religious object or document apart from other objects or documents in the display; and
7. The display is to be used as an illustration for purposes of the curriculum and is to be displayed in a classroom or library.

When a request to display a religious object/document/decoration is denied by administration, the requestor may file an appeal with a board-appointed review committee. The committee shall review the administrator's decision, take into account the above criteria, and issue recommendations to the Board as soon as practicable.

This policy does not govern nor will it infringe upon the rights of students and staff to wear religious symbols so long as doing so does not substantially disrupt the educational environment nor interfere with the rights of others.

This policy does not apply to secular displays of seasonal objects.

**Complementary Documents**

- DEAC, Staff Dress Code
- FFH, Student Dress

**Code**

- GBAA, Teaching about Religion

□ GBAA-E, teaching about Religion Checklist

End of Policy ABBE .....Adopted: 6/2012

Descriptor Code: ABCAA

### USE OF DISTRICT COPYRIGHTED AND TRADEMARKED ITEMS

The District prohibits use of the district's copyrighted items such as, but not limited to, its logo; prohibits use of district trademarks; and prohibits creation of social media accounts/pages represented as official accounts/pages of the District without first obtaining the permission of the Board. Failure to obtain such permission may result in disciplinary and/or legal action as deemed appropriate by the District. The Superintendent and/or Board President is authorized to contact the social media site administrator to request removal of social media accounts/pages that are represented as official accounts/pages of the District but were unauthorized.

End of North Border School District

**REQUIRED**

Descriptor Code: ABEA

### **WELLNESS POLICY**

#### **District Wellness Committee**

The Board shall form a district wellness committee to develop the wellness policy and perform additional duties described. The Board encourages parents, students, school food service representatives, teachers of physical education, school health professionals, school board members, school administrators, and the public to participate in the development, implementation, and periodic review and update of the school wellness policy.

The District Wellness Committee shall determine the best methods for these individuals and groups to participate in meetings and shall provide information about the participation processes to others using appropriate, effective, and cost-efficient methods.

The District Wellness Committee shall meet quarterly to develop a plan for implementing the wellness policy in each school. The implementation plan shall delineate roles, responsibilities, and timelines specific to each school and set goals and objectives in accordance with the requirements of this policy.

The District Wellness Committee shall work with the Superintendent to evaluate each implementation plan. The Superintendent shall designate one individual per school building to ensure building-level compliance with this policy. The name of each designee must be listed in administrative regulations (see ABEA-AR1). Each designee shall collect, summarize, and report evaluation data to the committee.

At least once every three years, the District Wellness Committee shall conduct an assessment of the wellness policy and comply with all reporting requirements mandated by federal law. The District Wellness Committee shall provide the assessment to the Board and disseminate it publicly on the district's website.

The District Wellness Committee may recommend amendments to the wellness policy for board consideration, based on the results of the assessment; changes in district priorities; changes in community needs; changes in wellness goals; advances in health science, information, and technology; new federal or state guidance; or the issuance of new standards or regulations.

Annually, the District shall disseminate the wellness policy to staff, students, parents, and the public by posting on the district website. The District shall also inform parents regarding improvements that have been made to school meals and compliance with school meal standards, the availability of child nutrition programs and how to apply; as well as the USDA Smart Snacks in Schools nutrition standards (ABEA-AR3).

The District shall retain all wellness policy records mandated by federal law.

### **Physical Activity**

In addition to state standards and mandates<sup>1</sup> related to physical education, the District should strive to make opportunities available for students to be physically active.

<sup>1</sup> <https://www.nd.gov/dpi/SchoolStaff/SafeHealthy/HealthEducation/>

RECOMMENDED

DescriptorCode: ABCD

### RECORDSRETENTION

For the purposes of implementing this policy and complying with NDCC 15.1-07-25.2:

- Final action is the month, day, and year of the last action completed by the District to fulfill obligations to an individual or entity under the applicable program, policy, regulation, or law.
- After separation is the month, day, and year that an employee separated from employment with the District.
- Board minutes are defined as minutes taken at any school board meeting where a quorum of the school board was present.
- Closed record is defined in NDCC 44-04-17.1 (2).   
Exempt record is defined in NDCC 44-04-17.1 (5).
- Payroll record is defined as documents containing the following:
  - a. Time and day of week when employee's workweek begins.
  - b. Hours worked each day.
  - c. Total hours worked each workweek.
  - d. Basis on which employee's wages are paid (e.g., "\$9 per hour," "\$440 a week," "piecework")
  - e. Regular hourly pay rate.
  - f. Total daily or weekly straight-time earnings.
  - g. Total overtime earnings for the workweek.
  - h. All additions to or deductions from the employee's wages.
  - i. Total wages paid each pay period.
  - j. Date of payment and the pay period covered by the payment.
- Record is defined in NDCC 44-04-17.1(16).

### Development of a District Records Retention Schedule

The Business Manager or designee shall develop a records retention schedule that complies with all applicable record retention deadlines in state and federal law. The schedule should contain retention deadlines, record destruction methods, and list a record administrator for each record.

### Role of Record Administrator

Record administrators listed on the records retention schedule shall be responsible for properly retaining all records under their jurisdiction, implementing records holds when necessary, and ensuring that records are properly destroyed in accordance with destruction methods listed on the retention schedule.

### Records Hold

A records hold should be placed on documents (including electronic documents such as email) when there is a need to retain a document for purposes such as, but not limited to, complying with an open records request or to prepare for foreseeable litigation (litigation hold).

RECOMMENDED

Descriptor Code: ABCD

Below are indicators that a records hold is required:

1. A formal complaint, subpoena, or notification of a lawsuit is received.
2. Litigation is threatened.
3. A regulatory or governmental body (e.g., OCR, Department of Justice, Department of Labor) begins an investigation.
4. An attorney requests facts or documents related to an incident or dispute.
5. An injury occurs.

6. An open records request is made.
7. An employee or student/parent requests access to their records.

The Business Manager shall determine the duration of records hold. S/he shall consult the district's attorney for retention recommendations on items retained under a litigation hold.

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### Complementary Documents

- ABCD-E1, ND School District Records Retention Schedule
- ABCD-E2, Resolution for Record Destruction
- DE, Staff Code of Conduct

End of North Border

School District #100 Policy ABCD.....Adopted: 02/15/2023

*Disclaimer: The retention schedule below is not all inclusive. Specific questions concerning record retention should be referred to the district's legal counsel or accountant, as appropriate. This document should not be considered as legal advice and is not intended as a substitute for the advice of your board's legal counsel.*

**RECORDS RETENTION SCHEDULE**

Type of Report	Description	Retention Period	Destruction/Preservation Method	Record Admin
✓ Accounts Payable	Check Stubs; Check Register; Cancelled Checks; Duplicate Deposit Slips; Financial Software Reports Posting Checks; Invoices and Billings; Journal Entries	6 Years After CFY (Note: Monthly Reports Containing Information That Will be Printed on a Year-End Report May be Destroyed 5 Years After CFY)	Shred Documents with Account Numbers; Recycle Remaining Documents	BM
✓ Accounts Payable	Property	Keep Records Until the Period of Limitations Expires for the Year in Which You Dispose of the Property	Shred Documents with Account Numbers; Recycle Remaining Documents	BM
✓ Accounts Receivable	Billing Records; Journal Entries; Receipt Books; Records of Delinquent Accounts/Collections; Records of Local, State, Federal, and Grant Funds Received; Revenue Report	5 Years After CFY	Shred Documents with Account Numbers; Recycle Remaining Documents	BM
✓ Audit Reports	External Independent & State Auditor Reports; Internal Audit Reports Documentation of Auditing or Review Procedures Applied, Evidence Obtained, and Conclusions Reached	5 Years After CFY	Send to State Archives	BM
✓ Bank Records	ACH Notices; Annual Interest Statements (1099-INT); Bank Account Agreements/Signature Card Copies; Bank Loan Agreements; Bank Reconciliations; Bank Statements for All funds; Certificates of Deposit; Deposit Books; Pledged Collateral/Letters of Credit - Current & Expired; Savings Books	5 Years After CFY	Shred	BM
Benefit Records (Excluding Leaves)	403b Annuity Billings/Payment Confirmation	5 Years After Separation	Shred	BM
Benefit Records (Excluding Leaves)	Certificates of Insurance	6 Years After Final Action	Shred	BM
✓ Benefit Records (Excluding Leaves)	Benefit Bills (e.g., BCBS, AFLAC, Etc.)	6 Years After Plan Year	Shred	BM
Benefit Records (Excluding Leaves)	COBRA Forms	6 Years After Final Action	Shred	BM
Benefit Records (Excluding Leaves)	COBRA Payments	7 Years After Final Action	Shred	BM
Benefit Records (Excluding Leaves)	Flex Benefit, 125/Cafeteria Plan Application Form	5 Years After Separation	Shred	BM

Record Administrator Key: AD = Athletic Director, Admin = Administrator, BM = Business Manager, HR = Human Resources Manager, S = Superintendent, P = Principal

RECORDS RETENTION SCHEDULE

Type of Report	Description	Retention Period	Destruction/Preservation Method	Record Admin
Benefit Records (Excluding Leaves)	Flex Benefit, 125/Cafeteria Plan Billings	6 Years After Plan's Termination	Shred	BM
Benefit Records (Excluding Leaves)	Insurance Applications (Medical, Vision, AFLAC, Dental, Etc.)	5 Years After Separation	Shred	BM or HR
Benefit Records (Excluding Leaves)	Insurance Monthly Statements	6 Years from Date Paid	Shred	BM or HR
Benefit Records (Excluding Leaves)	Leave Balance Reports ( <b>Also see Leave Records Section</b> )	3 Years From Date of Creation	Shred	BM or HR
Benefit Records (Excluding Leaves)	PERS Defined Benefit Retirement Membership Application (SFN 2561)	1 Year After Separation	Contact PERS to Ensure Info is on File, Then Shred	BM
Benefit Records (Excluding Leaves)	PERS Designation of Beneficiary or Group Retirement Plan (SFN 25060)	1 Year After Separation	Contact PERS to Ensure Info is on File, Then Shred	HR
Benefit Records (Excluding Leaves)	PERS Monthly Report of Contributions	1 Year After Separation	Shred	BM
Benefit Records (Excluding Leaves)	TFFR Member Action Form (SFN 5098)	1 Year After Separation	Contract TFFR to Ensure Info is on File, Then Shred	BM
Benefit Records (Excluding Leaves)	TFFR Member Certification (SFN 11732)	1 Year After CFY	Shred	BM
Benefit Records (Excluding Leaves)	TFFR Monthly Report of Contributions	5 Years After Creation	Contract TFFR to Ensure Info is on File, Then Shred	BM
Benefit Records (Excluding Leaves)	TFFR Notice of Termination (SFN 17144)	5 Years After Separation	Contract TFFR to Ensure Info is on File, Then Shred	BM
Benefit Records (Excluding Leaves)	Waiver of Insurance	5 Years After Separation	Shred	BM
Budget Records	Approved Annual Budget; Budget Hearing Notice; Budget Requests from Departments/Schools; Certificate of Levy; Tentative Proposed Budget; Working Papers, Taxable Valuation Forms from the County	10 Years for Date of Board Approval	Recycle	BM
Construction Bond Records	Affidavit of Signatures; BND Commitment Letter; Bond Counsel Opinion; Bond Insurance documents; Bond Resolution/Results of Sale; Official Statement; Certificate of Debt Capacity; Certificate of Registrar; Closing Certificate; County Auditor's Certificate Rating Letter; Debt service Schedule; Distribution List; DTC Blanket Issuer Letter of Representations; Initial Resolution for the Issuance of Bonds; Resolution for Debt Limit Increase; IRS Form 8038-g; Notice of Election and Affidavit of Publication	6 Years After Date of Creation	Send to State Archives	BM

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## RECORDS RETENTION SCHEDULE

Type of Report	Description	Retention Period	Destruction/Preservation Method	Record Admin
Construction Bond Records	Notice of Sale and Affidavit of Publication; Paying agent Agreement; Resolution Calling Special Election; Resolution Canvassing Returns; Resolution Providing for the Sale of Bonds; Specimen Bonds r-1 & r-19; Tax Certificate; Underwriter's Certificate and Receipt	6 Years After Date of Creation	Send to State Archives	BM
Election Records	Board Election Ballots, Including Absentee - 1 Copy of Official Ballot	PERMANENTLY	N/A	BM
Election Records	Board Election Ballots, Including Absentee - Ballots Completed by Voters	Retain 22 Months	Shred	BM
Election Records	Board Election Notices	45 Days After Election	Recycle	BM
Election Records	Certificate of Election	Retain for 10 Years After CFY	Send to State Archives	BM
Election Records	Election Official Oaths	45 Days After Election	Recycle	BM
Election Records	Oath of Office	Retain for Entire Term of Office + 6 Years	Send to State Archives	BM
Election Records	Petitions: Recall and Election	10 Years from Date Approved	Send to State Archives	BM
Election Records	Poll Books <i>Sent through 2009</i>	10 Years from Date of Election	Send to State Archives	BM
Election Records	Statement of Interest (SFN 10172)	10 Years After CFY	Recycle	BM
Employment Contracts & Rehiring Forms	Employee Work Agreement	6 Years After Separation	Shred	S or HR
Employment Contracts & Rehiring Forms	Employment Contracts	6 Years After Separation	Shred	BM
Employment Contracts & Rehiring Forms	Negotiated Agreements (Including Salary Schedules)	6 Years After Separation of Last Employee Covered by the Agreement (e.g. Last Teacher Hired in 1980 Retires in 2015 - Retain 1980 Negotiated Agreement Until 2021)	Recycle	BM
Employment History	Dates of Employment, Pay Changes, Dates of Actions Taken Such as Transfers, Promotions, Disciplinary Measures, Etc.	50 Years After Separation	Shred	BM or HR
Employment History	Discrimination & Harassment Grievance Investigation Materials	Until Separation + 6 Years	Shred	Grievance Coordinator
Employment History	Complaints About Personal Investigation Report	Until Separation + 6 Years	Shred	Grievance Coordinator
End of Fiscal Year Fixed Asset Inventory	Annual Individual Staff Inventories Listing all Items; Fixed Asset Reports; Invoices of Assets Used in Updating Annual Report Listing Item, Cost and Serial Number	At Least 3 Years After CFY and Until the Period of Limitations Expires for the Year in Which You Dispose of the Property	Recycle	BM

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## RECORDS RETENTION SCHEDULE

Type of Report	Description	Retention Period	Destruction/Preservation Method	Record Admin
Federal Grant Records	Accounts Payable Records Specific to Federal Grants; Action Taken on Federal & State Grants Awarded to the District; Annual Monitoring Documents; Annual Parent Meeting Minutes; Annual Review Meeting Minutes; Approved Budget; Assurance of Time; Audit Report; Bid Documents; Consolidated Application; Contracts; Correspondence; filing Guidelines; Inventory; Letter of Intent; Mid-Year/Final Financial Reports; Professional Development Program Approvals; Progress Report; Project Approval Letters; Records of Money Spent as Approved by the Appropriate Grantor; Reimbursement Requests; Request for Funds	5 Years After Submission of Final Expenditure Report, Including Any Carryover Funds, OR the Last Audit, Monitoring Litigation Activity - Whichever is Later.	Shred	Admin, BM
Financial Reports	Account Inquiry Report; Balance Sheet Report; Bank Reconciliation Report; Cash Receipt Listing; Check Registers; Entry File Report; Expenditure Summary Report; Fund Balance Recap; Manual Journal Entry Listing; Outstanding Check Listing; Revenue Summary Report; Trial Balance Report	5 Years After CFY	Shred Documents with Account Numbers; Recycle Remaining Documents	BM
Financial Reports	Business Manager's Financial Reports	10 Years After CFY	Shred	BM
Hiring	Applications and Resumes (Hires and Non-Hires)	6 Years After Last Action	Shred	Admin, BM
Hiring	Cover Letters	6 Years After Hiring Decision	Recycle or Shred if it Contains SS#	S or HR
Hiring	Criminal History Records	6 Years After Hiring Decision (if Not Hired)	Shred	Record Adjudicator
Hiring	Criminal History Records	6 Years After Separation if Hired	Shred	Record Adjudicator
Hiring	Credit Checks	2 Years After Selection Process	Shred	S or HR
Hiring	Driver's License Copy	1 Year After Date of Termination	Shred	BM
Hiring	Employment Contracts	6 Years After Separation	Shred	S or HR
Hiring	Job Advertisement/Announcement	6 Years After Hiring Decision	Recycle	S, HR, or BM
Hiring	Job Application	6 Years After Hiring Decision	Shred	BM or HR
Hiring	Job Description	6 Years After Separation	Recycle	HR
Hiring	Job Service New Hire Report	1 Year After Submission	Shred	BM or HR
Hiring	I-9	4 Years After CFY or 3 Years After Separation (Whichever is Longer)	Shred	BM
Hiring	Interview Notes	6 Years After Hiring Decision	Shred	HR
Hiring	Interview Questions	6 Years After Hiring Decision	Recycle	HR
Hiring	Offer of Employment	6 Years After Separation	Shred	BM or HR
Hiring	Orientation Checklist	6 Years After Separation	Recycle	BM, HR, or P

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RECORDS RETENTION SCHEDULE

Type of Report	Description	Retention Period	Destruction/Preservation Method	Record Admin
Hiring	Reference Check Information/Notes (e.g. Verification of Employment)	6 Years After Decision to Hire	Shred	BM
Hiring	Reference Letters/Checks	6 Years After Decision to Hire	Shred	BM
Hiring	Rejection of Employment Letter	6 Years After Issuing	Shred	BM, HR, or S
Hiring	Resumes	6 Years After Decision to Hire	Shred	BM, HR, or S
Hiring	Social Security Card Copy	1 Year After Separation	Shred	BM
Hiring	Social Security Verification	6 Years After Separation	Shred	BM
Home Schooled Student Records	Statement of Intent	CFY + 4 Years	Shred	Admin
Insurance & Surety Bonds	Automobile Liability Records; General Liability Records; Property Insurance Records; Copy of Claims; Claims Correspondence; Claims Payments	6 Years After Last Action	Shred	BM
Insurance & Surety Bonds	Employee Bonds	While Active and at Least 5 Years After Expired	Shred	BM
Leave Records	Conference/Seminar Registration Information	CFY + 4 Years	Recycle	BM
Leave Records	FMLA Forms	5 Years After Separation	Shred	BM or HR
Leave Records	Leave Balance Reports	3 Years From Date of Creation	Shred	BM or HR
Leave Records	Leave Request Forms - Including Sick Bank, but Other Than FMLA	5 Years After Separation	Shred	BM
Leave Records	Travel Authorization Request/Approval Form	CFY + 4 Years	Shred	BM
Leave Records	Travel Reimbursements Log/Reports	CFY + 4 Years	Shred	BM
Licenses & Academic Records	Academic Records/Transcripts	Until Update - Destroy Upon Separation	Shred	BM or HR
Licenses & Academic Records	Teacher License (Copy)	Until Updated and 1 Year After Separation	Shred	BM or HR
Medical, Drug Testing, & WSI Records	Drug Testing	7 Years After Separation	Shred	HR or Admin
Medical, Drug Testing, & WSI Records	Certificate of Fitness for Duty (Bus Drivers)	Until New Certificate is Received; Upon Separation Retain Final Certificate for 6 Years	Shred	BM, HR, or Facilities Manager
Medical, Drug Testing, & WSI Records	Medical Release to Return to Work	6 Years After Separation	Shred	BM or HR
Medical, Drug Testing, & WSI Records	Medical Records	6 Years After Separation	Shred	HR or Admin
Medical, Drug Testing, & WSI Records	Physical Exam Records	Until Updated or 6 Years After Separation	Shred	HR
Medical, Drug Testing, & WSI Records	WSI Annual Report	CFY + 2 Years	Shred	BM

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## RECORDS RETENTION SCHEDULE

Type of Report	Description	Retention Period	Destruction/Preservation Method	Record Admin
Medical, Drug Testing, & WSI Records	WSI Claims	4 Years After Final Action	Shred	BM
Meeting Records	Board Minutes	PERMANENTLY	N/A	BM
Meeting Records	Committee Meeting Minutes	Retain for 10 Years. After CFY	Send to State Archives	BM
Meeting Records	Executive Session Tapes if <b>NOT</b> related to Negotiations, Nonrenewal, Discharge, or Expulsion	6 Months	Destroy	BM
Meeting Records	Executive Session Tapes if related to Negotiations, Nonrenewal, Discharge, or Expulsion	6 Years	Destroy	BM
Meeting Records	Meeting Agendas	Retain for 10 Years After CFY	Send to State Archives	BM
Meeting Records	Meeting Packets	Retain for 10 Years After CFY	Send to State Archives	BM
Operational Documents & Agreements	Accreditation Reports	6 Years After CFY	Shred	Admin, BM
Operational Documents & Agreements	Annexation, Reorganization, and Dissolution Committee Material	PERMANENTLY	N/A, File Copy with Co. Supt. & State Archives	BM
Operational Documents & Agreements	Annexation, Reorganization, and Dissolution Plans/Agreements	PERMANENTLY	N/A, File Copy with Co. Supt. & State Archives	BM
Operational Documents & Agreements	Asbestos Reports	PERMANENTLY	N/A	Admin, BM
Operational Documents & Agreements	Board Members and Board Officers List	PERMANENTLY	N/A	BM
Operational Documents & Agreements	Budgets (Proposed & Approved), Budget Hearing Notice, Budget Requests from Departments/Schools, Certificate of Levy, Working Papers	10 Years for Date of Board Approval	Recycle	BM
Operational Documents & Agreements	Census Reports	PERMANENTLY	N/A, File Copy with State Archives	BM
Operational Documents & Agreements	Certificates of Compliance	CFY + 4 Years	Recycle	Admin, BM
Operational Documents & Agreements	Contracts with Vendors, Leases, Bids	6 Years After Termination	Recycle	BM
Operational Documents & Agreements	Co-op Agreements	Life of Agreement + 6 Years	Recycle	BM
Operational Documents & Agreements	Curriculum Guides	Until Superseded or 5 Years, Whichever is Greater	Recycle	Admin
Operational Documents & Agreements	Foundation Aid Reports	10 Years After CFY	Recycle	Admin, BM
Operational Documents & Agreements	Joint Powers Agreements	PERMANENTLY	N/A	BM

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RECORDS RETENTION SCHEDULE

Type of Report	Description	Retention Period	Destruction/Preservation Method	Record Admin
Operational Documents & Agreements	MIS01, MIS02, MIS03, PER02	CFY + 4 Years	Recycle	Admin, BM
Operational Documents & Agreements	Open Records Requests	CFY + 4 Years	Recycle	Admin, BM
Operational Documents & Agreements	Policies	6 Years from Date Rescinded	Recycle	BM
Operational Documents & Agreements	Property Titles, Abstracts, Deeds, Easements	PERMANENTLY	N/A	BM
Operational Documents & Agreements	Pupil Membership Reports	PERMANENTLY	N/A	Admin, BM
Operational Documents & Agreements	Transportation Aid Reports	10 Years After CFY	Recycle	Admin, BM
Operational Documents & Agreements	Transportation Reports for the District	CFY + 4 Years	Recycle	Admin, BM
Operational Documents & Agreements	School Calendars	CFY + 4 Years	Recycle	Admin, BM
Operational Documents & Agreements	School District Status Sheet	CFY + 4 Years	Recycle	Admin, BM
Operational Documents & Agreements	Security Plans/Emergency Response Guides that have Expired	5 Years After Adoption of New Plan	Shred	Admin
Operational Documents & Agreements	Tax Exempt Certification	Until Superseded	Shred	BM
Operational Documents & Agreements	Tuition and Transportation Agreements	CFY + 4 Years	Shred	Admin, BM
Operational Documents & Agreements	Work Study Program Agreements	CFY + 4 Years	Shred	Admin
Payroll Records	941 Federal Tax Form/EFTPS	5 Years After Separation of all Employees on Report	Shred	BM
Payroll Records	1099's	13 Years After CFY	Shred	BM
Payroll Records	Annual Payroll Report (for Annual Financial Report)	PERMANENTLY	N/A	BM
Payroll Records	Child Support Enforcement Report	5 Years After Separation	Shred	BM
Payroll Records	Deductions Register (By Deduction and by Employee)	5 Years After Separation	Shred	BM
Payroll Records	Direct Deposit Information and Authorization Forms	Duration of Employment or Until New Authorization Form are Provided	Shred	BM
Payroll Records	Employee Lifetime Wages Report	6 Years After Separation	Shred	BM
Payroll Records	Garnishments	5 Years After Separation	Shred	BM
Payroll Records	Pay Period Entries for Taxable Reimbursement	5 Years After Date Created	Shred	BM

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## RECORDS RETENTION SCHEDULE

Type of Report	Description	Retention Period	Destruction/Preservation Method	Record Admin
Payroll Records	Payout of Remaining Leave Upon Separation	5 Years After Separation	Recycle	BM
Payroll Records	Payroll Registers	5 Years After All Employees Listed Have Separated Employment	Recycle	BM
Payroll Records	Payroll Register Totals	5 Years After Created	Shred	BM
Payroll Records	Payroll Schedules	5 Years After Separation of Last Employee Covered by the Schedule (e.g., Last Employee Hired in 1980 Retires in 2015 - Retain 1980 Payroll Schedule Until 2020)	Recycle	BM
Payroll Records	State Income Tax Quarterly Reports	13 Years After CFY	Shred	BM
Payroll Records	Tax Deduction Register	13 Years After CFY	Shred	BM
Payroll Records	Timecards	6 Years After Separation	Recycle	BM
Payroll Records	Timecard Reports	5 Years Created	Shred	BM
Payroll Records	Travel Reimbursement	CFY + 4 Years	Shred	BM
Payroll Records	Union Dues List	5 Years From Date Created	Shred if it Contains Confidential Info; Otherwise Recycle	BM
Payroll Records	Verification of Wages to Employees	6 Years After Separation	Shred	BM
Payroll Records	Voluntary Salary Deduction/Reduction Agreements	5 Years After Separation	Shred	BM
Payroll Records	W-2 Forms	13 Years After CFY	Shred	BM
Payroll Records	W-4 Forms	13 Years After CFY	Shred	BM
Payroll Records	W-9 Forms	13 Years After CFY	Shred	BM
Payroll Records	Wage and Batch Totals Listing Deductions	CFY + 4 Years	Shred	BM
Performance Records	Awards/Honors Records	6 Years After Separation	Shred	BM
Performance Records	Classroom Observations Notes	2 School Years. If Used for Purposes of Nonrenewal - Retain for 6 Years After Separation	Recycle	Employees Supervisor (S or P)
Performance Records	Evaluations (Superintendent and staff)	6 Years After Separation	Shred	BM or HR
Performance Records	Handbook Receipt Verification	6 Years After Separation	Recycle	BM or HR
Performance Records	Improvement Plans	6 Years After Separation	Shred	HR
Performance Records	Nonrenewal Notices	6 Years After Separation	Recycle	BM or HR
Performance Records	Pre-Observation Teacher Forms	2 School Years. If Used for Purposes of Nonrenewal - Retain for 6 Years After Separation	Shred	P or Supervisor
Performance Records	Professional Development Verification	6 Years After Separation	Shred	S
Performance Records	Training Records	6 Years After Separation	Shred	BM or HR

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RECORDS RETENTION SCHEDULE

Type of Report	Description	Retention Period	Destruction/Preservation Method	Record Admin
Performance Records	Warning/Write Ups	6 Years After Separation	Shred	HR or Employee's Supervisor
Purchasing & P-Card Records	Requisition Forms; Purchase Orders; Bid Notices; Monthly Detail of Charges; Receipts to Support the Detail of Charges; Vendor Invoices	5 Years After CFY	Shred	BM
Purchasing & P-Card Records	Purchasing Contracts	Any Contract Entered into Should be Retained for the Life of the Contract + 6 Years.	Shred Documents with Account Numbers; Recycle Remaining Documents	BM
Purchasing & P-Card Records	P-Card Holder Employee Agreement	Duration of Employment + 5 Years; If the Agreement is Updated & Signed Annually, the Old Copy May be Discarded	Shred Documents with Account Numbers; Recycle Remaining Documents	BM
School Nutrition Program	Annual USDA Commodity Purchase; Expenditures; Meal Payment Receipts; Reimbursement Claim Reports; Reimbursement Payment Reports; USDA Food Invoices	5 Years from Date Created for All Records Showing Expenditures/Revenues	Shred	BM, S, or School Nutrition Director
School Nutrition Program	Monthly Meal Count Reports (to Confirm Claims); Program Rates; Food Vendor Bids; Free & Reduced Meal Applications	CFY + 3 Years	Shred	BM, S, or School Nutrition Director
Separation & Unemployment Records	COBRA Forms	6 Years After Final Action	Shred	BM
Separation & Unemployment Records	COBRA Payments	6 Years After Final Action	Shred	BM
Separation & Unemployment Records	Early Retirement Agreement	6 Yeas After Final Payment Made Under Agreement	Shred	BM
Separation & Unemployment Records	Employee Contract Information Form	Duration of Recall Rights for RIF'd Teacher; 1 Year After Updated or Separation	Shred	BM or HR
Separation & Unemployment Records	Exit Checklist	6 Years After Separation	Shred	HR
Separation & Unemployment Records	Exit Interview Form	6 Years After Separation	Shred	HR
Separation & Unemployment Records	Letter of Resignation	6 Years After Separation	Shred	HR or S
Separation & Unemployment Records	Nonrenewal Notices	6 Years After Separation	Recycle	BM or HR

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## RECORDS RETENTION SCHEDULE

Type of Report	Description	Retention Period	Destruction/Preservation Method	Record Admin
Separation & Unemployment Records	Payout of Remaining Leave Upon Separation	5 Years After Separation	Recycle	BM
Separation & Unemployment Records	PERS Defined Benefit Retirement Membership Application (SFN 2561)	1 Year After Separation	Contact PERS to Ensure Info is on File, Then Shred	BM
Separation & Unemployment Records	PERS Designation of Beneficiary or Group Retirement Plan (SFN 25060)	1 Year After Separation	Contact PERS to Ensure Info is on File, Then Shred	HR
Separation & Unemployment Records	PERS Monthly Report of Contributions	1 Year After Separation	Shred	BM
Separation & Unemployment Records	TFFR Member Action Form (SFN 5098)	1 Year After Separation	Contract TFFR to Ensure Info is on File, Then Shred	BM
Separation & Unemployment Records	TFFR Member Certification (SFN 11732)	1 Year After CFY	Shred	BM
Separation & Unemployment Records	TFFR Monthly Report of Contributions	5 Years After Creation	Contract TFFR to Ensure Info is on File, Then Shred	BM
Separation & Unemployment Records	TFFR Notice of Termination (SFN 17144)	5 Years After Separation	Contract TFFR to Ensure Info is on File, Then Shred	BM
Separation & Unemployment Records	Unemployment Quarterly Reports	5 Years From Date Created	Shred	BM
Special Education Student Records	Student's Name, Address, Phone Number, Grades, Attendance Record, Classes Attended, Grade Level Completed, Year Completed, Career Certifications, and Standardized Test Scores	PERMANENTLY	N/A	Admin
Special Education Student Records	Personally Identifiable Information in Special Education Records -The District must Inform the Parents when Personally Identifiable Information is Collect, Maintained, or Used Under 34 C.F.R. § 300.624 is no Longer Needed to Provide Educational Services to the Child. The Information Must be Destroyed at the Request of the Parents	Accordance with Law	Shred	Admin
Student Records	Activity Trip Permission Slips	1 Calendar Year in Student's Educational Record	Recycle	Admin
Student Records	Attendance Records (Except Special Education Students), Disciplinary Records, Extracurricular Records, Parent Consent Forms, Transfer Notices, Certificates of Immunizations, Honors/Awards, Medical Records not Created by the School, and Accident Reports	Until the Child Turns 21 if the Child Only Attended Elementary School in the District	Shred	Admin
		Until the Child Turns 27 if the Child Attended Middle/High School in the District	Shred	

RECORDS RETENTION SCHEDULE

Type of Report	Description	Retention Period	Destruction/Preservation Method	Record Admin
Student Records	Bullying Reports	6 Years After Student Turned 18 or Graduates from High School - Whichever is Later	Shred	Admin
Student Records	Concussion Documentation, Return to Play Authorization	7 Years After Student's Enrollment or 6 Years After a Student Turns 18 - Whichever is Later	Shred	Supt or AD
Student Records	Discrimination & Harassment Grievance Investigation Materials	At Least 6 Years after Leaving the District	Shred	Grievance Coordinator
Student Records	Expulsion Hearing and all Introduced Evidence for the Hearing	At least 6 Years after the Expelled Student Reaches 18.	Shred	Supt. or Hearing Officer
Student Records	FERPA Directory Information Opt-Out Request - Collect Each Year the Child is a Student	After Graduation, the Most Recent Opt-Out Request Must Remain with the Record for its Duration.	Shred	Admin
Student Records	FERPA Record of Access - The District Must Maintain a Record of Each Request for Access to, and Each Disclosure of Personally Identifiable Information from the Education Records of Each Student, as well as the Names of State and Local Educational Authorities, and Federal Officials and Agencies Listed in §99.31(a)(3).	Maintain this with the Educational Records of the Student for as Long as the Records are Maintained	Shred	Admin
Student Records	Juvenile Court Records, Law Enforcement Records, Records of School Law Enforcement Unit	Destroy when a Student is 18 or no Longer Attends School	Shred	Admin
Student Records	Medicaid Records used for Medicaid Reimbursement	CFY + 5 Years	Shred	Admin
Student Records	Medical Records Created by the School & Counselor's Records	On or After the Student's 21st Birthday or on or After the 10th Anniversary of the Date on Which the Student was Treated	Shred	Admin
Student Records	Permanent Record - Defined as the Student's Name, Address, Phone Number, Grades, Grade Level Completed, Career Certificates, Drop Out Records, and Standardized Test Scores	PERMANENTLY	N/A	Admin
Student Records	PowerSchool Records	PERMANENTLY	N/A	Admin
Student Records	Search of Student and Student's Personal Property Report	Place Report in Student's Educational Record and Destroy 6 Years After Student Turns 18	Shred	Admin
Student Records	Suspension of Student (Either in School or Dismissal from Classes, Buildings, or Grounds)	Place Report in Student's Educational Record and Destroy 6 Years After Student Turns 18	Shred	Admin

Record Administrator Key: AD = Athletic Director, Admin = Administrator, BM = Business Manager, HR = Human Resources Manager, S = Superintendent, P = Principal

RECORDS RETENTION SCHEDULE

Type of Report	Description	Retention Period	Destruction/Preservation Method	Record Admin
Training Records	New Board Member Training Verification	Term of Office + 6 Years	Recycle	BM
Training Records	Board Member Service Award Tracking	1 Year After Awarded	Offer to Board Member, Then Recycle	BM

Record Administrator Key: AD = Athletic Director, Admin = Administrator, BM = Business Manager, HR = Human Resources Manager, S = Superintendent, P = Principal



RESOLUTION FOR RECORD DESTRUCTION

The Board of the North Border School District hereby authorizes the Business Manager to destroy the following records using the method of destruction outlined in ABCD-E1, Record Retention Schedule.

Type of Document*	From Date	To Date
[Type of Report - Name of Report]		
[Name of Report - Description]		
[Type of Report - Name of Report]		
[Name of Report - Description]		
[Type of Report - Name of Report]		
[Name of Report - Description]		
[Type of Report - Name of Report]		
[Name of Report - Description]		
[Type of Report - Name of Report]		
[Name of Report - Description]		

These records shall be destroyed by Docu Shred Inc.

Approved this \_\_\_\_\_ day of \_\_\_\_\_ .

\_\_\_\_\_

\_\_\_\_\_

Board President

Business Manager

\*See next page for suggestions for the types of documents and reports.

Types of Documents and Reports
Accounts Payable
Accounts Receivable
Audit Reports
Bank Records
Benefit Records Excluding Leaves
Budget Records
Construction Bonds
Election Records
Employment Contracts and Rehiring Forms
Employment History
End of Fiscal Year Fixed Asset Inventory
Federal Grant Records
Financial Records
Hiring
Home Schooled Student Records
Insurance & Surety Bonds
Leave Records
Licenses & Academic Records
Medical, Drug Testing, and WSI Records
Meeting Records
Operational Documents & Agreements
Payroll Records
Performance Records
Policy Documents
Purchasing and P-Card Records
School Nutrition Program
Separation and Unemployment Records
Special Education Student Records
Student Records
Training Records

**REQUIRED**

Descriptor Code: ABEA

The goals of physical activity programs must be to:

1. Develop students' knowledge and skills necessary to perform a variety of physical activities;
2. Assess, maintain and improve personal fitness; 3. Regularly participate in physical activity;
4. Understand the short- and long-term benefits of physical activity; and
5. Value and enjoy physical activity as an ongoing part of a healthy lifestyle.

Students with disabilities and other special health needs may participate as fully as possible in physical education and other school physical activity programs. Teachers and other school personnel shall not withhold opportunities for physical activity (e.g., recess, physical education class) as punishment.

**Nutrition Education and Promotion**

The District shall teach, model, and support healthy eating in grades K-12 through the curriculum and through other promotional methods<sup>2</sup>. The District should strive to:

1. Educate teachers and other staff members responsible for nutrition education (e.g., provide training regarding the [Dietary Guidelines for Americans](#) and how to teach them);
2. Identify and implement methods to educate family members about district nutrition standards and goals as well as involve them in program development and implementation;
3. Integrate nutrition education into core curricula that is aligned with state standards and requirements;
4. Include developmentally appropriate, culturally relevant and participatory activities in the nutrition curriculum;
5. Emphasize caloric balance between food intake and physical activity;
6. Provide students with the knowledge and skills necessary to promote and protect their health;
7. Promote fruits, vegetables, whole-grain products, low-fat dairy products, healthy food preparation methods, and accurate portion sizes; and
8. Promote healthy food and beverage choices for all students as well as encourage participation in school meal programs.

Nutrition promotion must be implemented through the use of evidence-based healthy food promotion techniques (e.g. Smarter Lunchroom techniques<sup>3</sup>). All foods and beverages offered to students during the school day must meet or exceed the USDA Smart Snacks in Schools nutrition standards.

The District Wellness Committee may develop a list of activities that will help the District achieve the above goals.

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<sup>2</sup> <https://www.healthiergeneration.org/programs/>

<sup>3</sup> <http://smarterlunchrooms.org/ideas>

## **REQUIRED**

Descriptor Code: ABEA

### **Other School-Sponsored Activities**

The District shall seek to promote the physical activity and nutrition goals of this policy through other activities that are practical, implementable, and within district budgetary and statutory parameters. The goals of these other activities shall reinforce the nutrition promotion, nutrition education, and/or physical activity goals set forth above. Activities implemented under this provision may be offered to students, parents, and/or district staff.

The District Wellness Committee may develop activities and programs that will help the District achieve its goals. Such activities and programs may include before-school and after-school physical activities, active transport programs, staff wellness programs, staff professional development programs related to wellness, alternatives to using food as rewards, healthy celebration/party ideas and fundraisers, as well as community partnership programs.

### **Nutrition Standards**

The District shall comply with applicable nutrition standards established in federal regulations for all reimbursable meals, e.g., the National School Breakfast and Lunch program. The District shall comply with the USDA Smart Snacks in School nutrition standards for all competitive foods and beverages sold on school grounds during the school day to students, including those foods and beverages provided at celebrations and parties and classroom snacks brought by staff or family members. The District shall not allow foods and beverages at a free or discounted price if those foods do not meet the USDA's Smarter Snacks in Schools nutrition standards. Non-food celebrations and rewards shall be promoted, and a list of ideas made available to staff and family members.

Foods purchased to raise funds must meet the USDA's Smart Snacks in Schools nutrition standards. The District may also encourage fundraising ideas that are non-foodrelated.

### **Exception to Competitive Food and Beverage Sales**

Each school year, schools within the District may hold up to three fundraisers that do not comply with federal nutrition standards for competitive food and beverage sales. The Superintendent shall develop rules for requesting and receiving approval to hold fundraisers under this exception. The fundraiser may occur during school hours, but not during school mealtimes.

Standards for competitive food and beverage sales do not apply to foods and beverages sold off school grounds and foods and beverages sold on school grounds more than 30-minutes after the school day until midnight of the next school day.

### **Hydration Standards**

To promote hydration, unflavored drinking water that is free must be made available to all students throughout the school day and throughout every school. The District shall make drinking water available where school meals are served during mealtimes. In addition, students shall be allowed to bring and carry water bottles filled with only water throughout the day.

### **Marketing**

The District permits the marketing of food items that meet or exceed the USDA's Smart Snacks in School nutrition standards. All advertising and promotions of food items must be approved by the Superintendent, or an individual that has been appointed by the Superintendent to make such decisions. These standards do not apply to foods and beverages sold off school grounds.

## Qualifications and Training

The District shall comply with applicable hiring requirements in federal regulations for new hires in the food service program. The District shall also comply with the annual training requirements in state law and federal regulations for all food service personnel.

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### Complementary Documents

- ABEA-AR1, Building-Level Wellness Policy Coordinators
- ABEA-AR2, Physical Activity and Recess Regulations
- ABEA-AR3, Smart Snacks in Schools Regulations
- ABEA-E, Wellness Policy Assessment
- ABEB, Child Nutrition Programs
- BBBB, School Board Committees
- BDA, Procedure for Adopting Board Policy
- BDBC, Citizens' Advisory Committees
- FGDB, Student Handbooks

**End of North Border School District #100 Policy ABEA..... Adopted: 11/14/22**

### REQUIRED

Descriptor Code: ABCE

#### Prohibition on aiding sexual abuse

#### Definitions

For the purpose of this policy:

- Assisting means to recommend, facilitate, aid, ease, expedite, promote, encourage, advance, stimulate, or accelerate.
- *Sexual misconduct* may include, but is not limited to the following:
  - a. Insults, disparaging remarks/names, and/or sarcasm, used to force compliance with a school employee's, contractor's, or agents' requirements or expectations.
  - b. Any conduct that would amount to sexual harassment, discrimination, or retaliation under Title IX of federal education amendments.
  - c. Any activity that may lead to a sexual relationship such as dating, sending intimate correspondence, and/or engaging in sexualized dialogue.
  - d. Any sexual relationship between a school employee, contractor, or agent and a current student, regardless of their age, or a former student under the age of 18.
  - e. Any conduct by a school employee, contractor, or agent that would constitute a sexual offense, sexual act, or sexual contact involving a minor or a student as defined in state law.

- 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.

#### Prohibited Action

The District prohibits any employee, contractor, or agent from assisting a school employee, contractor, or agent in obtaining a new job if the individual or the district knows or has

probable cause to believe that the school employee, contractor, or agent has engaged in sexual misconduct with a student or minor in violation of the law.

For the purposes of this policy, it shall not be deemed assisting in obtaining a new job to participate in routine procedures regarding the transmission of administrative or personnel files in accordance with law or to confirm dates of employment.

This prohibition does not apply under certain conditions specified by the Every Student Succeeds Act (ESSA) such as:

1. The information has been properly reported to a law enforcement agency with jurisdiction over the alleged misconduct, and any other authorities as required by federal, state, or local law; and
  - a. The matter has been officially closed or the school officials have been notified by the prosecutor or police after an investigation that there is insufficient information to establish probable cause;
  - b. The individual has been charged with, and acquitted or otherwise exonerated of the alleged misconduct; or
  - c. The case remains open and there have been no charges filed against, or indictment of, the individual within four years of the date on which the information was reported to a law enforcement agency.

### **Reporting and Investigation**

If an individual has reason to believe that an employee may have violated this policy, they are required to report the alleged violation to a building administrator or the Superintendent as soon as possible. All reported prohibited behavior shall be investigated by the Superintendent.

If the Superintendent or Business Manager is believed to have violated this policy, the alleged violation shall be reported to the Board President who is responsible for conducting the investigation and making a recommendation based on the outcome of the investigation to the Board for determination and final action. The Board may retain an attorney or consultant to assist with the investigation process.

### **Violation**

If disciplinary action is deemed warranted at the completion of the investigation, the District shall take appropriate action up to and including termination of employment in accordance with law and/or reporting such activity to appropriate state licensing and law enforcement officials.

### **Retaliation and Providing False Information Prohibited**

The District prohibits retaliation for an individual's participation in an investigation and/or initiation of a report under this policy, including instances when an allegation is not substantiated. The District also prohibits knowingly filing a false report and/or knowingly making false statements during an investigation. Staff and students who violate these prohibitions are subject to appropriate disciplinary action.

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

- ACCA, Sexual Offenders on School Property
- BA, School Board Ethics
- DBAA, Recruitment, Hiring, & Background Checks for New Classified Personnel
- DBAC, Recruiting & Hiring Teachers
- DE, Staff Code of Conduct
- DEBD, Staff-Student Relations (Non-Fraternization Policy)

**End of North Border School District Policy ABCE ..... Adopted: 2-10-20**

**[07/19]**

**REQUIRED**

Descriptor Code: ACBA

**AUTOMATED EXTERNAL DEFIBRILLATORS (AED)**

The Superintendent shall develop regulations to maintain, test, and implement the use of AEDs in the District in accordance with NDCC 32-03.1-02.3. The regulations shall include a requirement that in the event of a cardiac arrest emergency, a district responder shall contact an emergency medical service provider as soon as possible.

The authorization of AED's in district schools shall not be deemed to create a guarantee or obligation to use the AED in the case of an emergency nor any expectation that an AED or trained employee will be present, able to use an AED in an emergency, or any expectation that the AED will operate properly.

**Training**

The Superintendent will determine the number of AED certified responders needed for each school and develop procedures for selecting and training staff on AED use and cardiopulmonary resuscitation. The frequency of recurrent training will be required in accordance with criteria established by issuing organization of each employee's certification. Unless unavailable in the event of cardiac arrest, only personnel trained and qualified in accordance with law shall operate the AED unit.

**End of [Name of District] Policy ACBA ..... Adopted: 6/2012**

**REQUIRED**

Descriptor Code: ACBB

**SIGNIFICANT CONTAGIOUS DISEASES**

The North Border School District School Board adopts this policy with the intent of protecting the health and safety of all district students, staff, and independent contractors. **Definitions**

- Affected person, affected individual, or affected student* means an individual who has been diagnosed by a physician as having contracted a significant contagious disease.

- *Decisionmaker* is the affected person's personal physician. However, whenever an affected student is also disabled as defined under the Education For All Handicapped Children Act, 20 U.S.C. 1401(a)(1) or North Dakota Century Code chapter 15-59, the decisionmaker is the multidisciplinary team provided for under subsection 4 of North Dakota Century Code section 15-34.1-03.
- *Independent contractor* means any person or entity who is free of control or direction over performance of the service provided both under the contract and in fact, who renders service outside the ordinary course of business or outside of the place of business of the contractor and who is engaged in an independently established trade, organization, profession, or business.
- *Institution* includes all public kindergartens, elementary, junior high, and high schools operating within all school districts in North Dakota.
- *Reasonable accommodations* are defined by subsection 16 of North Dakota Century Code section 14-02.4-02 or U.S.C. 794.
- *Significant contagious disease* includes cytomegalovirus (CMV), hepatitis B (HBV) and human immunodeficiency (HIV) infection. The local board of health or the state health officer may determine that other diseases are significant contagious diseases.
- *Special provisions* are individually tailored education decisions designed to meet the needs of students requiring unique accommodations to ensure an educational opportunity. Special provisions are directed to students not covered by an individualized education program.
- *Universal precautions* mean protecting one's self from exposure to blood or body fluids, through the use of latex gloves, masks, or eye goggles, cleaning blood and body fluid spills with soap and water and then disinfecting and incineration or decontaminating infective waste before disposing in a sanitary landfill.

### **Universal Precautions**

The District shall use universal precautions as standard procedure in the care and maintenance of school property and in administering first aid or otherwise handling emergencies.

### **Nondiscrimination and Anti-Harassment**

No person shall be denied admission as 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 District prohibits harassment and/or discrimination against an individual diagnosed as having a significant contagious disease on and using school property. Complaints alleging harassment/discrimination based on a significant contagious disease shall be handled in accordance with the district's Discrimination and Harassment Grievance Procedure (AAC-BR).

### **Confidentiality**

All information concerning an affected person's condition that is given to an employee or official of the District shall remain confidential to the extent required or permitted under applicable law. The Superintendent shall develop procedures to protect against confidentiality breaches (IDC).



No employee or official of the District may inform anyone of an affected individual's infection or release any information to the public either confirming or denying the presence within the District of a person who has contracted a significant contagious disease, unless otherwise required to do so by law. An employee violating these prohibitions shall be subject to disciplinary consequences in accordance with policy, law, and, when applicable, the negotiated agreement.

### **Spokesperson**

The Board designates the Superintendent as the person to receive information concerning the status of students, employees, and independent contractors from their physicians. The spokesperson shall be the official representative of the District when information concerning an affected individual becomes public and may not delegate this duty unless authorized by the Board. The spokesperson may request assistance from the Department of Public Instruction or State Department of Health in developing a plan for conflict resolution and shall comply with all applicable requirements in the district's policy on relations with the news media (KBA) when handling media requests related to significant contagious disease. **Reasonable Accommodations**

1. **Students:** The District shall not prohibit a student from attending school solely because they have, or they are perceived to have, a significant contagious disease. If the student is well enough to attend the institution, and does not constitute a public health threat, as determined by the decision maker or local board of health, the student must be permitted to attend school. If the student is unable to attend regular class instruction or requires special consideration, then reasonable accommodations, special provisions or individualized education programs must be provided for the student. The Superintendent shall establish special provisions procedures.

2. **Employees and Contractors:** Employees, potential employees, and independent contractors may not be terminated or prevented from becoming employed in the District solely because they have or they are perceived to have a significant contagious disease. If the employee is well enough to perform their job and does not constitute a public health threat to others, as determined by a decision maker or the local board of health, the employee must be permitted to perform the duties. The District shall consider and implement reasonable accommodations to allow the affected individual to become/continue as an employee or become/continue as an independent contractor.

### **Education**

1. **Students:** The District shall implement an instructional program on significant contagious disease appropriate to each participating grade level, providing information about the diseases, methods of transmission, the means of protecting against contracting the diseases in an educational setting, and the use of universal precautions and prevention. Instruction will begin in Grade Pre-K and continue through Grade 12.[1] The curriculum will be integrated into the health curriculum.

The Superintendent is charged with recommending revisions in the program to the Board to update and modify the curriculum as new information about significant contagious diseases is made available. The Department of Public Instruction and/or the State Department of Health shall review and approve any curriculum and materials developed

for use in this program according to the guidelines established by the Center for Disease Control.

Prior to the start of the significant contagious disease instructional program, and at any time thereafter, parents and guardians of students who will be involved in this program shall have an opportunity to preview/review the curriculum and materials.

2. **Employees:** All district employees shall receive appropriate training that addresses significant contagious disease prevention. The training will be presented by a health professional or someone specifically qualified in prevention of significant contagious diseases education. Training will include the proper use of universal precautions. Those employees designated to teach significant contagious disease prevention to students shall receive additional training from qualified health education professionals.

3. **Independent Contractors:** All independent contractors performing services for the District shall 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 in an institutional setting, and the use of universal precautions District shall 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 in an institutional setting, and the use of universal precautions

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

- AAC, Nondiscrimination and Anti-Harassment Policy
- AAC-BR, Discrimination and Harassment Grievance Procedure
- AAC-E, Filing a State or Federal Discrimination and Harassment Complaint
- ACBB-AR1, Responding to Potential Health Threats
- ACBB-AR2, Universal Precautions and Sanitary Cleanup
- ACBB-E2, Laws on Communicable Diseases, Immunization Requirements, Reportable Diseases, and Significant Contagious Diseases
- KBA, Relations with the News Media

## RESPONDING TO POTENTIAL HEALTH THREATS

### **Determining if a Health Threat Constitutes a Communicable, Reportable, and/or Significant Contagious Disease**

For the purposes of this regulation, communicable disease, reportable disease, and significant contagious disease are defined by state law or administrative code, and these definitions are contained in ACBB-E2.

If a teacher believes that a student may have a communicable, reportable, and/or significant contagious disease, they shall inform the building principal. Failure by a teacher to report this information may result in disciplinary action. The building principal shall contact the Superintendent to inform them of the student's suspected condition. Either the building principal or Superintendent should contact local public health or the ND Department of Health to assist in classifying the condition.

Once the illness is classified, the building principal or Superintendent shall comply with any applicable reporting and/or referral requirements contained in state law or administrative code (See NDCC 23-07-02 and ND Administrative Code 33-06-02-01). The District will comply with and implement all applicable provisions in the district's significant contagious disease policy (ACBB) if the illness is classified as such.

### **Procedure for Responding to a Communicable Disease or Other Public Health Threat**

When a building principal or Superintendent suspects the presence of a communicable disease or other public health threat in a school or other district facility, the Superintendent should request the ND Department of Health's assistance with the following:

1. Communicating about the threat to students, staff, parents, and the public;
2. Determining if extracurricular activities should be canceled;
3. Determining if immunization-exempt students and/or students with certain health conditions should be excluded from school;
4. Determining if non-immunized staff, staff without verifiable immunization or other medical records that public health has recommended for review, and/or staff with certain health conditions should be excluded from district schools and/or facilities;
5. Determining if schools or other district facilities should be closed; and
6. Determining if there are additional steps necessary to minimize risk of contagion.

### **Excluding Students from School Due to a Potential Health Threat**

Students may be excluded from school for health reasons if any of the following criteria apply:

1. The student's parent/guardian failed to provide, at the time of admission, either proof of all required immunizations or valid immunization exemption documentation (NDCC 23-07-17.1). The District shall inform parents who fail to submit this required documentation of compulsory attendance requirements and law enforcement referral procedures. Students who are homeless must be admitted to schools regardless of whether or not they have submitted immunization records or immunization-exempt documentation at the time of admission. Homeless students shall be referred to public health to receive assistance complying with immunization requirements and/or opt-out assistance.
2. The student is immunization-exempt, an epidemic has been identified in a district school or schools, and a public health officer has deemed such students' attendance

a potential public health threat. Such students shall be excluded from school until, in the opinion of the health officer, the danger of the epidemic is over (NDCC 23-07-17.1 (6)).

3. The student has, or lives with someone who has, a significant contagious or infectious disease and has not been cleared to attend school under regulations of the local board of health (NDCC 23-07-16).
4. The student is suspected of suffering from or has been exposed to a communicable condition. The classroom teacher is required to report this suspected condition/exposure to the building principal. The building principal shall contact a local public health officer to determine if the student's condition/exposure should be examined and further investigated. If public health confirms the need for a medical examination, the student will be sent home with instructions to see a physician. The student shall not be permitted to attend school again until s/he presents a certificate from a ND licensed physician or from the local health department stating that the student is not suffering from a communicable condition and that it is safe for the student to return to school (ND Administrative Code 33-06-02-01 (4)).

### **Educational Services for Students Excluded Due to a Potential Health Threat**

Students excluded from school due to a potential health threat must be provided educational services if (a) they currently have an IEP or 504 Plan or (b) if their condition meets the definition of a disability under the Americans with Disabilities Act or significant contagious disease under state law. The Superintendent may consult with legal counsel to determine if the District is required to provide educational services to a student excluded from school due to health reasons.

The District may provide educational services, to the extent possible, to all other students who are currently enrolled in a district school but are barred from attending due to a potential health threat.

Educational services provided shall be determined by the Superintendent or multidisciplinary team (for students with a 504 Plan or IEP) based on factors such as the duration the student is excluded from school, available district resources, and IEP/504 Plan requirements if applicable.

### **Excluding Staff from District Facilities Due to a Potential Health Threat**

In the event of a potential health threat, the Superintendent shall work with the ND Department of Health to identify employees who must be excluded from school. Reasons for exclusion may be related to an employee's current or past health conditions, non-immunized status, and/or inability to verify immunizations or medical documentation recommended for review by public health officials. Employees excluded from school during a potential health threat shall be placed on paid administrative leave and shall not return to work until a public health officer deems their return safe. The District shall pay costs associated with employees obtaining any medical records requested by the District.

All temporary employees working in district schools and facilities during a potential health threat must submit proof of receiving all required immunizations and any other medical documentation recommended for review by public health officials. This documentation must be submitted before the temporary employee begins their duties, and the District shall pay any costs associated with obtaining medical records.

## Confidentiality of Medical Records

All medical records, including immunization records, obtained by the District are confidential. The District shall not release such records except under a valid exception in state or federal law.

End of North Border School District Administrative Regulation ACBB-AR1  
[04/20]

### LAWS ON IMMUNIZATIONS, CONTAGIOUS DISEASE, REPORTABLE DISEASE, AND SIGNIFICANT CONTAGIOUS DISEASE

#### Definitions

- *Age-appropriate immunizations* (ND Administrative Code 33-06-05-01) refers to the vaccines a child should receive based on age and previous immunization history as recommended by the advisory committee on immunization practices of the United States department of health and human services and outlined by the North Dakota immunization schedule.
- *Communicable disease* (NDCC 23-07.6-01) means a disease or condition that causes serious illness, serious disability, or death, the infectious agent of which may pass or be carried, directly or indirectly, from the body of one person to the body of another.
- *Reportable disease* (ND Administrative Code 33-06-01) means the diseases or conditions designated by the state department of health that must be reported pursuant to NDCC 23-07-01. See ND Department of Health reportable disease chart at <http://www.ndhealth.gov/Disease/Documents/ReportableConditions.pdf>.
- *Significant contagious disease* (ND Administrative Code 33-06-05.1-02): includes cytomegalovirus (CMV), hepatitis B (HBV) and human immunodeficiency (HIV) infection. The local board of health or the state health officer may determine that other diseases are significant contagious diseases.

#### Confidentiality Requirements

1. **Employee medical records** (NDCC 44-04-18.1(1)): Any record of a public employee's medical treatment or use of an employee assistance program is not to become part of that employee's personnel record and is confidential and, except as otherwise authorized by law, may not be used or disclosed without the written authorization of the employee. As used in this section, the term "public employee" includes any individual who has applied for employment, is employed, or has been employed by a public entity.
2. **Student medical records**: At the elementary or secondary school level, students' immunization and other health records that are maintained by a school district or individual school, including a school-operated health clinic, that receives funds under any program administered by the U.S. Department of Education are "education records" subject to *FERPA*, including health and medical records maintained by a school nurse who is employed by or under contract with a school or school district. Parents have a right under *FERPA* to inspect and review these health and medical records because they are "education records" under *FERPA*. See 34 *CFR* §§ 99.10 – 99.12. In addition, these records may not be shared with third parties without written parental consent unless the disclosure meets one of the exceptions to *FERPA*'s general consent requirement.

From Joint Guidance on Application of FERPA and HIPAA:  
[https://studentprivacy.ed.gov/sites/default/files/resource\\_document/file/2019%20HIPAA%20FERPA%20Joint%20Guidance%20508.pdf](https://studentprivacy.ed.gov/sites/default/files/resource_document/file/2019%20HIPAA%20FERPA%20Joint%20Guidance%20508.pdf)

### 3. Significant contagious disease

- a. Employees (ND Administrative Code 33-06-05.3-02): Unless disclosed by the affected person, or their personal physician, no disclosure of an affected individual's condition may be made. In order to eliminate discrimination, the local governing body should develop policies concerning the comprehensive application of universal precautions throughout the institution.
- b. Independent Contractors (ND Administrative Code 33-06-05.4-02): Unless disclosed by the affected person, or their personal physician, no individual may be informed of an affected individual's infection. In order to eliminate discrimination, the local governing body should develop policies concerning the comprehensive application of universal precautions throughout the institution.
- c. Students (ND Administrative Code 33-06-05.2-02): Unless disclosed by the affected person, their parent or guardian, or their personal physician, no individual may be informed of an affected individual's infection. In order to eliminate discrimination, the local governing body should develop policies concerning the comprehensive application of universal precautions throughout the institution.

### Disease Reporting Requirements

1. **Communicable Condition:** (ND Administrative Code 33-06-02-01(4)): Whenever any school principal or teacher in any private, public, or parochial school has reason to suspect that any pupil is suffering from or has been exposed to any communicable condition, such principal or teacher shall send the child home with instructions to see the child's family physician. Any pupil so excluded shall not be permitted to attend school again until the pupil shall present a certificate from a physician licensed to practice medicine in North Dakota or from the local health department stating that the child is not suffering from a communicable condition and that it is safe for the child to return to school. Such principal or teacher shall also report any such suspected case to the local health officer, who, upon receipt of such report, shall use the officer's best judgment as to the necessity for further investigating the case.
2. **Who to Report Reportable Diseases** (NDCC 23-07-02(2)): Except as otherwise provided by section 23-07-02.1, the following persons or their designees shall report to the state department of health any reportable disease coming to their knowledge.

The director, principal manager, or chief executive officer of:

- a. Health care institutions, including hospitals, medical centers, clinics, long-term care facilities, assisted living facilities, or other institutional facilities;
- b. Medical or diagnostic laboratories;
- c. Blood bank collection or storage centers;
- d. Public and private elementary and secondary schools;
- e. Public and private universities and colleges;
- f. Health or correctional institutions operated or regulated by municipal, county or multicounty, state, or federal governments;
- g. Funeral establishments and mortuaries; and
- h. Child care facilities or camps.

### Immunization Requirements

ND Administrative Code 33-06-05-01(2b):

Minimum requirements for children attending kindergarten through grade twelve shall be age-appropriate immunizations against diphtheria, pertussis, tetanus, poliomyelitis, measles, mumps, rubella, varicella (chickenpox), meningococcal disease, and hepatitis B. See ND Department of Health immunization chart:

<http://www.ndhealth.gov/immunize/schools-childcare/>

### **Immunization Exemptions**

#### **1. NDCC 23-07-17.1(2-3)**

- a. A child may enter a public school upon submitting written proof from a licensed physician or authorized representative of the state department of health stating that the child has started receiving the required immunization or has a written consent by the child's parent or guardian for a local health service or department to administer the needed immunization without charge or has complied with the requirements for certificate of exemption as provided for in paragraph b.
- b. Any minor child, through the child's parent or guardian, may submit to the public school either a certificate from a licensed physician stating that the physical condition of the child is such that immunization would endanger the life or health of the child or a certificate signed by the child's parent or guardian whose religious, philosophical, or moral beliefs are opposed to such immunization. The minor child is then exempt from the applicable immunization requirements set forth in NDCC 23-07-17.

#### **2. ND Administrative Code 33-06-05-01(4)**

A child with a medical or a beliefs exemption is exempt from any one or all of the immunization requirements. A physician must sign an exemption form indicating the vaccines that are included in the medical exemption. A parent or guardian must sign an exemption form stating that the child has a beliefs exemption and indicate which vaccines are exempt because of beliefs. A child with a reliable history of chickenpox, hepatitis A, hepatitis B, measles, mumps, or rubella is exempt from applicable immunization requirements. A physician must sign an exemption form stating that the child has had the disease. Exemption forms must be kept on file with the immunization records at the child's school, early childhood facility, head start program, or preschool educational facility.

### **Non-Discrimination Protections for Affected Individuals**

1. **Disabled students and employees:** See Nondiscrimination and Anti-harassment Policy (AAC) and Education of Special Education/Disabled Students (FDE).

#### **2 Significant Contagious Disease**

- a. Employees (ND Administrative Code 33-06-05.3-01): No employee or potential employee may be terminated or prevented from becoming employed at the institution solely because they have or they are perceived to have a significant contagious disease. If the employee is well enough to perform their job and does not constitute a public health threat to others, as determined by a personal physician, the employee must be permitted to perform the duties.
- b. Independent Contractors (ND Administrative Code 33-06-05.4-01): No independent contractor may be terminated or prohibited from contracting with the institution solely because they have or they are perceived to have a significant contagious disease. If the independent contractor is capable of performing the work, or reasonable accommodations can be made to allow the independent contractor to perform the work, and the independent contractor does not constitute a public health threat to

others, as determined by a personal physician, the independent contractor must be permitted to contract with the institution.

- c. Students (ND Administrative Code 33-06-05.2-01): No student may be prohibited from attending the institution solely because they have, or they are perceived to have, a significant contagious disease. If the student is well enough to attend the institution, and does not constitute a public health threat, as determined by the decision-maker, the student must be permitted to attend the institution. If the student is unable to attend regular class instruction or requires special consideration, then special provisions or individualized education programs must be provided for the student.

### **Recordkeeping Requirements and State Reports**

#### **1. ND Administrative Code 33-06-05-01(5)**

- a. Recordkeeping and reporting. Records and reports requested by the state department of health shall be completed and submitted to the state department of health.
- b. Certificates of immunization, a North Dakota immunization information system (NDIIS) record, or other official proof of immunization must be presented to the designated institutional authority before any child is admitted to an institution.
- c. Upon request by the institutional authority and approval by the department, the department shall provide access to the NDIIS by institutional authority. The department of health shall disclose immunization records maintained by the NDIIS to an institutional authority to fulfill the required proof of immunization.
- d. The parent or guardian of a child claiming a medical or beliefs exemption shall present an appropriately signed statement of exemption to the designated institutional authority. Proof of immunization or the statement of exemption must be maintained by the child's school or early childhood facility.
- e. The school or early childhood facility immunization summary report must be submitted to the state department of health by November first of each year or such other annual date as the department may designate.

#### **2. ND Administrative Code 33-06-05-01(6)**

Appointment of an institutional authority.

- a. An institutional authority shall be appointed for each institution by its governing board or authorized personnel. The authority must be an employee of such institution.

### **Student Exclusion from School Due to a Health Threat**

1. **Failure to provide, at the time of admission, either proof of all required immunizations or valid immunization exemption documentation (NDCC 23-07-17.1):** A child may not be admitted to any public, private, or parochial school, or day care center, child care facility, head start program, or nursery school operating in this state or be supervised through home-based instruction unless the child's parent or guardian presents to the institution authorities a certification from a licensed physician or authorized representative of the state department of health that the child has received age-appropriate immunization[s].
2. **The student is immunization-exempt, an epidemic has been identified in a district school or schools, and a public health officer has deemed such students' attendance a potential public health threat (NDCC 23-07-17.1(6)):** When, in the opinion of the health officer, danger of an epidemic exists from any of the communicable diseases for which immunization is required under this section, the exemptions from immunization against such disease may not be recognized and children not immunized must be excluded from an institution listed in subsection 1



until, in the opinion of the health officer, the danger of the epidemic is over. The designated institution authority shall notify those parents or guardians taking legal exception to the immunization requirements that their children are excluded from school during an epidemic as determined by the state department of health.

3. **The student has, or lives with someone who has, a significantly contagious or infectious disease and has not been cleared to attend school under regulations of the local board of health (NDCC 23-07-16):** Except as provided by section 23-07-16.1, no principal, superintendent, or teacher of any school, and no parent or guardian of any minor child, may permit any child having any significant contagious or infectious disease, or any child residing in any house in which any such disease exists or has recently existed, to attend any public or private school until permitted to do so under the regulations of the local board of health.
4. **The student is suspected of suffering from or has been exposed to a communicable condition (ND Administrative Code 33-06-02-01(4)):** Whenever any school principal or teacher in any private, public, or parochial school has reason to suspect that any pupil is suffering from or has been exposed to any communicable condition, such principal or teacher shall send the child home with instructions to see the child's family physician. Any pupil so excluded shall not be permitted to attend school again until the pupil shall present a certificate from a physician licensed to practice medicine in North Dakota or from the local health department stating that the child is not suffering from a communicable condition and that it is safe for the child to return to school. Such principal or teacher shall also report any such suspected case to the local health officer, who, upon receipt of such report, shall use the officer's best judgment as to the necessity for further investigating the case.

**End of North BorderSchool District Exhibit ACBB-E2  
[04/20]**

[\[1\]](#) State law requires that all students be educated concerning significant contagious disease. Specify the grades that are included in your district's enrollment.

## **EXHIBIT**

Descriptor Code: ACBB-E

### **UNIVERSAL PRECAUTIONS AND SANITARY CLEANUP**

The District shall comply with the following universal precautions and sanitary practices to reduce the spread and transmission of illness and contagious diseases. These universal precautions and sanitary practices are to be used when providing care to all individuals, whether or not they appear infectious or symptomatic.

#### **Attending to the Victim**

1. Apply a barrier (latex rubber gloves, thick layer of paper towels, or cloth) whenever blood or body fluids are present to minimize exposure of the attending person while the injury is cleansed and/or dressed. Apply a barrier to the affected area of the victim if possible. Blood and body fluids should be removed with disposable paper towels, gauze, or rags.
2. Secure all cleansing materials, gloves, and other soiled items (e.g., diapers) in plastic bags. Tie bags and dispose in a sanitary disposal site.
3. Bag and send home soiled clothing and/or other personal items. Do not clean or rinse these items at school.

4. Remove gloves and dispose in plastic bag.
5. Thoroughly wash hands with soap.

#### **Cleaning and Disinfecting Environment**

1. Apply a barrier (rubber utility gloves durable enough to withstand environmental cleaning and disinfecting, thick layer of paper towels, or cloth) whenever cleaning and disinfecting an area in which blood or body fluids are present.
2. Use disposable paper towels or other disposable materials to remove blood and body fluids.
3. Disinfect the affected area(s) and cleaning tools with a commercial disinfectant (mixed according to manufacturer's specifications) or bleach solution (approximately 1/4 cup common household bleach per gallon of tap water, mixed fresh daily). The affected surface being disinfected should remain wet for several minutes.
4. Secure gloves and all waste in a plastic bag. Tie bag and dispose in a sanitary disposal site.

#### **Cleanup for Attending Employee**

1. Remove barrier, dispose and secure in a plastic bag.
2. Wet hands with clean, running water and apply soap.
3. Thoroughly scrub hands for at least 20 seconds. Pay particular attention to fingertips, nails and jewelry.
4. Use an alcohol-based waterless hand sanitizer that contains at least 60% alcohol if soap and water are not available. Wash hands with soap and water as soon as possible.

End of North Border School District Exhibit ACBB-AR2  
[04/20]

**Recommended**

Descriptor Code: ACBD

### **SCHOOL MEDICATION PROGRAM**

The North Border School District has established a program for providing medication to students during the school day.

Eligible school medication providers may provide oral and non-oral, noninvasive medication (i.e., medication provided by non-parenteral routes) to students covered by this policy.

#### **First Dose of Medication**

Whenever possible, the first dose of medication should be given to a student at home.

#### **Requirements for Parents/Guardians Prior to District Providing Medication**

A parent/guardian must sign a written form authorizing his/her student to receive medication from an eligible school medication provider prior to carrying out this service. A new authorization form is required anytime the student has a change in his/her medication regimen, when a new medication is to be provided, and at the beginning of each school year. This form must include the following:

1. **For over-the-counter medication:** Requests to provide a dosage other than as recommended by the manufacturer shall require approval from an appropriate healthcare provider.
2. **For prescription drugs:** Requires written authorization and instructions from an appropriate healthcare provider on how, when, and how long to provide medication.
3. **For more than one medication (prescriptions, over-the-counter medications, or both):** Must include information from a healthcare provider certifying that the drugs are not known to adversely interact or information on how to avoid any known adverse drug interactions.
4. **For students with allergies:** If a student has any known allergies, the parent/guardian shall provide this list of allergies to the school with all medication requests and include certification from a healthcare provider that the student is not known to be allergic to medication that the school is requested to provide. This list must be accompanied with certification that the student has knowledge of all of his/her known allergies and has received education and training on signs and symptoms of allergic reactions and how to prevent them.
5. **For all requests for the school to provide medication:** Information on possible adverse reactions and side effects associated with each medication that the parent/guardian is requesting the school to provide and certification that students have been educated in possible side effects.

### **Medication Check-In Requirements When District is Providing Medication**

When sending medication to school, parents/guardians must comply with the following requirements:

1. If the over-the-counter medication is supplied by the student's parent or guardian, it must be supplied in the original manufacturer's container, and the container must list the ingredients, recommended dosage, expiration date, administration instructions, and storage instructions (if any) in a legible format. The container must be labeled with the student's name, and, if unsealed, the number or amount of medication in the container.
2. Prescription medications must be supplied in the original pharmacy-labeled container and include the name and phone number of the pharmacy. The container must list, in a legible format, the name of the student, name of the prescription medication, dose, expiration date, storage instructions (if any), administration directions, number or amount of medication included, and the container must list or be accompanied by active ingredients in a legible format. If any prescription medication is given to a student prior to sending the prescription to school, the parent/guardian must indicate how much medication remains in the container.
3. If dispensing equipment is required (e.g., measuring cups, droppers), it must be provided by the parent/guardian. The equipment must be clean, operable, and labeled with the student's name and date of birth. Any special medical equipment storage instructions must be provided to the school by the parent/guardian or student's healthcare provider.

The parent/guardian must deliver or make arrangements for the delivery of the medication with the designated school official. This official shall ensure that the appropriate authorization form(s) is/are complete, that the medication has not expired, that the medication is appropriately labeled in accordance with above requirements, and that parents/guardians have complied with all other applicable provisions of this policy before accepting the medication from the parent/guardian.

### **Liability Disclaimer**

It is not the intent of the District to expand or modify the district's potential liability exposure through the development of this medication program. The district's voluntary creation of this program shall not be construed to create or assume any potential liability under any local, state, or federal law or regulation. State law provides liability protection for establishing and providing medication under a school medication program. This protection extends to all eligible school medication providers, the school district, and the Board so long as each party is acting in good faith.

The District is not responsible for determining the qualifications of healthcare providers whose signatures appear on prescriptions and other medical documentation submitted to the District by parents/guardians. The District assumes that by signing such documentation, the healthcare provider is attesting to the validity of his/her qualifications and credentials. The District will comply with healthcare providers' orders but assumes no liability for their content.

REQUIRED

Descriptor Code: ABCE

## PROHIBITION ON AIDING SEXUAL ABUSE

### **Definitions**

For the purpose of this policy:

- Assisting* means to recommend, facilitate, aid, ease, expedite, promote, encourage, advance, stimulate, or accelerate.
- Sexual misconduct* may include, but is not limited to the following:
  - a. Insults, disparaging remarks/names, and/or sarcasm, used to force compliance with a school employee's, contractor's, or agents' requirements or expectations.
  - b. Any conduct that would amount to sexual harassment, discrimination, or retaliation under Title IX of federal education amendments.
  - c. Any activity that may lead to a sexual relationship such as dating, sending intimate correspondence, and/or engaging in sexualized dialogue.
  - d. Any sexual relationship between a school employee, contractor or agent and a current student, regardless of their age, or a former student under the age of 18.
  - e. Any conduct by a school employee, contractor or agent that would constitute a

sexual offense, sexual act, or sexual contact involving a minor or a student as defined in state law.

- *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.

### **Prohibited Action**

The District prohibits any employee, contractor, or agent from assisting a school employee, contractor or agent in obtaining a new job if the individual or district knows or has probable cause to believe that such school employee, contractor or agent engaged in sexual misconduct regarding a minor or a student in violation of the law.

For the purposes of this policy, it shall not be deemed assisting in obtaining a new job to participate in routine procedures pertaining to the transmission of administrative and personnel files in accordance with law or to confirm dates of employment.

This prohibition does not apply under certain conditions specified by the Every Student Succeeds Act (ESSA) such as:

1. The matter has been reported to law enforcement authorities and it has been officially closed or the school officials have been notified by the prosecutor or police after an investigation that there is insufficient information to establish probable cause,
2. The individual has been acquitted or otherwise cleared of the alleged misconduct, or;
3. The case remains open without charges for more than 4 years after the information was reported to a law enforcement agency.

### **Reporting and Investigation**

An individual who has reason to believe that this policy may have been violated is required to report the alleged violation to a building administrator or the Superintendent as soon as possible. All reported prohibited behavior shall be investigated by the Superintendent.

If the Superintendent is believed to have violated this policy, the alleged violation shall be reported to the Board President who is responsible for conducting the investigation and rendering a final decision on the outcome of the investigation.

### **Violation**

If disciplinary action is deemed warranted at the completion of the investigation, the District shall take appropriate action up to and including termination of employment in

accordance with law and/or reporting such activity to appropriate state licensing and law enforcement officials.

**Retaliation and Providing False Information Prohibited**

The District prohibits retaliation for an individual’s participation in an investigation and/or initiation of a report under this policy, including instances when an allegation is not substantiated. The District also prohibits knowingly filing a false report and/or knowingly making false statements during an investigation. Staff and students who violate these prohibitions are subject to appropriate disciplinary action.

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

- ACCA, Sexual Offenders on School Property
- BA, School Board Ethics
- DBAA, Recruitment, Hiring, & Background Checks for New Classified Personnel
- DBAC, Recruiting & Hiring Teachers
- DE, Staff Code of Conduct
- DEBD, Staff-Student Relations (Non-Fraternization Policy)

**End of Policy ABCE ..... Adopted:**

[09/18]

RECOMMENDED

Descriptor Code: ACCA

SEXUAL OFFENDERS ON SCHOOL PROPERTY

**Definitions**

For the purpose of this policy:

- A sexual offender is defined in NDCC 12.1-20-25.
- A parent sexual offender is an individual who meets this policy’s definition of sexual offender and who has either parental or legal guardianship rights to a child attending a district school.
- A nonparent sexual offender is an individual who meets this policy’s definition sexual offender and who has no parental rights or legal guardianship rights to a child attending a district school.
- 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. Nonparent Sexual Offenders

A nonparent sexual offender is prohibited from entering a district school except:

- a. When s/he is a qualified voter and is entering school property solely for the purpose of casting his/her vote.
- b. To attend an open meeting as defined in NDCC chapter 44-04.

A nonparent 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. Parent Sex Offenders**

Parent 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 written approval in the following instances:

- a. To attend a conference to discuss his/her student's progress, placement, or individual education program (IEP).

A parent sex offender who attempts to communicate electronically with a student other than his/her child while the student is on school property will be considered on school property without permission and will be in violation of this policy.

## **3. 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.

Juvenile offender registry information is not protected by FERPA. If the District receives a public request to release juvenile offender registry information, the District shall consult with law enforcement prior to disclosure to determine if any of the requested information is confidential and prohibited from being released.

## **4. 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 immediately report to the individual or location designated in the superintendent's written permission statement. The building principal shall assign a chaperon to accompany the sexual offender while s/he is on district property. 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 may establish a system for identifying sexual offenders and may inform known sexual offenders of this policy. It is not the intent of the District to expand or modify the district's potential liability exposure through the implementation of this notification system. The district's voluntary creation of this safety precaution shall not be construed to create or assume any potential liability under any local, state, or federal law or regulation. 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.

**End of Policy ACCA ..... Adopted:**

**Descriptor Code: ACCA-BR**

CRITERIA FOR GRANTING PARENT  
OFFENDERS PRIVILEGES TO ENTER  
SCHOOL PROPERTY

The Superintendent may consider the following criteria and/or other relevant information when determining if a parent offender shall be granted privileges to enter school property for any purpose beyond those rights afforded by state and federal law:

1. The risk level assigned to the parent offender by the Bureau of Criminal Investigation. High risk and lifetime offenders will generally not be granted privileges to enter school property in excess of those provided in law. When the Superintendent deems it necessary to grant a high risk or lifetime offender privileges, the privileges will be limited in scope.
2. When available, the circumstances surrounding the crime/offense.
3. The age of the offender's victim. Parent offenders who have committed a



crime/offense against a minor will generally not be granted privileges in excess of those provided in law. When the Superintendent deems it appropriate to grant these offenders privileges, the privileges may be limited in scope.

4. The age at which the offender committed the crime/offense.
5. The duration of time that has passed since the parent offender committed the crime/ offense.
6. The nature of the activity, event, or purpose for which the parent offender has requested entry on to school property. The Superintendent shall take into account the level of supervision provided to district students and the level of supervision that the District will be able to provide, if any, to the parent offender during the time the offender has requested to be on school property.

The Superintendent may solicit the input of law enforcement officials when determining if a parent offender shall be granted privileges to enter school property beyond those rights afforded in law. These privileges will be granted in accordance with the district's sexual offender policy and may contain restrictions and prohibitions. The Superintendent may at any time, with cause, revoke these privileges.

**End of Board Reg. ACCA-BR ..... Approved:**

**REQUIRED**

Descriptor Code: ACDA

ACCEPTABLE USE

The North Border School District believes network access plays an important role in the education of students; however, the network also contains content that is not appropriate for students and staff. The District has taken precautions, in accordance with federal law, to restrict students and staff access to obscene, pornographic, and/or harmful information through the use of software designed to block sites containing inappropriate material. While the District has taken preventive measures, it recognizes that it is not possible to fully guarantee that students and/or staff will never access objectionable materials. **Education**

The District shall provide education to students and staff about appropriate

online behavior, including interacting with other individuals on social networking websites, as well as, cyberbullying awareness and response.

### **Monitoring Use**

Network access is a privilege, not a right. Network storage areas shall be subject to the same scrutiny as school lockers for students. Students and staff shall have no expectations of privacy when using district computers and/or networks and shall use this technology solely for related classroom/district-related purposes. Network administrators may view files and communications to maintain the integrity of the system and to ensure proper and responsible use of the system. Teachers and administrators will exercise supervision of student use.

### **Prohibitions**

The District subscribes to the acceptable use policies of EduTech. All district computer users shall abide by this policy. The Superintendent or designee may take disciplinary measures when any of the following actions occur:

1. Accessing, downloading, or publishing inappropriate Internet material;
2. Sending or posting threatening, harassing, insulting, annoying or alarming content;
3. Sending, posting, or using obscene language;
4. Violating the privacy rights of students and employees of the District;
5. Vandalizing and/or tampering with district computers and/or networks;
6. Hacking or any other form of unauthorized access to accounts, computer systems, or files;
7. Attempting to breach network security or transmit viruses;
8. Violating copyright, trademark, trade secret, or other intellectual property laws;
9. Using the network for political purposes as defined by state law, financial gain, and/or commercial purposes;
10. Accessing social networking or other Internet sites for noncurricular purposes;
11. Other actions deemed inappropriate or not in the best interest of the District, its employees, and students.

### **Violations**

Violations of this policy, or any federal/state law, rule or regulation, may result in loss of network privileges, as well as further disciplinary action up to and including

suspension or expulsion for students or termination of employment for staff, as determined by the Superintendent or designee.

### **Consent**

All students and staff must consent to this policy in writing prior to accessing district networks, computers, and/or other technologies.

**End of Policy ACDA ..... Adopted:**

## **REQUIRED**

Descriptor Code: ACEA

### **BULLYING POLICY**

The North Border School District is committed to providing all students with a safe and civil school environment in which all members are treated with dignity and respect. Bullying of or by a student or school staff member is against federal, state, and local policy and is not tolerated by the Board. Bullying behavior can seriously disrupt the ability of the district to maintain a safe and civil environment, and the ability of students to learn and succeed. Therefore, it is the policy of the state and the school district that students and school staff members shall not engage in bullying behavior while on school property.

#### **Definitions**

For the purposes of this policy:

- Bullying is defined in NDCC 15.1-19-17 as:
  - a. 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:
    - Is so severe, pervasive, or objectively offensive that it substantially interferes with the student's educational opportunities;
    - Places the student in actual and reasonable fear of harm;
    - Places the student in actual and reasonable fear of damage to property of the student; or

- Substantially disrupts the orderly operation of the public school; or
- b. Conduct 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:
  - I so severe, pervasive, or objectively offensive that it substantially interferes with the student's educational opportunities;
  - II Places the student in actual and reasonable fear of harm;
  - III Places the student in actual and reasonable fear of damage to property of the student; or
  - IV Substantially disrupts the orderly operation of the public school; or
- c. Conduct received or sent by a student through the use of an electronic device while the student is outside a public school, off school district premises, and off school district owned or leased property and which:
  - i. Places the student in actual and reasonable fear of:
    - 1. Harm; or
    - 2. Damage to property of the student;
  - ii. Is so severe, pervasive, or objectively offensive the conduct substantially interferes with the student's educational opportunities or substantially disrupts the orderly operation of the public school.

Conduct includes the use of technology or other electronic media (e.g. cyberbullying).

- Electronic communication* is defined in NDCC 12.1-17-07(5) as a transfer of signs, signals, writing, images, sounds, data, or intelligence of any nature transmitted in whole or in part by a wire, radio, electromagnetic, photo-electronic, or photo-optical system.
- Protected status* are classifications/characteristics protected from discrimination by NDCC 14-02.4-01 and federal law. The following statuses are protected: race, color, religion, sex, national origin, age, disability (physical or mental), and status with regard to marriage or public assistance

- *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.
- *School-sanctioned activity* is defined as an activity that:
  - a. Is not part of the district's curricular or extracurricular program; and
  - b. Is established by a sponsor to serve in the absence of a district program; and
  - c. Receives district support in multiple ways (i.e., not school facility use alone); and
  - d. Sponsors of the activity have agreed to comply with this policy; and
  - e. 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 **[Name of District]**, 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 on school property a student or school staff member may not:

1. Engage in bullying.
2. Engage in reprisal or retaliation against:
  - a. A victim of bullying;
  - b. An individual who witnesses an alleged act of bullying;
  - c. An individual who reports an alleged act of bullying; or
  - d. 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.

### **Reporting Procedures for Alleged Policy Violations**

1. **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 them 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 report it to 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.

2. **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:
  - a. Completing a written complaint form (ACEA-E4). A complainant will have the option of including their 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.

- b. Complete and submit an online complaint form. A complainant will have the option of including their name on the form or submitting it anonymously.
- c. File an oral report with any school staff member.

**d. [List additional methods, if applicable.]**

Bullying may be a repeated or, in rare cases, one-time exposure to deliberate, negative behavior by one or more individuals that is unprovoked. Single incidents and conflicts between two or more individuals do not automatically constitute bullying behavior. Districts should investigate each situation to determine if the alleged behavior meets this policy's definition of bullying. If the misconduct does not meet this policy's definition of bullying, it may be addressed under other district disciplinary policies.

A complaint filed anonymously may limit the district's ability to investigate and respond to the alleged violations.

**Documentation & Retention**

The District shall develop a form to report alleged violations of this policy (ACEA-E3). 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 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.

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 years old or graduates from high school, whichever is later. .

**Investigation Procedures**

School administrators (i.e., a principal, an assistant superintendent, or the Superintendent) or the Board President, if the Superintendent is implicated, 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 status—whether actual or perceived. Reports involving a protected status 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 their relationship to the victim/alleged perpetrator; the ages of the parties involved; the detail, content, and context of the report; and whether or not 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 **[specify number of days – no more than 60]** days unless the administrator documents good cause for extending this deadline. Such documentation should be sent to the victim and alleged perpetrator during the investigation.

### **Reporting to Law Enforcement & Others Forms of Redress**

Law enforcement must be notified by a school administrator or Board President if there is reasonable suspicion that a bullying incident constituted a crime on or off school district property. Nothing in this policy shall prevent a victim/their family from seeking redress under applicable state and federal law.

### **Disciplinary & Corrective Measures**

Students who 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. Alternative placement of special education students will be handled in accordance with applicable policy.
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 or social media platform on which the bullying occurred to report it.
9. **[List other options].**

If the misconduct does not meet this policy's definition of bullying, it may be addressed under other district disciplinary policies.

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 applicable law and/or policy.

### **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.

### **Dissemination & Education**

The District shall review and revise this policy as it determines necessary. A copy of this District bullying policy and any amendments must be filed with the Department of Public Instruction.

The District shall place this policy, in its entirety, in student and staff handbooks and ensure that it is explained and discussed with its students each school year. The District shall also develop and implement bullying prevention programs for all students and staff professional development activities. School administration may develop guidelines to assist students and staff with identifying bullying conduct.

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

- AAC-BR, Discrimination & Harassment Grievance Procedure
- AAC-E, Filing a State or Federal Discrimination & Harassment Complaint
- ACEA-E1, Bullying Policy Adoption & Dissemination Checklist
- ACEA-E2, Bullying Reporting Guidelines
- ACEA-E3, Student Reporting Form
- ACEA-E4, Staff Reporting Form
- ACEA-E5, Bullying/Harassment Investigation Protocol

**End of [Name of District] Policy ACEA ..... Adopted:  
[06/19]**



**BULLYING REPORTING GUIDELINES**

The following are signs that may indicate that a student has become a victim of prohibited behavior contained in the district's bullying policy. The examples serve as guidelines only and in no way encompass all indicators that a student has become victim of bullying. Students with knowledge/ reasonable suspicion of any conduct indicating a violation of the bullying policy should report it in accordance with the procedure in the bullying policy, and school staff with knowledge/reasonable suspicion of such conduct shall report it in accordance with the procedure in the bullying policy.

**Reporting Guidelines**

Students should file a report under the bullying policy and staff shall file such a report when there is:

1. Any report by a student that s/he is concerned about his/her safety as a result of intimidation, hostility, or actions by a student or staff member. Such students often avoid certain locations in the school to limit contact with a bully (e.g., locker rooms, restrooms, parking lots).
2. Any report by a student that his/her property has been damaged or s/he is concerned that his/her property will be damaged as a result of intimidation, hostility, or actions by a student or staff member.
3. Any indication that a student is being deprived of educational opportunities (e.g., grades rapidly decline, a pattern of absenteeism, avoids certain locations in the school.)
4. Any indication of verbal, nonverbal, physical aggression, intimidation, or hostility based on a protected class, i.e., race, color, religion, sex, national origin, age, disability (physical or mental), or status with regard to marriage or public assistance.
5. A student has filed a report under the bullying policy or participated as a witness in a bullying investigation and has since become the subject of verbal, nonverbal, or physical aggression or hostility by other students or staff.

**End of Exhibit ACEA-E2**

**RECOMMENDED**

Descriptor Code: BA

**SCHOOL BOARD PLEDGE OF ETHICS**

School board members pledge to be:

1. Champions of the public schools.
2. Committed to high quality education for every student.
3. Honest and sincere, having the courage of their convictions.
4. Willing and capable of assuming responsibilities.
5. Able to work cooperatively with others.

6. Non-partisan in dealing with all school matters. The Board does not wish in any way to subordinate the education of children and youth to any partisan principle, group interest, or personal ambition.
7. Willing to maintain confidentiality of privileged information.
8. Aware that the strength of the Board is as a board, not as individuals. Individual board members have no authority or power to act on behalf of the Board; therefore, a board member should never make out-of-meeting commitments.
9. Informed concerning state and federal laws and regulations concerning education.
10. Faithful in attendance at board meetings and diligent in preparation and study to become informed concerning the issues to be considered at those meetings.
11. Willing to conduct school business in open meeting as required by law, even when the subject is controversial or personal.
12. Cognizant that the primary function of the Board is to establish the policies by which the schools are to be administered, but that the administration of the educational program and the conduct of school business shall be left to the Superintendent.
13. Eager to learn from association with other school board members from around the state and nation, and open to personal development through reading publications of the National School Boards Association and the North Dakota School Boards Association and attending seminars and conventions of these and similar organizations.
14. Aware that it is as important for the Board to understand and evaluate the educational program of the schools as it is to plan for the business of school operation.
15. Vigilant against even the appearance of conflict of interest. Board members should become familiar with the laws governing contracts and purchases as they relate to board members and carefully avoid any violation.

**End of Policy BA ..... Adopted:**

**[08/08]**

Descriptor Code: BA-BR

**BOARD ETHICS REGUALTION**

In order to implement the board ethics policy (BA), the North Border School Board hereby adopts the following rules and procedures.

**To implement items 4 and 12 of the board ethics policy, board members shall:**

- Comply with the district’s policy on board member visits to schools and the district’s policy on visitors in school

- Not provide directives or feedback to school personnel about their work duties or performance or attempt to evaluate them; boards member shall only evaluate the Superintendent in accordance with law and any applicable district policy
- Only discuss questions and concerns directly related to their own child with classroom teachers and other school staff
- Only perform the responsibilities assigned to them through state law or board policy, including district policy on board communication with the public
- Should not review school personnel files without the permission of the Board President except when reviewing the superintendent's file

**To implement item 5 of the board ethics policy, board members shall:**

- Actively participate at board meetings and allow all board members to have an equal opportunity to speak and offer their perspectives
- Be willing to conceded when casting a minority vote and willing support the decision of the majority of the Board; a board member may state his/her position on an issue but will not openly criticize a board decision after it is made
- Be willing to listen and consider all perspectives at the table
- Comply with all policies and regulations applicable to board members
- Correspond with fellow board members in a professional manner outside board meetings and comply with state law on open meetings and records when engaged in such correspondence
- Not attempt to judge other board members' motives or reasons for voting in support of or in opposition to a matter before the Board
- Not be afraid to speak their minds
- Not demean or ridicule board members at meetings or publically; board members agree not to use what was said at board meetings to further a personal agenda or criticize/attack fellow board members
- Not talk out of turn or over one another at board meetings; when deemed appropriate by the Board President, board members shall be provided with three minutes to speak or ask questions about an agenda item and one minute for follow-up comments and questions after every board member has had an opportunity to speak

**To implement items 6 and 15 of the board ethics policy, board members shall:**

- Determine if a conflict of interest exists is as follows:
  - An individual board member shall first consider criteria contained in the conflict of interest laws (NDCC 15.1-07-17 and 44-04-22) and the following factors to determine if they have a conflict of interest:
    - ✦ Is there a substantial personal or financial benefit to the board member?
    - ✦ Is there likely capacity to tempt the school board member to depart from his or her public duty of acting in the best interests of the community?
  - If the individual board member is uncertain of whether or not s/he has a conflict, s/he is authorized to contact NDSBA legal counsel or the state's attorney to assist with making this determination

- If the individual board member or legal counsel determines that there is a conflict of interest, the board member shall declare it to the board in accordance with applicable law
- The determination of whether or not to declare a conflict of interest rests solely with individual board members who are entrusted to make ethical decisions as public servants of the school district.
- Not assume that an individual board member's statements at a board meeting reflect his/her definitive position on a topic; board members' decisions shall only be reflected in their official votes
- Reserve decision making for board meetings after they have had a chance to hear all perspectives
- Send questions on agenda items to the Superintendent for clarification and request any additional material needed to inform decision making from the Superintendent
- Should not make pledges to members of the public concerning an upcoming or past board agenda item

**To implement items 8 and 11 of the board ethics policy, board members shall:**

- Clarify when speaking to the public about board matters that they are speaking individually and that individual board members have no authority to act on their own
- Not issue or engage in official communication of the Board unless delegated such authority through board action or policy
- Not represent themselves to the public or school employees as have official authority to act on behalf of the Board unless delegated such authority through board action or policy
- Not speak on behalf of the Board unless delegated such authority through board action or policy

**Violations**

When a board member violates the board ethics policy or regulation, the Board President may:

- Meet with the violating board member to remind him/her of the requirements contained in the board ethics policy and regulation
- Place the board ethics policy and regulation on the board agenda for review and reaffirmation by the Board
- Issue an official statement from the Board, clarifying that the board member acted without board authority
- If the policy or regulation has been repeatedly or substantially violated, request that the Board publically censure the violating board member through a 2/3rds majority vote.

**End of North Border School Board Regulation..... Adopted:**

**RECOMMENDED**

Descriptor Code: BAA

EMPLOYING BOARD MEMBERS

It shall be the policy of this district to respect the case law and Attorney General opinions that prohibit board members from being/becoming employees of a school district in which they serve on the board. District employees may run for seats on the Board but if elected must choose between employment and board service.

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

- BAB, Conflict of Interest

**End of Policy BAA**

**RECOMMENDED**

Descriptor Code: BAB

BOARD CONFLICT OF INTEREST

Each board member shall abide by all applicable conflict of interest laws contained in North Dakota statute.

**Investigations**

In the event that a board policy requires the President to conduct an investigation, and the President has a conflict of interest, the Vice President will conduct the investigation. If both the President and Vice President have a conflict of interest, the most senior board member who does not have a conflict of interest will conduct the investigation. For the purposes of this paragraph, conflict of interest is defined as a direct and substantial personal or pecuniary interest.

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

- AAC, Nondiscrimination & Anti-Harassment Policy
- AAC-BR, Discrimination & Harassment Grievance Procedure
- ACEB, Hazing
- BA, Board Ethics
- DEBB, Conflict of Interests
- HCBA, Vendor Conflict of Interest Disclosure
- HEBC, Fraud Prevention & Investigation
- KACA, Patron Complaints
- KACB, Patron Complaints about Personnel

**End of Policy BAB** ..... **Adopted:**

**SCHOOL BOARD ELECTIONS & TERMS OF OFFICE****Date of Election**

The annual election shall be held in accordance with deadlines in law to fill any vacancies.

**Terms of Office**

School board members are elected for staggered 3-year terms from geographical units or at-large by eligible voters of the district.

**UNIT 1 (Former Neche District) - two members**

Bathgate Township-162 Range-52-- Sections 6-13, N1/2 & SE1/4 14, N1/2 & SW1/4 15, NW1/4 22, NW1/4 23. Carlisle Township-162 Range-52-- Sections 5-9,16, all 17 except W1/2 SE1/4, all 18, S1/2NW1/4 of 20. Cavalier Township-162 Range-54—Sections 1,2,3 E1/2 4, NE1/4 9, N1/2 10, N1/2 11, N1/2 12. Felson Township-164 Range-54—Sections 25 thru 36. Township-163 Range-54—Sections 1 thru 30 31-N1/2, 32-N1/2, 33-N1/2, all 34-36. Neche Township-164 Range-53—Sections 25 thru 36. Township-163 Range-53—Sections 1 thru 36 Township-163 Range-52—Sections 30,31. Pembina Township-164 Range-52—Sections W1/2 29, all 30, 31, W1/2 32. Township-163 Range-52—Sections W1/2 5, all 6,7 W1/2 8 N1/2 18, NW1/4 17. Pembina River—E1/2SE1/4,Pt W1/2SE1/4, NW1/4Se1/4,Pt E1/2SW1/4 E Pembina River, PT NE1/4SW1/4, Pt SW1/4SW1/4 E Pembina River. St Jospheh Township-164 Range-55—Sections 25,26,E1/2 of 27, E1/2 of 34, all 35,36. Township-163 Range-55—Sections 1,2 E1/2 of 3, E1/2 of 10, 11 thru 144, 15-E1/2NE1/4,Pt W1/2NE1/4 N Pembina River,Pt W1/2NE1/4 S.

**UNIT 2 (Former Pembina District) - two members**

Carlisle Township-162 Range-52—Sections 1-4, 10-15, 22-27, 34, 35-NE1/4,NW1/4,SW1/4, all 36 except S 38.99ac of W 60ac SE1/4 & N 20ac of W 60ac SE1/4. Township-161 Range-52—Sections Pt NE corner of NE1/4 of 1 (50 rods by 160 rods). Joliette Township-162 Range-51—Sections 1 thru 36. Township-162 Range-50—Sections 31. Township-161 Range-51 Sections 1-6, NE1/4,SE1/4,SW1/4 of 7, 8-12, N1/2 13, N1/2 & SE1/4 14,NW1/4 15,N1/2 16, N1/2 17,N1/2 18 twonship-161 Range-50—Sections 6,7,NW1/4 8. Pembina Township-164 range-52—Sections 25-28, E1/2 29,E1/2 32, 33-36. Township-163 Range-52—Sections 1-4, E1/2 5,E1/2 8, 9-12, 13-16, E1/2 & SW1/4 of 17, S1/2 18, 19-29, 32-36. Township-164 Range-51—Sections 28 thru 33. Township-163 Range-51 Sections 4-9, 15-22, 27-35.

**UNIT 3 (Former Walhalla District) - two members**

Advance Township-162 Range-55—Sections 4,5,6,7, 8-NE1/4,NW1/4,SW1/4,N1/2SE1/4, 9-W/1 NE1/4,NW1/4,SE1/4, SW1/4, 17-NE1/4,NW1/4,W1/2SW1/4, 18, 19,NW1/4NW1/420. Beaulieu Township-161 Range-56—Sections 4,5,6,7,8,9,16,17,18. Lamoure Township (All Sections) Township-162 Range-56. St Joseph Township-164 Range-55—Sections W1/2 of 27, all 28,29,30,

W1/2 of 34, all 33,32,31. Township-163 Range-55—W1/2 of 3, all 4,5,6, W1/2 of 10, all 9,8,7. Sections 15-N1/2 NW1/4, S1/2 NW1/4, Pt E1/2 SW1/4 W. Pembina River, NW ¼ SW1/4, Pt SW1/4 SW1/4 N & W Pembina River, all 16-35, 36-NE1/4, NW1/4, SW1/4. Walhalla Township (All Sections) Township-163 Range-56. (All Sections) Township-164 Range-56. Cavalier County --Fremont Township-Section 1 through 36 Township-153-Range-57; 25-36 Township-154-Range-57; 1-4, 10-14, and 24 Township-163-Range-58; 25-29 Township-164-Range-58; NE1/4SE1/4 30-164-58; NE1/4, Pt of E1/2SE1/4 and Pt E1/2NW1/4 32.Township-164-Range 58;33-36 Township-164-Range-58. Loam Township-All of 1-3, 11-13, E1/2-1/4, N1/2NE1/4-9, N1/2 and E1/2SE1/4-10, N1/2, SE1/4 and NE1/4SW1/4-14, NE1/4NE1/4 15, NW1/4NE1/4 and E1/2NE1/4-23, E1/2, NE1/4SW1/4 and N1/2SE1/4-24 Township-162-Range-58. North Olga Township-1-36 Township-162-Range-57; NE, NW, SW and SW1/4SE1/4 and E1/2SE1/4 29 Township-163-Range-57; All of 30 & 31 Township-163-Range-57; NE1/4 south of River, NW1/4, SW1/4, and SE1/4 32 Township-163-Range-57; S1/2NE1/4, S1/2NW1/4, SW1/4, SE1/4, SE1/4 33-Township-163-Range-57; NW1/4, W1/2SE1/4, S1/2SW1/4, SE1/4SE1/4, Pt of N1/2SW1/4 south of river-34 Township-163-Range-57; SW1/4SW1/4 and SE1/4SE 35-Township-163-Range-57; SW1/4SW1/4, SESW1/4, S1/2SE1/4 and NE1/4SE1/4-36 Township-163-Range-57. NE1/4, NW1/4, SE1/4, N1/2SW1/4 and SE1/4SW1/4 25-162-58; N1/2NE1/4 and E1/2SE1/4 36-Township-162-Range-58. South Olga Township-All 1-17 and 23, 25; N1/2 of 18; N1/2 of 21; NE1/4, NW1/4, N1/2SW1/4-22; SE1/4NE1/4, SW1/4NE1/4, NW1/4, SW1/4, SE1/4 of 24; N1/2 & NE1/4SW1/4 & N1/2SE1/4-26 Township-161-Range-57; all of Olga Village. West Hope Township-E1/2E1/2 13-Township-163-Range-59; E1/2 SE1/4-24-163-59.

**AT-LARGE (One Member)**

Eligible voter of the district.

**End of Policy BBA.....Adopted:**

**RECOMMENDED**

Descriptor Code: BBBA

OFFICERS OF THE BOARD

At the annual meeting in July, the Board shall elect a president and vice president. The President and Vice President shall serve for one fiscal year or until their successor(s) are elected. The office of president [and vice president] shall not automatically rotate in order of length of service on the Board. Board members shall take into consideration qualifications that make a good leader and officer in nominating a member for office.

**President’s Duties**

In addition to the duties prescribed by law or by the policies of the Board, the President will exercise such other duties and powers as listed below and as properly pertain to the office or as may be delegated by the Board:

1. Prepare an agenda in advance of each meeting in accordance with policy.

2. Serve as official spokesperson for the Board or appoint another member to speak for the Board in communications with the media.
3. When the Board is not in session, act on any emergency matter that may arise and report action taken at the next meeting.
4. Establish liaison with other governmental agencies to assist in cooperative action.
5. Provide the necessary leadership to help the Board act as a cohesive whole.
6. Be available for counsel to the district administrator.

At all meetings of the Board, the President may not make or second a motion but will exercise privileges and duties of a board member, including the duty to vote on any question put to the vote of the entire board. The President may also contribute to the discussion in order to provide information or point out aspects not brought forth by other members but shall not take advantage of the power of the chair to monopolize the discussion or exert undue influence on the vote.

### **Vice President's Duties**

In addition to the duties specified in law, the Vice President shall fill a vacancy in the presidency resulting from removal, resignation, or death. In such cases, the Board will elect a new vice president through a simple majority vote and the former Vice President shall fill the presidential vacancy until the next annual meeting of the Board or until a successor is elected.

### **Absence**

When the President and Vice President are absent from a board meeting, the most senior board member present shall act as the chair pro-tem unless s/he refuses to serve. In such case, the Superintendent shall call the meeting to order and the Board shall elect a chair pro-tem.

### **Removal**

When a board-elected officer exhibits behavior that reflects negatively on the Board, the Board may remove the officer from office through an affirmative vote to rescind the vote by which the officer was elected. Negative behavior includes, but is not limited to: public intoxication; conviction of domestic abuse, sexual abuse, assault, child abuse or child neglect; contributing to the consumption of alcohol or controlled substances by minors; or failure to discharge as an officer of the Board.

**End of Policy BBBA**

[01/14]



**REQUIRED**

Descriptor Code: BC

MEETINGS OF THE BOARD

**Regular Meetings**

Regularly scheduled meetings of the North Border School Board shall be held monthly at an announced site which will be rotated monthly between the school buildings. The date and time of regular meetings shall be established at the annual meeting unless rescheduling is necessary as determined by the Board. All board meetings shall be properly noticed in accordance with law.

**Work Sessions and Retreats**

The Board may, from time to time, meet in work sessions or extended work sessions at a time and place conducive to in-depth discussion of the policies and goals of the District. All such meetings shall be open to the public and subject to the same notice requirements as any other meeting of the Board. No official action may be taken at a work session or retreat.

Complementary Documents

- BC-E, Sample Meeting Notice
- BCAD, Executive Session

End of Policy BC ..... Adopted:

**RECOMMENDED**

Descriptor Code: BCAA

BOARD MEETING AGENDA & PRE-MEETING PREPARATION

**Agenda**

The Superintendent, in consultation with the Board President, shall prepare agendas. Persons wishing items to be included in the agenda shall submit those items to the Superintendent no later than five days prior to the regular board meeting. Inclusion shall be at the discretion of the Superintendent and Board President.

**Regular Meeting Agenda**

The Board shall follow the order of business set up by the agenda unless altered by consent of the members present at the regular meeting. Items may be added to the agenda at regular meetings with consent of majority of the Board.

The order of business shall be as follows:

1. Call to order
2. Public Participation
3. Approval of Agenda
4. Consent Agenda
5. Unfinished business
6. New business
7. Adjournment

## **Pre-Meeting Preparation**

The agenda, minutes of the previous meeting, and relevant supplementary information will be delivered to each board member in advance of each regular board meeting and will be available to any interested citizen at the superintendent's office at that time. Upon request, local news media representatives and citizens also may obtain copies of board meeting materials from the superintendent's office. The school district building will be notified in advance of meetings of the Board. The agenda will be posted in the district office.

Board members are expected to read the information provided them and to contact the Business Manager or Superintendent to request additional background necessary to assist them in their decision making responsibilities.

**End of Policy BCAA ..... Adopted:**

**RECOMMENDED**

Descriptor Code: BCBA

### **PUBLIC PARTICIPATION AT BOARD MEETINGS**

Meetings of the Board are conducted for the purpose of carrying on the business of the schools, and therefore are not public meetings but meetings held in public. Although there is no legal requirement that the public be given an opportunity to speak at board meetings, it will be the policy of this board to afford that opportunity in accordance with the following procedures:

#### **Public Participation**

Only items on the published board agenda will be discussed at any meeting of the Board, unless the Superintendent or a board member requests an addition to the agenda or a regular meeting and the board members present approve in accordance with board policy. Members of the public who wish to make formal presentations before the Board shall make request in advance in accordance with the board's agenda setting policy.

The Board may allot a time for general public comment on the regular meeting agenda. When the Board agrees to do this, no individual may speak more than once. When public comment has been permitted, the speaker should:

1. Stand during the appropriate period and be recognized by the President.
2. State name and address for the minutes.
3. Limit comments to no more than three minutes, unless the Chairman waives the time limit.

Groups will be urged to designate a spokesperson. When there is a large number of speakers to be heard or if pressure of business or other circumstances dictate, the Chairman may decide to shorten the length of time allowed each speaker and/or limit the total time to be devoted to public comment.

### **Complaints**

The Board has adopted policies governing patron complaints. The public is required to seek redress through these policies. The public will be prevented from commenting on a topic if it is:

1. Governed by a district complaint policy and the complaint has not followed the procedure contained in policy and/or the policy prohibits the public from bringing the complaint before the Board.
2. Concerns a topic that is prohibited by law from disclosure to the public (e.g., student's educational record).

### **Conduct and Remarks Out of Order**

Undue interruption or other interference with the orderly conduct of board business cannot be allowed. Defamatory or abusive remarks are always out of order. The presiding officer may terminate the speaker's privilege of address if, after being called to order, s/he persists in improper conduct or remarks.

### **Discussion of a Motion**

When a motion is before the Board, discussion will be limited to board members and the Superintendent except as the Chairman requests information.

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### Complementary Documents

- BCAA, Board Meeting Agenda & Pre-Meeting Preparation
- GAAC, Review & Complaints about Instructional & Resource Material
- GAAC-BR, Procedure for Reviewing Complaints About Instructional/Resource Material
- KACA, Patron Complaints
- KACB, Patron Complaints about Personnel
- KACB-E, Patron Complaint Form

**End of Policy BCBA ..... Adopted:**

### **REQUIRED**

Descriptor Code: BDD

### **COMPENSATION AND EXPENSES FOR BOARD MEMBERS**

Board members will be paid 75.00 per each meeting actually attended. Committee meetings and negotiation sessions will count as meetings for purposes of compensation only when the individual member is a member of the committee or negotiating team.

Individual board members may elect not to be paid for the meetings attended. Board members electing not to be paid are urged to notify the Business Manager prior to the close of the fiscal year, or the member may return the payment to the District.

The Business Manager shall keep such records necessary to determine the compensation due each board member.

In addition, board members may be reimbursed for all necessary meals, lodging, and travel expenses actually incurred by the member while engaged in official business of the Board outside of the school district. The rate shall be the same as for all state officials and employees, as established by law and shall be paid in accordance with law.

**End of Policy BDD..... Adopted:**

**SUPPLEMENTARY**

Descriptor Code: BFD

**BOARD MEMBER VISITS TO SCHOOLS**

**Visits as a School Board Member**

School board members may visit district schools when pre-approved by the Superintendent. Board members are required to check in at the school office and a supervisor, principal, or another staff member will accompany the board member on the visit. Such visits are for the purpose of becoming acquainted with school programs, personnel, operation, and facilities. Board members will not give directions, or make suggestions to personnel during their visit. If a school visit leaves a board member with a concern, this concern should be discussed with the Superintendent.

**Visits as a Parent**

Board members may also have children in the schools and therefore have parental opportunities to converse with their child's teacher, counselor, or administrator during times when parents are invited to visit schools or by appointment. In those instances, the board member should make it clear that s/he is visiting as a parent and not as a member of the Board and will comply with all applicable requirements in the district's policy on visitors in schools. Board members with concerns as parents or community members shall file grievances in accordance with the district's grievance policies.

**Exception**

The visit approval requirements in this policy do not apply when the public is invited to attend school activities or events. This policy also does not apply when school buildings are used for non-school sponsored functions, elections, and open public meetings.

**End of North Border School District Policy BFD**

**SUPPLEMENTARY**

Descriptor Code: BGA

BOARD COMMUNICATION WITH THE PUBLIC

As members of the North Border School Board, individual board members may be contacted by the public with questions, comments, or concerns related to school matters. When approached by the public for these reasons, North Border School Board members shall comply with the applicable portions of the following procedure:

- Explain that individual board members have no authority to act on behalf of the Board.
- Explain that because board members serve as the “jury” when a licensed staff member (e.g., teacher, principal, or superintendent) is being considered for nonrenewal or discharge, board members must maintain their impartiality in the event of such a hearing. Consequently, board members must not hear complaints about licensed staff.
- Explain that the Board has developed complaint procedures to handle public concerns and complaints and refer the complainant to the appropriate source under policy for further investigation.

If the communication concerns a comment or concern about the North Border School Board or for which the Board has not established a policy, the matter shall be referred to the North Border School Board President.

To ensure compliance under the open meetings law, board members shall not forward or discuss correspondence from the public with other board members outside the context of an open meeting except as otherwise stipulated above. In addition, the Board shall comply with the protocol contained in all policies related to complaints, some of which may prohibit an appeal to the Board.

**End of Policy BGA..... Adopted:**

**REQUIRED**

Descriptor Code: DBAA

RECRUITMENT, HIRING, & BACKGROUND  
CHECKS FOR NEW CLASSIFIED PERSONNEL

The North Border 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 classified position.
- Classified employees/personnel* are defined as district staff working in positions that do not require licensure from the Educational Standards and Practices Board or an administrative credential from the Department of Public Instruction.
- Competitive personnel system* is defined in accordance with NDCC 37-19.1-01.
- Crime* is defined as a felony offense, misdemeanor, a violation of an ordinance, and charges that result from non-sufficient funds or “no account.”
- Immediate family* is defined as the employee's spouse, brother, sister, parents, children, stepchildren, father-in-law, mother-in-law, brother-in-law, sister-in-law, daughter-in-law, son-in-law, and any member of the employee's household.
- Sexual offender* is 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 classified staff. No action of the Board shall be necessary so long as the Board previously established the position and hiring is within budget limitations.

All classified employees shall be hired on an hourly rate and not on a contract. The employment of classified employees shall be at-will.

All advertising for classified positions shall include a statement that applicants are eligible for Veterans Preference and the District is an Equal Opportunity Employer. The advertisement should include a closing date.

## **Qualifications Screening Process**

The Superintendent or designee shall investigate the qualifications of applicants for classified positions, including education and experience. In order to determine if an applicant is qualified, the Superintendent or designee shall conduct criminal history record checks when necessary (as explained below) and may:

1. Conduct a driving record check for applicants seeking a position involving transportation of students and/or [regular] use of district vehicles.
2. Conduct a credit check for positions involving [regular] access to district funds.
3. Require a work history;
4. Require applicants to submit to an oral interview. The interview shall have a standard set of job-related questions and pre-determined satisfactory answers.
5. Require professional references;
6. Require the applicant to submit to a work simulation.

Job announcements for positions requiring satisfactory driving and/or credit records must list such requirement(s).

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. An exception may be made upon the unanimous approval of the Board declaring the exception.

### **Qualifications Screening: Criminal Background Checks**

As part of the qualifications investigation, applicants for positions that allow unsupervised contact with students shall be required to:

1. Submit to a criminal history record check; and
2. Certify in writing that the applicant has never been charged with a crime or provide a written description of the disposition of the charge.

The Superintendent or designee shall adjudicate criminal history records based on the following factors:

1. The nature and gravity of any known misconduct and/or offense(s);
2. The time that has passed since any known misconduct, criminal conviction, and/or completion of a sentence occurred;
3. The nature of the job sought.

Applicants will be deemed to be at a risk unsuitable for district employment in at least the following instances:

1. The applicant is a sexual offender or has committed an offense involving a child victim.
2. The falsification or omission of any information concerning criminal convictions or pending criminal charges.

### **Applicant Rights**

Applicants claiming Veterans Preference must provide appropriate certification in accordance with law.

Records obtained by the District for background and other record checks will be used solely for purposes that they were requested and will only be disseminated and retained in accordance with the personnel records policy. 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.

### **Final Selection**

The District will make all final selections of employees for classified positions in accordance with Veteran Preference law (NDCC 37-19.1-02). When permitted by law, this may include further inquiry (i.e., after initial qualifications screening and, if applicable, the completion of the competitive personnel exam) into an applicant's qualification based on screening mechanisms such as interviews, background checks, and skills testing.

### **Orientation**

The Superintendent or designee shall provide an orientation program for new classified employees to acquaint them with the district's policies and procedures, the school's rules and regulations, and the responsibilities of their position.

Complementary Documents

- DBAA-AR, Background Screening Procedure
- DBAA-E, Adjudication System
- DI, Personnel Records

**End of Policy DBAA ..... Adopted:**

Descriptor Code: DBAA-AR

**BACKGROUND CHECK SCREENING PROCEDURE**

1. No later than ten calendar days after the Superintendent or his/her designee has notified a potential employee of his/her status as a final applicant, or as soon thereafter as practicable, the Superintendent or his/her designee will supply the applicant with a packet containing all materials necessary for the applicant to be fingerprinted and a copy of this procedure. The local police station shall take fingerprints for all district applicants and employees.
2. No later than ten calendar days after the Superintendent or his/her designee has provided the final 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 disqualification from employment.
3. The Superintendent or his/her designee shall arrange for the return of the fingerprinting materials to the 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, two 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 as soon thereafter as practicable.
5. If BCI rejects a final applicant's final fingerprints, the applicant must arrange to be re-fingerprinted 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.

**End of Administrative Regulation DBAA-AR**



**U.S. OFFICE OF PERSONNEL MANAGEMENT  
ADJUDICATION SYSTEM**

Definitions

This system assigns crimes one of four rankings:

- Minor*: Issue, standing alone, would not be disqualifying.
- Moderate*: Issue, standing alone, would probably not be disqualifying.
- Substantial*: Issue, standing alone, may almost certainly be disqualifying.
- Major*: Issue, standing alone, would be disqualifying.

**Selecting an Initial Ranking**

Listed below are several of the most common crimes and misconduct issues that surface when an employer is screening applicants. The Office of Personnel Management has assigned each of these actions a ranking, which are as follows (*NOTE: The ranking of a probation or parole violation is determined by the conduct leading to the violation*):

<b>1. Intoxication</b>			
<b>A- Minor</b>	<b>B- Moderate</b>	<b>C- Substantial</b>	<b>D- Major</b>
Drunk Drunk and disorderly Liquor law violation (use or possession by a minor)	Drinking and driving Driving under the influence Driving while intoxicated	Illegal manufacturing Illegal sale	Pattern of excessive use, such as: Convictions Job performance Employment gaps Inability to function responsibly Medical treatment Poor health

<b>2. Drug Use</b>			
<b>A- Minor</b>	<b>B- Moderate</b>	<b>C- Substantial</b>	<b>D- Major</b>
<p>Infrequent use or possession of marijuana</p> <p>Possession of marijuana paraphernalia</p> <p>Arrested or charged with possession of marijuana</p>	<p>Regular use or possession of marijuana</p> <p>Infrequent use or possession of other controlled substances</p> <p>Possession of drug paraphernalia</p> <p>Cultivating marijuana for personal use</p>	<p>Transfer of controlled substance</p> <p>Possession for sale or resale</p> <p>Prescription fraud or forgery</p> <p>Sale of controlled substance</p> <p>Unlawful dispensing of prescription drugs</p> <p>Smuggling contraband drug into prison</p> <p>Regular use of controlled substance other than marijuana</p>	<p>Pattern of excessive use as reflected in 1D above.</p> <p>Manufacturing</p> <p>Addiction</p> <p>Importing</p> <p>Trafficking</p> <p>Cultivating for sale.</p>

<b>3. Financial Responsibility</b>			
<b>A- Minor</b>	<b>B- Moderate</b>	<b>C- Substantial</b>	<b>D- Major</b>
<p>Bad check</p> <p>Infrequent, irregular but deliberate delinquency in meeting financial obligations</p>	<p>Non-support</p> <p>Judgment, tax lien or other default with no attempt at restitution</p> <p>Illegal gambling</p> <p>Eviction</p>	<p>Pattern of irresponsibility as reflected in:</p> <p>Credit history</p> <p>Disregard for debt</p> <p>Abuse of fiduciary trust</p>	<p>Pattern of irresponsibility as reflected in 3C plus continuing major, valid liabilities</p>

<b>4. Criminal &amp; Immoral Conduct</b>			
A- Minor	B- Moderate	C- Substantial	D- Major
	Indecent exposure Solicitation Voyeurism Mailing, selling, or displaying obscene material Obscene phone call Indecent proposal	Carnal knowledge Sodomy Prostitution Bigamy or polygamy Pandering or pimping Contributing to delinquency or corrupting the morals of a minor Sexual harassment Other sexual misconduct with impact on job	Pattern of misconduct as reflected in conviction records Child molestation Sexual assault Statutory rape Incest Bestiality

<b>5. Honesty</b>			
A- Minor	B- Moderate	C- Substantial	D- Major
Non-material, intentional false statement or deception or fraud in examination or appointment	Altering Breaking & entering Forgery Fraud Possession of stolen property Black market activities (nonprofit) Petty larceny	Bribery Embezzlement Grand larceny Grand theft Mail theft Robbery (unarmed) Perjury False impersonation	Pattern of dishonesty as reflected in: Disregard for truth Conviction records Abuse of trust Employment records Blackmail Counterfeiting Extortion

	Minor stealing or petty theft Shoplifting Abuse of property False statement Filing false instrument Failure to file income tax return	Interstate transportation of stolen goods Black market activities with intent to profit Income tax evasion Receiving stolen property	Armed robbery Material, intentional false statement or deception or fraud in examination or appointment Deliberate misrepresentation, falsification, or omission of material fact
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<b>6. Disruptive or Violent Behavior</b>			
<b>A- Minor</b>	<b>B- Moderate</b>	<b>C- Substantial</b>	<b>D- Major</b>
Disorderly conduct Disturbing the peace Making a threat Resisting arrest Abusive language Unlawful assembly	Assault Damaging property Destroying property Hit and run Vandalism Criminal or malicious mischief Harassment Cruelty to animals Hindering prosecution Eluding police	Assault and battery Manslaughter (involuntary)	Pattern of violence as reflected in: Conviction records Disregard for life or property Civil actions Employment records or medical records Aggravated assault Assault with a deadly weapon Assault with intent to rape Kidnapping or abduction Murder Rape Arson Threat or assault on public official Manslaughter (voluntary) Child abuse

<b>7. Employment Misconduct or Negligence</b>			
<b>A- Minor</b>	<b>B- Moderate</b>	<b>C- Substantial</b>	<b>D- Major</b>

	Insubordination Absenteeism Attendance problems Rules or regulation violations		Pattern of unemployability based on misconduct or negligence as reflected in employment history
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If an employee engaged in other behavior listed in boxes one through five, eight and nine, and this was the reason for termination, raise the ranking by one level. For example, petty theft, a moderate issue by itself, becomes a substantial issue if it was the reason for termination.

<b>8. Firearms &amp; Weapons</b>			
A- Minor	B- Moderate	C- Substantial	D- Major
Possession of an unregistered firearm	Possession of a prohibited weapon Possession of illegal ammunition Carrying deadly weapon Unlawful discharge of a firearm	Carrying concealed weapon or firearm Brandishing firearm Possession of firearm by a felon Possession of explosives	Improper or illegal sale or transportation of firearms or explosives Illegal manufacture of firearm or explosives

<b>9. Miscellaneous</b>			
A- Minor	B- Moderate	C- Substantial	D- Major
Vagrancy Loitering Trespassing Minor traffic violation	Moderate traffic violation Contempt of court Driving motor vehicle without owner's consent Possession of instrument of crime	Vehicular homicide Refusal to furnish testimony as required by 5 CFR 5.4 Tampering with a witness Harboring a fugitive	Hatch Act violation Mutilation or destruction of public records Engaging in riots or civil disorders Military desertion Striking against the Government

### Upgrading Ranking

An issue may be elevated to a higher level if it occurs repeatedly or in conjunction with another issue. If an individual is charged with multiple crimes based on one incident there is not an upgrade. Characterize the issue according to the most serious conduct.

<b>Frequency Upgrade</b>	
Two Issues in 0-36 months	Raise both issues one level.
Three or more issues in 0-36 months	Raise all issues two levels (e.g. minor becomes substantial)

### **Downgrading Ranking**

Issues can be downgraded due to when they occurred. Any issue that occurred over 108 months (9 years) ago is considered a non-issue under this system.

<b>Determining Recency</b>			
Ranking	Period in Which Issue Occurred		
	0-36 months	37-72 months	73-108 months
A- Minor	No conversion	Downgrade to a non-issue	Downgrade to a non-issue
B- Moderate	No conversion	Downgrade to A-Minor	Downgrade to a non-issue
C- Substantial	No conversion	Downgrade to B - moderate	Downgrade to A

D- Major	No conversion	Downgrade to C-substantial	Downgrade to B
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End of Exhibit DBAA-E

**SUPPLEMENTARY**

Descriptor Code: DDAE

**SICK LEAVE BANK**

The purpose of this policy is to establish a sick leave bank for teachers, administrators, and ancillary staff. The sick leave bank is created to provide participants with paid sick leave in the event of a medical emergency as defined below.

**Definitions**

- *North Border Sick Bank Committee:* consists of the Superintendent, one eligible sick bank participant representative from each of the district’s buildings (four total, each selected by a majority vote of eligible sick bank participants in each building) and two school board members, whose duties are to review applications and approve/disapprove, monitor the status of the medical emergency, and provide reasonable assurance that the sick leave is not abused.
- *Leave Recipient:* a current participant in the North Border School Sick Leave Bank that has been approved to receive leave from the sick bank.
- *Medical Emergency:* A medical illness or accident that has afflicted a participant and will result in a prolonged, unpaid absence from the participant’s work. A prolonged absence may be defined as either a consecutive set of days absent from work or intermittent absences over an extended duration of time. The Sick Bank Committee shall determine what constitutes a prolonged absence on a case-by-case basis, taking into account the employees duties and responsibilities. Excluded from the term medical emergency are voluntary or cosmetic treatments that are not medically necessary, routine/preventive physical examinations, and conditions associated with normal pregnancy.

**Eligibility**

All permanent, non-temporary North Border employees including administration, licensed staff, and classified staff are eligible to participate in the Sick Bank on a voluntary basis. No employee shall be coerced, threatened, intimidated or financially induced into donating leave for the purpose of leave donation.

Current employees of the District, who are eligible for the sick leave benefit, will have the option to become a member of the Sick Bank by submitting an application and contributing one day to the bank each year on or before the last working day of August of each year. All other employees (e.g., those hired after the end of August) will, upon becoming eligible to participate, have the option to become a member of the Sick Bank by a deadline established by the Superintendent.

**Requirements to become a Leave Recipient**

1. Employee must be a participant in the North Border School District Sick Bank.
2. Employee must have exhausted their accumulated paid leave.

3. Employee has adhered to and not abused the sick leave policy of North Border School District.
4. Employee is not eligible for or receiving disability or workers' compensation benefits.
5. Employee has been incapacitated for at least five consecutive working days.
6. The employee must apply with a written application to the Sick Bank Committee. The application shall be submitted as soon as practical not to exceed 15 days from the date that the employee became aware of the medical emergency or exhausted all applicable paid leave, whichever is later. If an employee receives sick bank leave, the recipient shall not be granted retroactive days for any unpaid leave taken while the sick leave bank application was being processed.
7. The application must state the reasons why sick leave is needed, including a description of the nature, severity, and anticipated duration of the medical emergency, and a medical statement from a licensed physician or health care practitioner verifying the severe or extraordinary nature and expected duration of the employee's condition. Failure to provide this documentation shall result in denial of the sick bank request. The Sick Bank Committee reserves the right to request a second medical opinion at the district's expense.
8. The Committee may only authorize use of sick leave bank in increments of 15 days or less. The employee must apply for additional sick bank days if needed. Sick bank days withdrawn need not be consecutive nor for the same medical emergency.

### **Sick Bank Structure**

1. No leave recipient shall be permitted to use more than 90 days per school year from the bank.
2. Participants will not be allowed to transfer or withdraw days that they have donated to the bank to their individual or colleague's leave account.
3. Any use of the sick leave bank that is a qualifying reason under FMLA shall count towards a FMLA eligible employee's FMLA entitlement.

### **Sick Bank Committee Authority & Duties**

The Sick Bank Committee will monitor the status of leave recipient's medical emergency. The committee shall review each sick bank leave application and medical documentation in a timely manner. Approval of a sick leave bank request shall require a majority vote of the committee.

**End of North Border Policy DDAEAdopted:**

## **FAMILIES FIRST CORONAVIRUS RESPONSE ACT LEAVE**

### **Definitions**

- Child* means a biological, adopted, or foster child, a stepchild, a legal ward, or a child of a person standing in loco parentis, who is:
  - a. Under 18 years of age; or
  - b. 18 years of age or older and incapable of self-care because of a mental or physical disability.
- Childcare provider* means someone who cares for a child. This includes individuals

paid to provide childcare, like nannies, au pairs, and babysitters. It also includes individuals who provide childcare at no cost and without a license on a regular basis, for example, grandparents, aunts, uncles, or neighbors.

- *Place of care* is physical location in which care is provided for children. The physical location does not have to be solely dedicated to such care. Examples include daycare facilities, preschools, before and after school care programs, schools, homes, summer camps, summer enrichment programs, and respite care programs.

### **Purpose**

To comply with the Families First Coronavirus Response Act (FFCRA) and to assist employees affected by the COVID-19 outbreak with job-protected leave and emergency paid sick leave. This policy will be in effect from April 1, 2020, until December 31, 2020. All existing District leave policies remain in place to the extent they are not superseded by FFCRA. This policy amendment shall be interpreted as consistent with the US Department of Labor's rules.

### **Emergency Paid Sick Leave**

Emergency paid sick leave is in addition to any form of paid or unpaid leave provided by the District, law, or applicable collective bargaining agreement. District employees unable to work or telework due to one of the following reasons are eligible for emergency paid sick leave:

1. The employee is subject to a federal, state or local quarantine or isolation order related to COVID-19;
2. The employee has been advised by a health care provider to self-quarantine due to concerns related to COVID-19;
3. The employee is experiencing COVID-19 symptoms and seeking a medical diagnosis;
4. The employee is caring for an individual who is subject to either number 1 or 2 above;
5. The employee is caring for their child(ren) if the school or place of care of the child has been closed, or the childcare provider of such child(ren) is unavailable, due to COVID-19 precautions; or
6. The employee is experiencing a substantially similar condition as specified by the Secretary of Health and Human Services, in consultation with the Secretary of the Treasury and Labor.
7. Full-time employees are eligible for up to 80 hours of paid leave. Part-time employees are only eligible for the number of hours of leave that the employee normally works on average over a two-week period.

An employee may, but is not required to, use emergency paid sick leave before using any other accrued paid leave for any qualifying reason under the FFCRA. Employees may also use existing paid leave concurrently with the emergency paid sick leave.

### **Rate of Pay for Emergency Paid Sick Leave**

The District shall compensate employees taking emergency paid sick leave for reasons (1), (2), or (3) as outlined above at their regular rate of pay with a cap of \$511 per day and \$5,110 in the aggregate. Employees taking leave for reasons (4), (5), or (6) as outlined above shall be compensated at 2/3rds of their regular rate of pay with a cap of \$200 per day and \$2,000 in the aggregate.

Employees whose pay is subject to the limitations above may supplement emergency paid sick leave with any available existing leave in order to receive the full amount of their regular salary.



## **Expanded Family and Medical Leave**

District employees employed for at least 30 days who are unable to work or telework due to a bona fide need to take care of their child(ren) when the school or place of care has been closed, or the regular childcare provider is unavailable due to a public health emergency with respect to COVID-19, shall be entitled to up to 10 weeks of expanded family and medical leave in addition to emergency paid sick leave provided under FFRCA. Employees may substitute paid emergency sick leave provided under FFRCA or any accrued leave available under the district's existing policies for the first 10 unpaid days of this leave.

After the first two workweeks (usually 10 workdays) of expanded family and medical leave, employees may elect to take their remaining expanded family and medical leave at the same time as any accrued paid leave available under the district's existing leave policies. The District shall compensate employees at least 2/3rds of their regular rate of pay for the hours they would be scheduled to work. Pay shall not exceed \$200 per workday and \$10,000 in the aggregate for up to ten weeks of expanded family and medical leave. Employees may supplement their 2/3rds pay with any existing leave available to receive the full amount of the employee's regular salary.

Expanded family and medical leave supplements the eligibility entitling an employee to use FMLA. This expansion is not in addition to the 12-week cap on FMLA previously provided. Employees who used FMLA during the defined annual period will have the time used subtracted from their overall eligibility.

## **Leave Requests**

The District shall collaborate with employees to achieve maximum flexibility and meet mutual needs when employees request leave under FFRCA. The Board allows employees to receive intermittent emergency paid sick and/or expanded family and medical leave. For employees working on site, intermittent leave is only permitted when employee is taking leave to care for their child(ren) whose school or place of care is closed, or whose childcare provider is unavailable, because of reasons related to COVID-19.

Leave may be taken in one-hour, half day, or full day increments.

An employee shall provide notice (DDAE-E) to the building principal of the need and specific reason for leave under this policy as soon as practicable. Verbal notice will otherwise be accepted until written notice can be provided. The District may require medical certification to verify the qualifying reason for the leave. Responses to leave requests shall be made in accordance with federal law.

## **Employee Benefits During Leave**

The District shall continue the employee's health benefits and to deduct applicable premiums from payroll while the employee is on leave. The District shall also continue making payroll deductions if the employee contributes to a life insurance or disability plan or other benefits. The employee must continue to make premium payments per District instructions during any unpaid portions of leave to maintain benefits.

## **Return to Work**

Employees will be expected to return to work at the end of the 80 hours of paid sick leave time, unless the employee has communicated to the building principal that they will return earlier or the employee has initiated additional leave, either through Extended FMLA, FMLA, or use of the employees sick or vacation leave.

The District shall reinstate an employee returning from paid sick leave or expanded family and medical leave to the same or equivalent position, subject to the district's reassignment policies, negotiated agreement, and practices. If the position the employee held prior to taking leave no longer exists due to economic conditions or operational

changes that are made because of the public health emergency, and no equivalent position is available, the employee may not be returned to employment in accordance with policy, law, and, when applicable, the negotiated agreement. However, for the period of one year after qualifying leave under this policy ends, the District shall make reasonable efforts to contact the employee if an equivalent position becomes available.

If an individual has exhausted all leave under this policy and is still unable to return to work, the building principal shall review the situation on a case-by-case basis to determine what rights and protections might exist.

**Carryover**

The District shall not provide emergency paid sick leave or expanded family and medical leave to its employees beyond December 31, 2020. After that, employees may only take leave under the districts existing leave policies. Any unused paid sick leave will not carry over to the next year or be paid out to the employee.

**Prohibitions**

The District shall not discharge, discipline, or discriminate against any employee who takes leave under the FFCRA and files a complaint or institutes a proceeding under or related to the FFCRA.

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

- DDA, Sick Leave
- DDA-AR, Sick Leave Requests
- DDAA, Family and Medical Leave
- DDAA-AR, Family and Medical Leave Act Regulations
- DDAA-E1, Family and Medical Leave Act Law
- DDAA-E2, FMLA Poster and Forms
- DDBA, Vacation Leave
- DDBE-E, Families First Coronavirus Response Act Leave Request Form

End of North Border School District Policy DDBE..... Adopted: 08-17-20  
[04/20]

**FAMILIES FIRST CORONAVIRUS RESPONSE ACT LEAVE REQUEST FORM**

Employees requesting emergency paid sick leave or expanded family and medical leave pursuant to the Families First Coronavirus Response Act (FFCRA) must complete this form in its entirety and submit as soon as practicable to the Business Manager upon completion.

**Employee Name:**

**Job Title:**

**Phone:**

**E-mail:**

**Date of Request:**

**Type of Leave Requesting:**       Emergency Paid Sick Leave       Expanded Family and Medical Leave

**Anticipated Date of Leave:**      **Expected Return to Work Date:**

**Reason for Leave**<sup>(1)</sup> (check all applicable) I am unable to work (or telecommute) for the following reasons:

I am subject to a Federal, State, or local quarantine or isolation order related to COVID-19;

*Governmental entity ordering quarantine:*

I have been advised by a health care provider to self-quarantine related to COVID-19;

*Health care provider advising quarantine:*

I am experiencing COVID-19 symptoms and am seeking a medical diagnosis;

I am caring for an individual subject to an order described in (1) or self-quarantine as described in (2);

Name of individual:

Relationship:

- I am caring for a child whose school or place of care is closed or childcare provider is unavailable for reasons related to COVID-19; or

Name of child(ren):

Age(s):

Name of school, place of care or childcare provider:

Will another individual be providing care for your child(ren) during the period you are receiving expanded family and medical leave?  Yes  No

- I am experiencing a substantially similar condition specified by the Secretary of Health and Human Services, in consultation with the Secretaries of Labor and Treasury.

Ex. **will need (choose one):**  Continuous leave  Intermittent leave

If your need for leave is intermittent, please describe the nature of your intermittent leave:

**Substitution of Paid Leave: Employees may supplement emergency paid sick leave and expanded family and medical leave with any existing leave available to receive the full amount of the employee’s regular salary.**

**I request to use the following existing paid leave during my FFCRA leave period (check all that apply):**

- Personal (      Hrs)       Sick Leave (      Hrs)       Other ( Hrs)]

I certify that the above information is accurate and complete. I understand that if I fail to report for work on or before the scheduled return date indicated above or fail to contact my supervisor, regarding my absence from work beyond such scheduled date of return, my employer may take corrective action.

Employee Signature

Date

<b>FOR OFFICE USE ONLY – DO NOT WRITE BELOW THIS SECTION</b>	
<input type="checkbox"/> Approved <input type="checkbox"/> Denied	Approved By: _____ Date: _____

<sup>[1]</sup> Employees shall provide documentation such as a copy of any quarantine or isolation order, or written note by a health care provider advising self-quarantine, or a notice of closure of school or childcare provider (i.e. email, notification on website, or news article).

**DRUG & ALCOHOL FREE WORKPLACE**

The North Border School District enforces the Drug-Free Workplace Act. The District prohibits employees from unlawfully manufacturing, distributing, dispensing, possessing or using a controlled substance or alcohol on district property and grounds, in any vehicle belonging to the District, and at any school-related activity.

**Awareness Program**

The Superintendent shall create an employee drug-free awareness program in accordance with federal law.

**Policy Dissemination**

The Superintendent shall give a copy of this policy to each employee and maintain documentation of receipt of this information.

**Violation Reporting**

As a condition of employment, each employee shall agree to abide by this policy and notify the Superintendent of any criminal drug statute conviction for a violation occurring in the workplace no later than five (5) days after such conviction. The Superintendent, in accordance with law, will notify the appropriate federal agency after receiving any notice of a conviction for a violation occurring in the workplace. An employee is also required to inform his/her immediate supervisor when the employee's ability to perform job duties is impaired due to on- or off-duty controlled substance use.

**Violations**

Violations of this policy may result in the following:

1. Unpaid leave or suspension.
2. Termination of employment. Due process procedures shall be followed prior to termination, if applicable.
3. Notification of proper law enforcement authorities.

**Assistance**

The Board recognizes that alcohol and drug addiction is a treatable disease and that early intervention and support improve the success of rehabilitation. Treatment for alcohol and/or drug addiction may be covered by the employee benefit plan; however, the ultimate financial responsibility for this treatment belongs to the employee.

**Confidentiality**

All information received by the District as a result of this policy is confidential. Access to this information is limited to those who have a legitimate need to know.

Complementary Documents

- DEAA-AR, Procedure if Harmful Chemical Use is Suspected
- DEAA-E, Record of Observable Behavior

**End of Policy DEAA ..... Adopted:**

**RECOMMENDED**

Descriptor Code: DEBA

CONFIDENTIALITY

Any person working for or providing services to the District has a responsibility to protect the privacy of students and their parents. This responsibility applies to time spent at school as well as away from school. Questions from the general public concerning students or staff should be referred to an administrator.

**Federal Requirements**

District employees and service providers must follow confidentiality requirements under the Family Education Rights and Privacy Act (FERPA) and the Individuals with Disabilities Education Act (IDEA). Information considered harmful, an invasion of privacy, or that is personally identifiable information shall not be released without appropriate consent or authorization under law and then only by an administrator. Before disseminating directory information, employees and service providers shall consult with administration to ensure the information is directory information and that it does not contain information about students who have opted out of directory information dissemination.

**Violations**

Employees that violate this policy may be subject to disciplinary action up to and including termination of employment in accordance with district policy.

**End of Policy DEBA ..... Adopted:**

**RECOMMENDED**

Descriptor Code: DEBF

EMPLOYEE SPEECH

For the purposes of this policy, *speech* includes statements made orally, in writing/print, electronically (e.g., online, through video, text message, etc.) and/or visual mediums (e.g., photographs, videos, etc.).

**Speech Made as an Employee**

Speech made as a school district employee is not constitutionally protected. The District requires that when staff are acting in their official capacity as school district employees, they shall use sound judgment when making statements pursuant to their official responsibilities and only to the extent that they possess accurate information. Speech made by staff in their official capacity as school district employees shall furthermore be in keeping with the district's mission statement.

Speech made pursuant to official district responsibilities that is knowingly false or inaccurate; made with reckless disregard for the truth; that violates the district's mission statement; that causes or leads to substantial disruption of the educational environment; poses a safety threat to district students, staff, or operations; violates district policies; or

impedes on the school district's interest, including, but not limited to, delivery of public services, may be grounds for disciplinary action in accordance with law, district policy, and, if applicable, the negotiated agreement.

**Speech Made as a Private Citizen**

When school district employees make statements as a private citizen about matters of public concern, the District may take disciplinary action if such statements substantially disrupt the educational environment. Prior to taking disciplinary action, the District should document the manner in which the speech at issue disrupted the educational environment and may consult with legal counsel to determine if the speech is indeed a matter of public concern and meets the substantial disruption standard.

When school district employees make statements as a private citizen about matters that are not of public concern, the District may take disciplinary action for reasons such as, but not limited to, the speech substantially disrupts the educational environment; poses a safety threat to district students, staff, or operations; contains content unbecoming to a teacher; or impedes on the school district's interest, including, but not limited to, delivery of public services. Prior to taking disciplinary action, the District may consult with legal counsel to determine if the speech is unprotected (i.e., does not address a matter of public concern).

**Other Provisions**

In addition to the requirements established by this policy, the District has a policy on confidentiality that governs on- and off-duty speech of district employees. The District also prohibits use of district owned or created material such as, but not limited to, the district's logo or copy trademark without first obtaining the permission of the Superintendent. Failure to obtain such permission may result in disciplinary action in accordance with the district's copyright guidelines.

**End of Policy DEBF ..... Adopted:**

**REQUIRED**

Descriptor Code: DHBA

**PROFESSIONAL DEVELOPMENT PLAN**

The Board requires all licensed personnel to participate in professional development.

**Professional Development Plan**

The Superintendent shall develop a professional development plan that contains all the components required by law. Professional development activities may include inservice workshops, a professional library, short-term professional leave, and assistance from consultants. All professional development activities shall be within District budgetary perimeters.

The professional development plan shall be evaluated in accordance with law, and the Superintendent shall establish specific plan evaluation criteria. Student achievement and performance shall be one factor used in evaluating the plan.

**End of Policy DHBA ..... Adop**

## **REQUIRED**

Descriptor Code: DI

### **PERSONNEL RECORDS**

The Superintendent or designee shall keep a personnel folder for each employee, licensed and classified. The folder shall contain such information as is required by law and shall include performance evaluations, the Business Manager's record of the license held for all licensed personnel, an itemized list of all documents in the file, and a record of access including the date of review and identity of persons reviewing the file if they choose to identify themselves.

#### **Location**

Personnel records shall be maintained in the following areas:

1. The Business Manager shall maintain records:
  - a. Required for payroll purposes, for record keeping under the Fair Labor Standards Act, and other laws pertaining to payroll recordkeeping.
  - b. Containing all personal information as defined by law, including but not limited to records of medical treatment and use of employee assistance programs.
2. The Superintendent or designee shall seal and mark confidential all state and federal criminal history records and, if applicable, credit history records and motor vehicle records. These records shall be stored in a secured area.
3. Records relating to alcohol and controlled substance use/testing shall be maintained in accordance with federal regulations. Statistical records and reports shall be maintained and made available to the Federal Highway Administration for inspection or audit in accordance with federal regulations.
4. Each building shall maintain all other personnel records, excluding the Superintendent's file.
5. The Business Manager shall maintain the Superintendent's personnel record.

Only employees who have a need to know in order to perform their duties will have access to information listed in section one, two, and three above.

#### **Former Employees**

A file shall be kept for all resigned, terminated, or retired employees, including such essential information as shall seem appropriate to the administration at least six years.

#### **Pre-Employment Records**

Transcripts used in the process of hiring will be returned to the employee. Licensed staff will be required to have them available for accreditation purposes as needed.

#### **Record Review**

The Board shall establish and approve a procedure for handling requests to review personnel records. The School District may seek legal advice on matters pertaining to review requests but access to open public records will not be unreasonably delayed.

#### **Removal of Material**

Removal of material from a teacher's personnel file will be handled in accordance with state law.

Complementary Documents

- DI-BR, Personnel Records Review Procedure
- DIA, Distribution of Personnel Directory
- DIB, Review of Contested Material in Personnel Files
- GABDC, Title I Qualification Notification Requirements

**End of Policy DI ..... Adopted:**

Descriptor Code: DI-BR

PERSONNEL RECORDS REVIEW PROCEDURE

Personnel records subject to open records laws shall be available during school hours for review by members of the public under the following procedures:

1. The request to view an employee's record may be made in writing, in person, or by phone. Written requests shall become a part of the file.
2. The file may be viewed in the administrative office or a copy may be mailed to the person requesting to view the file if that person so chooses. A school district employee other than the employee whose file is being reviewed shall be present during the review of the file to maintain the security of the file's contents.
3. Copies of any documents in the file will be made upon request and at reasonable charge in accordance with law to the person requesting them. The charge may include the cost of materials, use of equipment, and labor for making the copies, and time spent in locating the file. The cost of mailing may also be included in the charge if the copy is to be mailed. This charge shall be applied uniformly and without discrimination.
4. The employee may be notified that the file will be reviewed or has been reviewed.

Review of the Superintendent's folder shall follow the same procedures. The Board President or Business Manager may serve as the school employee who is present during the viewing of the file.

**End of Board Reg. DI-BR ..... Approved:**

RECOMMENDED

**Descriptor Code: DKA**

REDUCTION-IN-FORCE POLICY

The 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.

**Criteria**

The Superintendent shall recommend teacher(s) for reduction in force in accordance with the following criteria:

1. Attrition, including retirements and resignations.



2. When attrition is not sufficient to alleviate the necessity for reduction in force, the Board shall retain teachers with the greatest adaptability to meet present and future district staffing and educational needs, both curricular and extracurricular.
3. When teachers within the same area of licensure are deemed to be of equal adaptability, the Board shall retain the teacher with superior academic and professional preparation beyond minimum licensure requirements in his/her teaching field.
4. When teachers are deemed to be of equal adaptability and have equal academic and professional preparation within their teaching fields, the Board shall retain the teacher who has taught in the District for the greater period of time.

### **Notices & Hearing**

If a decision is made to reduce the teaching staff, any teacher affected thereby shall be given such notice and hearing as may be required by law.

### **Recall Rights**

Any teacher who is nonrenewed under the provisions of this policy may request and shall be given consideration for teaching vacancies for which said teacher is qualified and which occur within twelve (12) months after receipt of written notice of the nonrenewal decision. It shall be the sole responsibility of said teacher to provide the District with a current address. Any teacher who is offered re-employment hereunder and fails to accept the same within fifteen (15) days after it is offered shall be deemed to have rejected said offer and shall forfeit all future recall rights if an offer of equal employment at least equivalent to the RIF'd contract is rejected.

## **RECOMMENDED**

Descriptor Code: DKBD

### TEACHER DISCHARGE FOR CAUSE

#### **Definitions**

For the purposes of this policy, *teacher* includes the following positions in the District: teacher, principal, and assistant or associate superintendent.

#### **Substantiating the Need for Discharge**

If a principal or individual responsible for teacher supervision has reasonable cause that a teacher has exhibited or engaged in actions that the supervisor believes are consistent with a criterion or criteria for discharge contained in NDCC 15.1-15-07, s/he shall contact and consult with the Superintendent. The Superintendent is authorized to consult with the district's legal counsel on how to proceed and shall advise the principal/supervisor on how to respond to the teacher's actions.

When the Superintendent, in consultation with the district's attorney, believes that the District has the documentation necessary to pursue contemplated discharge for cause, the Superintendent shall schedule and properly notice a board meeting.

#### **Meeting to Contemplate Discharge**

At the board meeting, the Board will vote on a motion to contemplate discharge. This motion must be made in an open meeting, and in order to guard against a final

determination prior to the hearing with the teacher, the Board must limit discussion to the single issue of whether or not the causes for discharge given by the Superintendent conform to NDCC 15.1-15-07. Questions or discussion of the substance or substantiation of the stated causes for discharge must be reserved for the actual discharge hearing.

If properly noticed, the Board may also vote on whether to suspend the teacher during the period in which the discharge for cause is pursued. The Board shall not agree to hold discussion of teacher suspension in an open meeting. In order to guard against a final determination prior to the hearing with the teacher, the Board must limit discussion of teacher suspension to the single issue of whether or not to suspend the teacher with or without pay. The motion to suspend must be passed unanimously by the Board.

### **Prehearing and Hearing Procedure**

If voting to contemplate discharge, the Board shall then comply with the Office of Administrative Hearings Guidelines for Prehearings and Hearing Procedures (DKDB-E). During the pre-hearing process, the district's legal counsel and, if deemed appropriate by district legal counsel, the Superintendent shall represent the District. In order to guard against a final determination prior to the hearing with the teacher, board members shall not be involved in the prehearing procedure. The Board should instruct its legal counsel that it shall not agree to hold the discharge hearing in an open meeting.

At the hearing, board members shall only ask questions based on the evidence presented at the hearing. Board members shall not ask questions about outside evidence that is not part of the official hearing record. While board members may ask questions during the hearing, they shall reserve all comments for the deliberations portion of the hearing and shall base such comments on only evidence presented during the hearing—not outside information.

**End of Policy DKBD ..... Adopted:**

**EXHIBIT**

Descriptor Code: DKBD-E

OFFICE OF ADMINISTRATIVE HEARINGS (OAH)  
GUIDELINES FOR PREHEARING  
AND HEARING PROCEDURE DISCHARGE FOR CAUSE HEARINGS  
NDCC 15.1-15-08

1. A school board or counsel for a school board will make a written request to OAH for the appointment (designation) of an administrative law judge (ALJ) from OAH to preside as hearing officer at a pending discharge for cause hearing.
2. The day the request is received, or within a day or two after receiving the request, an ALJ will be appointed by the director of OAH. (OAH will make every effort to get these matters assigned as soon as possible.)
3. On the day appointed, or within a day or two of being appointed, the ALJ will schedule a prehearing conference. (The appointed ALJ will make every effort to get a prehearing conference scheduled as soon as possible.)
  - a Present at the conference will be the parties, and/or their counsel, and the

ALJ. The school board may have a representative present at the conference, if it chooses, either the school board president or the president's designee. If the school board chooses not to have a representative present, counsel for the school board must assure the ALJ that the school board has been or will be consulted about scheduling the hearing. Participants in the prehearing conference will be notified in writing about the conference (likely notices will be faxed or emailed).

- b. The purpose of the prehearing conference is for the ALJ to discuss with the conference participants discovery, the filing of the statement of charges, anticipated witnesses (including any anticipated minor witnesses and the swearing in of witnesses if there are a large number of witnesses), anticipated invitees, documentary evidence, anticipated motions, any due process concerns, anticipated requests for a continuance, scheduling the hearing, closing the hearing (i.e. oral closing argument or briefs) whether the hearing shall remain closed to the public except for those allowed under N.D.C.C. § 15.1-15-08 (3), and any other preliminary matters necessary for the conduct of the hearing.
  - c. The ALJ will set the time and place for the hearing. See N.D.C.C. § 15.1-15-08 (1). At the prehearing conference, the participants and the ALJ will discuss the scheduling of the hearing. If the parties or their counsel and the ALJ agree, the ALJ will schedule the hearing according to the agreement. If there is not an agreement, the ALJ will schedule the hearing giving consideration to the requirements of the statute and the convenience of the parties and their counsel, the school board, and the ALJ. Generally, the hearing will be scheduled to be held on weekdays during the hours of 4:00 pm and 12 midnight, and the hearing may be scheduled for more than one day, if necessary. The scheduled hearing may include a Saturday hearing day upon agreement of all the participants. Parties may be asked to prepare to complete the hearing on the scheduled day(s), i.e. both parties presenting their cases on the scheduled day(s). A second day of hearing will not necessarily be scheduled to accommodate a contemplated request for a continuance.
4. Either at or shortly after the prehearing conference, the ALJ will direct the school board to publish notice of the hearing and provide to the individual being discharged a list of charges at least five days before the hearing. See N.D.C.C. § 15.1-15-08 (1).
5. A continuance may be requested by the individual subject to discharge, or that person's counsel, either prior to the scheduled hearing or during the scheduled hearing. The request must be made in writing or at the prehearing conference, if made prior to the scheduled hearing. The request must be specific about the number of days requested (not to exceed seven days). If a request for a continuance longer than seven days is made, a showing of good cause for a longer continuance must be made. See N.D.C.C. § 15.1-15-08 (4).
6. Near the beginning of the hearing, after appearances are made, the ALJ will detail hearing procedure and instructions for participation by school board members. School board members may ask questions about hearing procedure and the instructions given by the ALJ. The parties or their counsel may ask questions about hearing procedure. The ALJ will also inform school board members (if the ALJ has

not already done so at the prehearing conference by advising a school board representative) that the ALJ may not advise the school board about any substantive matters, decision making, or writing or issuing a decision, only about hearing procedure. The ALJ will also inform school board members (if the ALJ has not already done so at the prehearing conference by advising a school board representative) that at the conclusion of the hearing, after providing all of the evidence presented at the hearing to the school board and closing the hearing, the ALJ's participation in the hearing is ended. See N.D.C.C. § 15.1-15-08 (6). The hearing will close following oral argument given by the parties or their counsel, or the setting of a schedule to file briefs.

7. Near the beginning of the hearing, after appearances are made, before the ALJ details hearing procedure and instructions for participation by school board members, the ALJ will confirm the intent of the school board and the individual subject to discharge about whether the hearing shall be closed or open, and advise those present at the hearing accordingly, in conformance with N.D.C.C. § 15.1-15-08 (3).
8. If a party is calling numerous witnesses, the ALJ may swear that party's witnesses en masse. This may be discussed at the prehearing conference.

**End of Exhibit DKBD-E**

**REQUIRED**

Descriptor Code: FAAA

### OPEN ENROLLMENT

Open enrollment applications received from residents of other North Dakota school districts will be acted upon by the Board at a regular or special meeting prior to the deadline established by law. All applications will be reviewed and acted upon in the same chronological order as they were received.

Criteria for acceptance or rejection shall be based upon the capacity of a program/class/grade level/or school building. The Board will not deny an application on the basis of previous academic achievement, participation in extracurricular activities, disabilities, English language proficiency or previous disciplinary proceedings.

The District will not give or offer to give remuneration or directly or indirectly exert influence upon the student or the student's family, in order to encourage participation in the open enrollment program.

The Business Manager or designee will notify the parent or guardian and the resident district of the acceptance or rejection of an application within the deadline established by law.

The District reserves the right for the Superintendent to assign a building and to determine the class schedule for students who are accepted under this policy.

The District will not be responsible for transportation of resident students who have enrolled in other districts through the open enrollment process or for students from other districts admitted through open enrollment.

End of Policy FAAA

**SUPPLEMENTARY**  
**TUITION AGREEMENTS**

Only as authorized by law (NDCC Ch. 15.1-29), the North Border School District may enter into tuition agreements with neighboring school districts for the purposes of educating non-resident students or to allow resident students to receive education outside the District.

When the District receives notice that a non-resident student has requested admission to the District through a tuition agreement and verifies that the school district of residence has agreed or will agree to authorize a tuition agreement or that the student's parent will pay tuition, the Board shall consider and act upon this request only after the following conditions are met:

1. The Superintendent receives sufficient documentation to determine the non-resident student's educational placement. Sufficient documentation shall be determined by the North Border Public Schools Superintendent and may include, but not be limited to, educational records sent from the district of residence or placement testing.
2. The Superintendent is able to determine if admission of the student would create overcrowding.
3. The Superintendent has made such other determinations as may be deemed necessary in submitting a recommendation to the Board about the advisability of approving the tuition agreement.
4. The Board has received and considered the superintendent's recommendation.

**End of Policy FAAD..... Adopted:**

**REQUIRED**

Descriptor Code: FAB

**SCHOOL ASSIGNMENT & CHOICE**

The Superintendent shall establish, and the Board shall approve, attendance boundaries for each district school.

Students shall attend the school to which they are assigned; however, the Board authorizes the Superintendent to grant or deny requests for individuals to attend schools outside of their designated attendance areas after consideration of the following criteria:

1. The change appears to be in the best interests of the student and the District.
2. No bus route will be extended beyond its normal run.
3. Principals of both schools involved approve of the change.
4. The transfer will not create overcrowding.

The Board reserves the authority to transfer students from the assigned school to a different school when enrollment must be balanced because of classroom space requirements or class size.

**School Choice**

Parents of students attending a Title I school identified under law as in need of improvement, under corrective action, under restructuring, persistently dangerous, and/or parents of students who become a victim of documented violence while at school shall:

1. Receive notification in accordance with law;
2. Be given the option of transferring their child to another district school;
3. Be given the option of transferring their child to a school outside the District if the District does not have more than one school offering the student’s grade level and/or the District does not have another school defined under applicable law as safe and meeting adequately yearly progress.

**End of Policy FAB ..... Adopted:**

**EXHIBIT**

Descriptor Code: FACB-E3

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**FERPA AND STUDENT AUTHORIZATION RELEASE**

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I certify that \_\_\_\_\_  
(*Student’s Name – Please Print*), hereafter student, is living separate and apart from his/her parents, legal guardian, or person having lawful control under court order. This further certifies that the student is residing with \_\_\_\_\_ (*Person Assuming Responsibility – Please Print*) and he/she has full authority in dealing with school-related matters, shall serve as the student’s emergency contact, and has access to the student’s educational records.

It is further certified that the student is residing with \_\_\_\_\_ (*Person Assuming Responsibility – Please Print*) for the purposes other than attendance at North Border Schools or participation in extracurricular activities. The student is not currently expelled from another school district.

(*Parent Name PRINTED*)

(*Signature of Parent*) \_\_\_\_\_

(*Parent Address*) \_\_\_\_\_

(*City/State/Zip*) \_\_\_\_\_

(*Parent Phone Number*) \_\_\_\_\_

(*Notary Signature*) (*Date*) \_\_\_\_\_

Notary Stamp
--------------

**I ASSUME ANY AND ALL PARENTAL RESPONSIBILITIES AND/OR LIABILITIES NORMALLY**

**INCURRED BY THE PARENT/GUARDIAN.**

\_\_\_\_\_  
(Name of Person Assuming Responsibility PRINTED)

\_\_\_\_\_  
(Relationship to Student)

\_\_\_\_\_  
(Signature of Person Assuming Responsibility)

\_\_\_\_\_  
(Address)

\_\_\_\_\_  
(City/State/Zip)

\_\_\_\_\_  
(Phone Number)

\_\_\_\_\_  
(Notary Signature) (Date)

Notary Stamp

**STUDENT INFORMATION:**

\_\_\_\_\_  
(Student's Full Name)

\_\_\_\_\_  
(Date of Birth) (Grade)

\_\_\_\_\_  
(School Last Attended) (Address) (City/State/Zip)

\_\_\_\_\_  
(Reason for Request)

RECOMMENDED

**Descriptor Code: FCAF**

**CONCUSSION MANAGEMENT**

The District shall comply with the concussion management program requirements contained in law (NDCC 15.1-18.2). For the purposes of compliance, the District has placed concussion signs and symptoms; removal from practice, training, and/or game requirements; return to play requirements, and staff, student, and parental training requirements in administrative regulations (FCAF-AR).

For the purpose of implementing the concussion management program law, the Board has also established the following definitions and requirements.

**Definitions**

Law requires that all school-sponsored and sanctioned athletic training, practices, and games be governed by a concussion management program. For purposes of determining what constitutes athletic sponsorship and sanctioning, the District has developed the following definitions:

- School-sanctioned athletic activity* is a sport that:
  - a. Is not part of the district's curricular or extracurricular program;
  - b. Is established by a sponsor to serve in the absence of a district program;

- c. Receives district support in multiple ways (i.e., not school facility use alone);
- d. Requires participating students to regularly practice or train and compete.
- e. The District has officially recognized through board action as a school-sanctioned activity.

The Board shall make all sanctioning decisions on a case-by-case basis based on the criteria above in this paragraph. As a condition of receiving school sanctioning, sponsors of the athletic activity shall agree to comply with this policy and the concussion management law. This includes agreeing to provide appropriate training as required by law and providing appropriate information to parents and students as required by law. The sponsor shall provide to the District documentation certifying that this training has occurred and students/parents have viewed required informational material on concussions prior to beginning the activity.

- *School-sponsored athletic activity* is a sport that the District has approved through policy or other board action for inclusion in the district's extracurricular program, is controlled and funded primarily by the District, and requires participating students to regularly practice or train and compete.

## **Removal Decisions**

Under the concussion management law, the District is authorized to designate removal-from-play authority to individuals who have direct responsibility for student athletes during practice, training, and/or games if a student reports or exhibits a sign or symptom of a concussion. The Athletic Director shall make this determination, and the Superintendent shall ensure that such designees are aware of this responsibility and have undergone appropriate training in accordance with law before commencing duties

Law also authorizes licensed, registered, or certified healthcare providers whose scope of practice includes recognition of concussion signs and symptoms to make removal decisions. The Athletic Director should consult with community members, parents, and staff to determine who has such credentials and who would be willing to assist in this regard. The District should compile a list of such individuals, which should be provided to all coaches. This measure in no way guarantees that a healthcare provider trained and credentialed in accordance with law shall be present at athletic training, practices, and/or events nor shall the voluntary creation of this safety precaution be construed to created or assume any potential liability under local, state, or federal law or regulation.

While law allows coaches and officials to make removal from play decisions when concussion signs or symptoms are reported or observed, the District prohibits any coach or official under the age of 18 or who is currently a high school student from making such removal decisions. High school students and minors who serve as coaches or officials are required to report any known sign, symptom, or report of a student's concussion as soon as possible to an adult who has removal-from-play authority for action. This restriction shall be a condition of allowing a minor/high school student to coach or officiate at district training, practices, and games.



If two or more parties with removal-from-play authority disagree on whether a student (who reports or exhibits signs or symptoms of a concussion) should be required to sit out, the District requires that the ruling be made in the interest of the student's safety, meaning that the student shall be required to sit out and comply with return-to-play requirements contained in law.

**Return to Play**

The Board designates the Athletic Director to receive return-to-play documentation from a healthcare provider. This designee shall review the documentation, determine if the healthcare provider has placed any conditions on return to play, contact the healthcare provider for any necessary clarification on the authorization document, and communicate such information to applicable coach(es) and assistant coach(es). This designee shall also file return-to-play authorization documents in the student's educational record. This documentation must be retained for seven years after the student's enrollment or six years after a student turns 18, whichever is later.

Complementary Documents

- FCAF-AR, Concussion Management Program

**End of Policy FCAF .....** **Adopted:**

REQUIRED

**Descriptor Code: FCAF-AR**

**CONCUSSION MANAGEMENT PROGRAM**

*NOTE: Items designated with a \* are from a National Federation of State High School Associations document entitled "Concussion in Sports: What You Need to Know" written by Dr. Michael Koester, Jennifer Adams, and Angie Webster and available at: [www.nfhslearn.com](http://www.nfhslearn.com).*

**Concussion Signs & Symptoms**

**The signs and symptoms of a concussion are as follows:**

<b>Signs*</b>	<b>Symptoms*</b>
Athlete appears dazed or stunned	Double vision, blurry vision
Balance problems	Headache
Confusion	Fatigue
Forgets events after the hit	Feels "foggy"
Forgets events prior to hit	Feels sluggish
Forgets plays	Nausea or vomiting
Loss of consciousness (any duration)	Problems concentrating
Moves clumsily (altered coordination)	Problems remembering
Personality change	Sensitive to light or noise
Responds slowly to questions	
Unsure about game, score, opponent	

## Requirements when Signs & Symptoms are Observed/Reported

### 1. Removal

- An official district designee with direct responsibility for a student athlete during practice, training, or competition shall remove from practice, training, or competition a student:
  - a. That reports any sign or symptom of a concussion;
  - b. That exhibits any sign or symptom of a concussion;

NOTE: Policy prohibits coaches and officials who are minors or current high school students from making removal decisions due to a suspected concussion. Such individuals are required to inform, as soon as possible, an adult with removal authority of reported or observed signs or symptoms of a concussion.

- A licensed, registered, or certified healthcare provider whose scope of practice includes the recognition of concussion signs and symptoms has removal authority if s/he determines, after observing the student, that the student may have a concussion.
- If two or more parties listed above with removal-from-play authority disagree on whether a student (who reports or exhibits signs or symptoms of a concussion) should be required to sit out, the District requires that the ruling be made in the interest of the student's safety, meaning that the student shall be required to sit out and comply with return-to-play requirements contained in law.

### 2. When to Call for Emergency Assistance\*

If an athlete exhibits the following symptoms, a district employ, sports authority (e.g., coach, assistant coach, trainer, referee) or designee should call 911 for emergency medical assistance.

1. The athlete lost consciousness or has a decreasing level of consciousness;
2. The athlete has symptoms of a concussion and his/her conditions appear to be worsening;
3. The athlete's neurological function is deteriorating or mental status changes (lethargic, confused, agitated, difficulty maintaining focus/arousal);
4. The athlete's respiration is decreasing or irregular;
5. The athlete exhibits any sign or symptom of associated injuries, spine or skull fracture, or bleeding;
6. The athlete exhibits seizure symptoms/activity.

### 3. Transportation when Emergency Assistance is NOT Activated

Under no conditions should a student with a suspected head injury be sent home or allowed to drive. An athlete removed from play in accordance with this procedure whose condition appears stable (i.e., not worsening) should be transported by his/her parent to a medical facility as soon as possible. If the student's parent is unavailable, the coach shall make arrangements to have the student transported to a medical facility by a school employee as soon as possible.

The coach or designee shall make a continued effort to notify the student's parent of the student's possible injury, transportation arrangements, and destination.

**4. Examination**

A student removed from practice, training, or competition for one or more of the reasons #1 above must be examined as soon as practical by a licensed health care provider who is acting within his/her scope of practice and trained in evaluation and management of concussions as determined by the provider's licensing board.

**5. Return to Play Requirements**

A student who is removed from play in accordance with this procedure will not be allowed to return to practice, training, or competition until the student or the student's parent obtains **written** authorization from a licensed health care provider who is acting within his/her scope of practice and trained in evaluation and management of concussions as determined by the provider's licensing board. This written authorization must be given to the district official designated in policy and retained in accordance with policy.

**Training**

Upon initial employment (or selection, in the case of volunteers) and every two years thereafter, each district coach, official, and other individuals designated by the District who have removal-from-play authority due to suspected or reported concussions shall receive training regarding the nature and risk of concussions.<sup>1</sup>

The Superintendent and/or athletic director shall determine the method most suitable for carrying out this training requirement and should place, in each applicable personnel file, documentation of the date(s) the staff member/district designee completed concussion training.

The District shall develop information on concussions incurred by athletes and disseminate this information to student athletes and their parents. Before allowing a student to participate in an athletic activity, the District shall require the student and student's parent to submit written or electronic documentation verifying that they have viewed the concussion management information disseminated by the school.

**End of Administrative Regulation FCAF-AR**

<sup>1</sup> NOTE: NDHSAA officials have received concussion management training in accordance with law.

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**REQUIRED**

Descriptor Code: FDB

EDUCATION OF THE HOMELESS STUDENTS

The District shall comply with the McKinney-Vento Education of Homeless Act. The District shall seek to eliminate barriers to school attendance for homeless students as defined by law. When feasible and consistent with a parent/guardian/unaccompanied youth’s wishes, the homeless student shall be enrolled in his/her school of origin and transportation shall be provided at the district’s expense.

When not feasible for a homeless student to attend his/her school of origin, as determined by the Principal and Superintendent in consultation with the parent/guardian/unaccompanied youth, the student shall be placed in a school that is in the “best interest of the student.” The Principal shall submit such placement decisions to the parent/guardian in writing along with notice of the right to appeal and a dispute resolution procedure.

**Dispute Resolution**

The District shall comply with all interim measures required by law during the dispute resolution process. Parent/guardian/unaccompanied youth wishing to file an appeal of a determination made through the district-level dispute resolution procedure shall notify the homeless student liaison. The liaison shall follow the dispute resolution procedure created by the state.

**Homeless Student Liaison**

The Board designates the Walhalla Elementary Principal as the homeless student liaison. This individual shall perform all duties required by law.

Complementary Documents

- FDB-BR, Education of the Homeless Dispute Resolution Procedure

**End of Policy FDB ..... Adopted:**

**REQUIRED**

Descriptor Code: FDB-BR

EDUCATION OF THE HOMELESS DISPUTE RESOLUTION  
PROCEDURE

**District Resolution Procedure**

The Board has adopted the following dispute resolution procedure for disputes related to the inner-district placement of homeless students:

1. A parent/guardian/unaccompanied student wishing to dispute the Superintendent’s school placement decision shall contact the homeless student liaison to file an appeal.
2. The homeless student liaison shall notify the Superintendent of the appeal, and the Superintendent shall take measures necessary to immediately enroll the

homeless student in the school in which s/he is seeking enrollment, pending resolution of the dispute.

3. The homeless student liaison shall present the appeal to the Board in a timely manner.
4. The Board will make an independent school placement determination based on feasibility and the student's best interest. When making this determination, the Board shall at least consider the following criteria:
  - a. The age of the student;
  - b. The distance of the commute;
  - c. The impact of the commute on a student's education;
  - d. The student's safety;
  - e. If the student has special needs and which school best serves those needs;
  - f. The amount of time left in the school year.
5. The Board shall issue a placement determination within 30 days of receiving the appeal request. The determination shall be made in writing and issued to the parent/guardian/unaccompanied student who initiated the appeal.

**State Resolution Procedure**

The Board has adopted the following dispute resolution procedure for individuals who have exhausted the district level appeals process and/or for disputes that involve more than one school district:

1. A parent/guardian/unaccompanied youth shall inform the homeless liaison in the district of residence of his/her intent to file a state level placement appeal.
2. The homeless liaison shall assist the parent/guardian /unaccompanied youth with filing the appeal and notify the state homeless coordinator of the appeal.
3. The homeless student liaison shall notify the affected Superintendent(s) of the appeal, and the Superintendent(s) shall take measures necessary to immediately enroll the homeless student in the school in which s/he is seeking enrollment, pending resolution of the dispute.
4. The homeless liaison in the affected district(s), the enrollment officer in the affected district(s), parents of the student, homeless service providers, and the state homeless coordinator shall meet at the direction of the state coordinator to resolve the issue.
5. The District will comply with the state homeless coordinator's placement determination.

End of Board Reg. FDB-BR ..... Approved:

**RECOMMENDED**

Descriptor Code: FDC

EDUCATION OF MIGRANT STUDENTS

The Superintendent will develop and implement a program to ensure that migratory students receive appropriate services in the same manner as other students selected to receive services. The program shall contain a means to:

1. Identify migrant students and assess their educational and related health and

- social needs.
2. Provide a full range of services to migrant students including applicable Title I programs, special education, gifted education, vocational education, language programs, counseling programs, and elective classes.
  3. Provide migrant children with the opportunity to meet the same statewide assessment standards that all children are expected to meet.
  4. Provide advocacy and outreach programs to migrant children and their families and professional development for district staff.
  5. Provide parent/guardians an opportunity for meaningful participation in the program.

**Parent Involvement in the Migrant Education Program (MEP)**

The District in conjunction with parents/guardians of migrant students shall develop a parental involvement plan and compact, which shall be adopted by the Board. The MEP parental involvement plan shall contain procedures for consulting and communicating with parent(s)/guardian(s) about student achievement and the migrant program's development, implementation, operation, and evaluation.

Complementary Documents

- KAB, Parental Involvement
- KAB-E, School-Parent Compact

**End of Policy FDC ..... Adopted:**

**REQUIRED**

Descriptor Code: FDD

EDUCATION OF PREGNANT AND PARENTING STUDENTS

Pregnant and parenting students shall be entitled to all protections contained in the district's nondiscrimination and anti-harassment policy and should report any violations of these protections using the district's discrimination and harassment grievance procedure. These students shall be allowed to participate in all school programs and activities on the same basis as any other student enrolled in North Border Public Schools.

**Attendance Standards for Pregnancy and Post-Pregnancy Conditions**

Absences due to pregnancy and post-pregnancy related conditions shall be excused and approved so long as the student and/or her parent/guardian complies with any district documentation requirements associated with the absence as stated in the attendance policy. Documentation requirements for pregnancy and post-pregnancy related absences shall be no more stringent than documentation requirements the District has instituted for student absences due to illness.

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Students shall not be disciplined or their status as a student otherwise demoted due to absences resulting from pregnancy or a post-pregnancy condition. Furthermore, students absent due pregnancy/a post-pregnancy condition shall not be barred from participating in district programs and activities except when absences result in ineligibility to participate in activities covered under North Dakota High School Activities Association bylaws. Students will be given a reasonable time to make up missed work or participate in a credit recovery program. Failure by the student to complete any make up work requirements or

credit recovery program(s) may result in a demotion in grades, retention, extracurricular ineligibility, or other appropriate recourse as determined by district administration in accordance with applicable district policy.

**Accommodations for Pregnant Students**

The District shall provide reasonable accommodations to pregnant students and students recovering from pregnancy upon request by the student, her parent/guardian, or her medical provider.

**Alternative Curricular Participation**

The District shall encourage pregnant and parenting students to remain enrolled in the regular school program; however, the District will provide educational options to those students who are unable or who elect not to remain in their regular schools. Those options may include homebound tutoring, an alternative day school program, and/or attendance at adult evening classes. Pregnant and parenting students electing one of these options shall be permitted reenter the regular education program upon request. If a request to re-enroll is made near the end a semester, the District may elect to re-enroll the student in the regular education program at the beginning of the subsequent semester.

**Medical Documentation Requests and Participation in Physical Activities**

Pregnant students involved in programs involving physical activity will be required to provide medical documentation certifying fitness for participation **only** on the same basis as the District requires such documentation from other students. Any medical documentation required for a pregnant student to participate in physical activities shall be no more stringent than when medical documentation is required to be provided by any other student as a condition of participation in physical activities.

**Disclosure**

If a student discloses her pregnancy status to a district employee, the employee will refer the student to a school counselor. The school counselor shall encourage the student to inform her parent(s)/guardian of the pregnancy if such advice is in the best safety interest of the student.

**Cross References**

- AAC, Nondiscrimination & Anti-Harassment Policy**
- AAC-BR, Discrimination & Harassment Grievance Procedures**
- FFB, Attendance & Absence**

End of FDD..... Adopted:

[08/14]

**REQUIRED**

Descriptor Code: FDE

**EDUCATION OF SPECIAL EDUCATION/DISABLED STUDENTS**

The North Border School District assures that all students with disabilities, ages 3 through 21, have the right to a free and appropriate public education in accordance with the

Individuals with Disabilities Education Act and North Dakota law. In addition, the District complies with Section 504 requirements. For the purpose of compliance with state and federal laws concerning special education/disabled students and providing this assurance, the North Border School District is a member of the Pembina County Special Education Unit and subscribes to its policies and procedures. These policies and procedures include those required to comply with IDEA and Section 504, such as but not limited to childfind and procedural safeguards.

Complementary Documents

- FDE-E, Section 504 Eligibility Determination Form

End of Policy FDE ..... Adopted:

**EXHIBIT**

Descriptor Code: FDE-E

**SECTION 504 ELIGIBILITY DETERMINATION FORM**

Student's Name: \_\_\_\_\_

Parent's Name(s): \_\_\_\_\_

School: \_\_\_\_\_ Grade: \_\_\_\_\_

Date of Birth: \_\_\_\_\_

Date of Meeting: \_\_\_\_\_

**Type of Evaluation:**

- Initial
- Reevaluation (no more than once a year; no less than every three years; before a significant change in placement)

**Parental Notice Issued:** Date: \_\_\_\_\_



**Parental Consent Obtained:** Date: \_\_\_\_\_

Attach documented proof.

**Sources of Evaluation Information:**

- Aptitude tests
- Achievement tests
- Student's work
- Attendance records
- Teacher recommendations/observations
- Psychological evaluations
- Other: \_\_\_\_\_
- Medical report
- Parent input
- Student's disciplinary records
- Academic/behavioral interventions

**Eligibility Determination Team:**

The following individuals have been selected to make a placement determination because they are knowledgeable about the child, the meaning of the evaluation data, and the placement options (e.g., parents, student's teacher(s), Section 504 Coordinator, individuals who conducted the evaluation, counselor, etc.).

504 Coordinator or team leader: \_\_\_\_\_

Team Members:

_____	_____
_____	_____
_____	_____
_____	_____

**Eligibility Criteria** (all must be answered "yes" for a student to be eligible):

1. Does the student have a physical or mental impairment (i.e., any physiological disorder or condition, cosmetic disfigurement, or anatomical loss affecting one or more of the following body systems: neurological; musculoskeletal; special sense organs; respiratory, including speech organs; cardiovascular; reproductive, digestive, genito-urinary; hemic and lymphatic; skin; and endocrine; or any mental or psychological disorder, such as mental retardation, organic brain syndrome, emotional or mental illness, and specific learning disabilities.)

- Yes
- No

If yes, specify the impairment: \_\_\_\_\_

2. Does the impairment affect one or more major life activities?

- Yes
- No

Which major life activity?

- |                                                               |                                                  |
|---------------------------------------------------------------|--------------------------------------------------|
| <input type="checkbox"/> Caring for oneself                   | <input type="checkbox"/> Performing manual tasks |
| <input type="checkbox"/> Seeing                               | <input type="checkbox"/> Hearing                 |
| <input type="checkbox"/> Eating                               | <input type="checkbox"/> Sleeping                |
| <input type="checkbox"/> Walking                              | <input type="checkbox"/> Standing                |
| <input type="checkbox"/> Lifting                              | <input type="checkbox"/> Bending                 |
| <input type="checkbox"/> Speaking                             | <input type="checkbox"/> Breathing               |
| <input type="checkbox"/> Learning                             | <input type="checkbox"/> Reading                 |
| <input type="checkbox"/> Concentrating                        | <input type="checkbox"/> Communicating           |
| <input type="checkbox"/> Operation of a major bodily function |                                                  |
| <input type="checkbox"/> Working                              | <input type="checkbox"/> Other: _____            |

*NOTE: Do not check "seeing" if the physical impairment can be corrected or reduced through the use of eyeglasses or contact lenses.*

Describe how the major life activity is affected (do not take into account mitigating measures such as medication): \_\_\_\_\_

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3. Will the impairment last for an extended period of time (i.e., more than six months)?
- Yes  
 No
4. Is the student substantially limited in the major life activity(ies) (use the average student in the general population as the frame of reference for comparison):
- Yes  
 No

*(NOTE: Substantially limits means unable to perform a major life activity that a student of approximately the same age can perform or significantly restricted as to the condition, manner, or duration under which a particular life activity is performed as compared to the average student of approximately the same age.)*

**Determination:**

- The student has a physical or mental impairment that substantially limits a major life activity.  
If yes, course of action:
- Develop a 504 plan (i.e., accommodations that the school will provide and an explanation of when they will be provided).
  - Continue present services with no changes (check this only if this evaluation is being conducted for purposes of re-evaluation).
  - Modify the present program (check this only if this evaluation is being conducted for purposes of re-evaluation).
- The student's impairment does not substantially limit one or more major life activities. The student does not meet Section 504 criteria.

The student's parent(s) has been provided with a copy of this determination.

Parent's signature: \_\_\_\_\_

Date: \_\_\_\_\_

**End of Exhibit FDE-E**

## **REQUIRED**

Descriptor Code: FDH

### **STUDENTS IN FOSTER CARE**

#### **Definitions**

This policy defines the following:

- Foster care* as defined in 45 U.S.C. 1355.20 and NDCC 50-11-0.1(7).
- School of origin* means the school in which a student is enrolled at the time of placement in foster care. If a student's foster care placement changes, the school of origin would then be considered the school in which the student is enrolled at the time of the placement change. Districts must ensure a student in foster care remains in the school of origin unless it is not in the student's best interest as determined as set forth herein.
- Best interest determination* shall take into account all relevant factors, including, but not limited to, length of placement, student and/or student's parent(s) or guardian preference, safety issues, and the proximity to the school in which the student is enrolled at the time of foster care placement. Transportation costs must never be considered when determining best interest determination.
- Immediate enrollment* means within twenty-four hours of the best interest determination. Enrollment must not be denied or delayed because documents normally required for enrollment have not been provided. The enrolling school must immediately contact a student's school of origin to obtain the relevant records, and the school of origin should immediately transfer those records.

#### **Foster Care Student Point of Contact**

The Board designates Walhalla Elementary Principal as the District Foster Care Point of Contact. This individual must perform all duties required by law to ensure the educational stability of a student in foster care.

#### **Best Interest Determination**

The District shall collaborate with state, local and tribal child welfare agencies, as applicable, and seek to eliminate barriers to school attendance for a student in foster care as defined by law<sup>2</sup>. When feasible and in the best interest of the student, as determined by the local child welfare agency (CWA), in collaboration with the District Foster Care Point of Contact and other key partners, as applicable, the student in foster care must

\_\_\_\_\_

<sup>2</sup> <https://www2.ed.gov/about/inits/ed/foster-care/index.html>

immediately be enrolled in their school of origin and transportation must be provided in accordance with law.

When not feasible for a student in foster care to attend their school of origin, as determined by the local CWA, in collaboration with the District Foster Care Point of Contact and other key partners, as applicable, the student must be placed in a school that is in the best interest of the student. The local CWA shall submit such placement decisions to the foster parent or designated caregiver in writing.

If there is a difference of opinion regarding school placement between the District and CWA, the CWA shall be considered the final decision-maker.

### **Transportation**

The District shall collaborate with state, local and tribal child welfare agencies, as appropriate, to implement a written transportation procedure by which prompt, cost-effective transportation will be provided, arranged and funded for a student to remain in their school of origin, when in their best interest, for the duration of their time in foster care.

### **Dispute Resolution**

To the extent feasible and appropriate, when a dispute arises as to the best interest determination, the District must ensure that a student in foster care remains in their school of origin and promptly receives transportation in a cost-effective manner, pending resolution of the dispute. The District shall make reasonable efforts to collaborate with appropriate agencies and aggrieved parties to resolve the dispute at the local level as expeditiously as possible. The aggrieved party wishing to file an appeal of a determination shall notify the district's Foster Care Point of Contact and follow the dispute resolution procedure created by the state.

### **Foster Care Student Records**

The District Foster Care Point of Contact shall maintain all best interest determination and transportation documents in the foster care student's educational record until there is a change in the student's situation, such as custodial care or new foster parents, or until permanent placement has been established.

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

- FDH-BR1, Foster Care Student Transportation Plan
- FDH-BR2, Foster Care Student Transportation Dispute Resolution Procedure
- FDH-E1, Foster Care Student Best Interest Determination Form
- FDH-E2, Foster Care Student Transportation Plan

**End of Policy FDH .....** **Adopted:**

## FOSTER CARE STUDENT TRANSPORTATION PROCEDURE

The Board has adopted the following transportation procedures to ensure collaboration with the state or the local child welfare agency (CWA) to ensure the educational stability of a student in foster care, including assurances that:

1. Foster care students remain in their school of origin, unless a determination is made that it is not in their best interest; and
2. When a determination is made that it is not in the best interest to remain in the school of origin, the child must be immediately enrolled in a new school.

### Transportation Plan Process

1. A representative of the relevant CWA shall give clear notice to the District, as soon as practical, that a student in foster care needs, or may need, transportation to a district school that is the student's school of origin. Such notice may be given in writing or verbally directly to the district's Foster Care Point of Contact.

When a student's placement is outside of the boundary of their school of origin, the local CWA shall promptly notify and collaborate with the District to convene a best interest determination meeting.

2. When the District is notified that a student in foster care needs, or may need, transportation to a district school serving as the student's school of origin, the district's Foster Care Point of Contact, in consultation with others, will promptly take steps to determine best interest decision and establish an individualized transportation plan that addresses how transportation will be arranged, provided, and funded for the duration of time that the student is in foster care and attending the school of origin.

In the interim, the District and the local CWA must jointly develop and implement a plan to provide temporary transportation to ensure the student's educational stability.

The District must ensure that transportation is provided to a student in foster care even if transportation is not offered to non-foster care students.

- a. The District Foster Care Point of Contact shall establish and develop a transportation plan for the student in consultation with a representative of the local CWA, appropriate district staff (e.g., Superintendent, Title I coordinator, school of origin transportation designee, coordinator for special education, McKinney-Vento liaison), representatives from another school district (if applicable), and may also include obtaining input from others who may be involved in education or other decision-making for the student, such as the foster parent or designated caregiver.

- b. Multiple factors will be considered and addressed in the best interest determination when determining transportation options for a student in foster care, including, but not limited to: safety of the foster care student and other students being transported; student age; length of commute; and

distance. The cost of transportation must never be a factor when determining best interest determination. Information from the school of origin transportation designee about these factors will be provided so that the best interest determination will be comprehensive and will include consideration of cost-effective measures.

3. No more than five days from when notice was given to the District that a student in foster care needs transportation is recommended.

The following options must be considered to provide school of origin transportation: i.

An existing bus route can be used;

- ii. An existing bus route can be modified slightly to accommodate the new address;
  - iii. Specialized transportation offered to other students can be accessed, such as special education (IEP) or McKinney-Vento transportation;
  - iv. Existing special education transportation can be modified slightly to accommodate the new address;
  - v. Arranging transportation by the foster parent/designated caregiver to the school of origin or to a bus stop on a route to the school of origin;
  - vi. Coordinating with the district in which the student is living to provide transportation to the District boundaries or an existing bus stop within the District;
  - vii. Public transportation; and
  - viii. Walking within a reasonable walk zone (based on safety, disability, age, etc.)
- c. The transportation plan for the student must be in writing and include the following information (see FDH-E1):
- i. Student name;
  - ii. Contact information (address, phone and/or email) iii.  
Current school district;
  - iv. A transportation strategy for providing transportation to and from the school of origin on school days, inclusive of identifying the method(s) of transportation, the person or entity responsible for providing the transportation, and if applicable, the person or entity who is responsible for making any specific arrangements that are necessary to the implementation of any mode of transportation;
  - v. To the extent applicable, a description of how the student's school-related transportation will be funded, particularly when the planned transportation involves additional costs as defined under applicable laws and regulations; and
  - vi. A communication protocol that the District, CWA, and other relevant persons, such as the student's foster parent or designated caregiver, may use in order to address any questions or concerns that arise with the transportation plan, including considering possible adjustments to

the student's transportation plan, and any relevant changes in the student's placement or foster care status that are relevant to the transportation plan.

3. A student needing transportation to the school of origin must promptly receive transportation in a cost-effective manner and in accordance with the local CWA's authority to use child welfare funding for school of origin transportation.

If there are additional costs incurred in providing transportation to maintain children in foster care in their schools of origin, the District will provide transportation to the school of origin if:

- a. The local CWA agrees to reimburse the District for the cost of such transportation;
  - b. The District and local CWA agree to share the cost;
  - c. The District agrees to pay for the cost of such transportation; or
  - d. The school of origin, local CWA, school of residence and/or placing CWA share the cost of such transportation.
4. The CWA in consultation with the District Foster Care Point of Contact and key partners, as applicable, shall make the best interest transportation determination for the student in foster care.
  5. The CWA and/or the District Foster Care Point of Contact shall notify the foster parent or designated caregiver of the decision. If transportation to the school of origin is in the best interest of the student, the District Foster Care Point of Contact shall contact the school of origin transportation designee to make the necessary arrangements.

Transportation must be provided for the duration of the student's time in foster care as long as it continues to be in the student's best interest to remain in their school of origin. If a student exits foster care before the end of a school year, the transportation arrangement shall be maintained through the end of the school year to maintain the student's educational stability if possible.

**Dispute Resolution**

The District and local CWA shall make every effort to expeditiously reach an agreement regarding the method of transportation and/or the funding of any additional costs associated with providing such transportation to the school of origin for a student in foster care at the local level. If the District and local CWA cannot resolve a dispute about transportation method or cost, the aggrieved parties shall notify the district's Foster Care Point of Contact and follow the dispute resolution procedure adopted by the District (see FDH-BR2).

**End of Board Reg. FDH-BR1 ..... Approved:**

**FOSTER CARE STUDENT TRANSPORTATION DISPUTE  
RESOLUTION PROCEDURE**

**Dispute Resolution Procedure**

When there is disagreement between the District and the local CWA in determining the method of transportation and/or the funding of any additional costs associated with providing such transportation to the school of origin, the District will attempt to pursue the following dispute resolution procedures:

1. A meeting will be scheduled that involves the child welfare agency, District Foster Care Point of Contact and other key partners, as applicable, with each applicable school district. The parties shall attempt to self-mediate and resolve the dispute at the local level. By mutual agreement, the parties may involve a third party to act as neutral mediator in this process.
2. If the attempt to self-mediate and resolve the dispute is unsuccessful, or if all relevant parties mutually agree to proceed directly to this step, the aggrieved parties shall notify the District Foster Care Point of Contact and follow the dispute-resolution procedure created by the North Dakota Department of Public Instruction (NDDPI). The NDDPI shall be considered the final decision-maker. All agencies must comply with the final determination decision.

**Interim Funding of Transportation**

The District and the local CWA shall attempt to define a mutually-agreed-upon, interim funding arrangement that shall be implemented for a defined period of time so that the student can promptly receive transportation to the school of origin. In the absence of a voluntary interim funding arrangement, and in order to promptly provide transportation while a dispute is pending, the District will attempt to pursue an interim funding arrangement under which the District and the CWA that is responsible for the placement and care of the child shall each pay an equal share of the disputed additional costs of transportation on an interim basis until the funding dispute is resolved.

The final resolution of a funding dispute may require the full or partial reimbursement of funds that were expended under an interim arrangement for the costs of additional transportation during the intervening period of a funding dispute.

**End of Board Reg. FDH-BR2 ..... Approved:**



**FOSTER CARE STUDENT BEST INTEREST DETERMINATION FORM**

Student's Name			State ID	
Gender		DOB	Grade	
Current School			Phone	
Case Manager			Phone	
Date of Meeting			Location	

**Check all factors considered for ensuring school stability:**

- |                                                         |                                                        |
|---------------------------------------------------------|--------------------------------------------------------|
| <input type="checkbox"/> Student's preference           | <input type="checkbox"/> Individualized education plan |
| <input type="checkbox"/> Academic programs              | <input type="checkbox"/> Academic growth/progress      |
| <input type="checkbox"/> History of school transfers    | <input type="checkbox"/> Length/distance of commute    |
| <input type="checkbox"/> Attendance                     | <input type="checkbox"/> Peer relations                |
| <input type="checkbox"/> Specialized instruction        | <input type="checkbox"/> Sibling placements            |
| <input type="checkbox"/> Permanency goals               | <input type="checkbox"/> Safety concerns               |
| <input type="checkbox"/> Program/activities of interest | <input type="checkbox"/> Section 504                   |
| <input type="checkbox"/> Extra-curricular activities    | <input type="checkbox"/> Language services             |
| <input type="checkbox"/> History of foster placement    | <input type="checkbox"/> Caretaker preference          |

**Determination:**

The student shall remain in the school of origin unless a detailed explanation of the above factors suggests a change of placement is in the child's best interest.

- |                                                      |                                                                 |
|------------------------------------------------------|-----------------------------------------------------------------|
| <input type="checkbox"/> History of foster placement | <input type="checkbox"/> A change in school placement is needed |
|------------------------------------------------------|-----------------------------------------------------------------|

**If applicable, describe in detail why a change in placement was determined:****Supporting Documentation:**

- |                                           |                                        |
|-------------------------------------------|----------------------------------------|
| <input type="checkbox"/> Report cards     | <input type="checkbox"/> Achieved Data |
| <input type="checkbox"/> 504              |                                        |
| <input type="checkbox"/> Extra-curricular |                                        |
| <input type="checkbox"/> Progress report  |                                        |
| <input type="checkbox"/> Correspondence   |                                        |

- Discipline referrals
- Health records/reports
- IEP
- Attendance Date
- Other

**Authorized Signatures:**

Best Interest Determination Plan Attendance (Print Name)	Title or Relationship to Foster Child	Signature	Agree with Determination? (Circle)

**End of Exhibit FDH-E**

**EXHIBIT**

Descriptor Code: EDH-E2

**FOSTER CARE STUDENT TRANSPORTATION PLAN**

Student's Name			State ID	
Gender		DOB		Grade
Current School			Phone	
Case Manager			Phone	
Date of Meeting			Location	

**Check all determined transportation options:**

- Existing bus route
- Modified bus route
- Specialized transportation
- County car
- District vehicle
- Contracted transportation
- Public transportation
- Foster parent/designated caregiver
- Agency vehicle
- Other

Transportation for the student will be provided in the following manner:

**Check how all determined transportation is funded:**

- |                                                                 |                                                                                   |
|-----------------------------------------------------------------|-----------------------------------------------------------------------------------|
| <input type="checkbox"/> CWA agrees to pay                      | <input type="checkbox"/> LEA and CWA agree to share the costs                     |
| <input type="checkbox"/> LEA agrees to pay                      | <input type="checkbox"/> School of origin and other district agree to share costs |
| <input type="checkbox"/> Eligible under Title IV-E              | <input type="checkbox"/> Other                                                    |
| <input type="checkbox"/> CWA agrees to reimburse foster parents |                                                                                   |



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End of [Name of District] Exhibit FDH-E2  
[07/18]

**REQUIRED**

Descriptor Code: FF

**STUDENT CONDUCT & DISCIPLINE**

**Conduct Standards**

Students will be expected to conduct themselves in a manner fitting their age level and maturity, in a manner that will not impede on the orderly conduct of district schools, and will be expected to respect the rights of others on district property, including, but not limited to, district owned/leased/chartered vehicles, at school-sponsored events, and off-campus when student conduct has or is reasonably predicted to have a substantially disruptive effect on district operations and/or the educational environment.

**Disciplinary Standards**

Consequences for misconduct will be fair and developmentally appropriate in light of the circumstances. The Superintendent shall develop age-appropriate disciplinary standards in consultation with principals and other applicable district personnel. In addition, the Superintendent shall develop administrative regulations to assist administrators/their designees with investigating potential conduct violations.

Disciplinary policies, procedures, and guidelines need not be identical in content district wide but must:

1. Be identical in content for all district elementary schools;
2. Be identical in content for all district middle schools;
3. Be identical in content for all district high schools.

**Disciplinary Standards for Special Education Students**

District employees are required to comply with the Individuals with Disabilities Education Act when responding to violations of student conduct standards by special education students.

**Prohibited Disciplinary Actions**

The Board recognizes that reasonable physical force may occasionally be necessary to guard the safety and well being of students or employees or to deliver a student to an administrator's office; however, the use of corporal punishment, defined as the willful infliction of physical pain on a student, is not allowed in the North Border School District. Corporal punishment does not include action taken by an employee for self-defense, protection of persons or property, obtaining possession of a weapon or other dangerous object, to quell a verbal disturbance, for the preservation of order, or pain or discomfort caused by athletic competition or recreational activities voluntarily engaged in by a student.

Complaints alleging that a district employee inflicted corporal punishment will be dealt with in accordance with school board policy on personnel complaints.

### **Disciplinary Authority**

Regulations on disciplinary standards and investigation procedures shall delineate the degree of disciplinary authority that the District shall grant to teachers and principals. Other school personnel shall be granted disciplinary authority by the Superintendent on a case-by-case basis based on the nature and scope of the employee's duties. Personnel granted such authority shall be required to comply with this policy and any disciplinary authority limits established by regulations. Employees unauthorized to administer student discipline shall report student misconduct to the appropriate school authority.

Any district employee who acts outside the scope of his/her assigned level of disciplinary authority may be subject to disciplinary action, including but not limited to, discharge from/termination of employment in accordance with law and/or the negotiated agreement.

### **Complementary Documents**

- FF-AR, Student Conduct Standards & Disciplinary Procedures
- FF-E, Examples of Student Conduct Violations
- KACB, Patron Complaints About Personnel

**End of Policy FF** ..... **Adopted:**

## **REQUIRED**

Descriptor Code: FFA

### STUDENT ALCOHOL & OTHER DRUG USE/ABUSE

This policy pertains to alcohol and other drug use/abuse. Tobacco use is defined in a separate policy (see ABBA.)

### **Philosophy**

The North Border School District shall strive to provide a learning environment that is safe, drug free, and conducive to learning. This policy is designed to help eradicate the influence of drugs and alcohol within the school environment, promote awareness and health, and protect students in the school environment by imposing consequences for drug and alcohol related violations.

### **Definitions**

This policy defines the following:

- Alcohol* – See Prohibited Substances.
- Drug* – See Prohibited Substances.
- Possession shall mean:*
  - a. Actual physical possession of the alcohol or drug while on school property;
  - b. Use or consumption of the alcohol or drug while on school property;

- c. In the student's locker, car, handbag, backpack, or other belongings while on school property; or
  - d. Appearance by a student on school property after having consumed or ingested alcohol or a drug that is noticeable by breath odor, speech alterations, unsteadiness of gait or posture, or like symptoms of chemical intoxication.
- *Use* shall mean that a student is reasonably known to have ingested, injected, inhaled or otherwise taken into the body a prohibited substance, or is reasonably found to be under the influence of such a substance.
  - *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.

### **Prohibited Substances**

Prohibited substances include, but are not limited to:

1. Alcohol, powdered alcohol, or any alcoholic beverage as defined in NDCC 5-01-01;
2. 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 depressant, and all other illicit drugs;
3. Any glue, aerosol paint, or any other chemical substance used for inhalation;
4. 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, sports or muscle-building supplements, and sleeping pills not administered and/or taken with appropriate consent and authorization from parents, school administration, and, if applicable, a health care provider.

### **Prohibited Activities**

It shall be against school policy for any student to:

1. Sell, deliver, or give, or attempt to sell, deliver, or give to any person any of the substances listed in this policy or sell, deliver, or give, or attempt to sell, deliver, or give to any person substances the student represents or believes to be a substance(s) listed in this policy.
2. Possess, procure, purchase, or receive, or to attempt to possess, procure, purchase, or receive the substances listed in this policy, or what is represented by or to the student to be any of the substances listed in this policy, or what the student believes is any of the substances listed in this policy.
3. Be under the influence of (legal intoxication not required), use, consume, or attempt to use or consume the substances listed in this policy or what is represented by or to the student to be any of the substances listed in this policy or what the student believes is any of the substances listed in this policy.

4. Knowingly or intentionally aiding or abetting in any of the above activities.

This policy applies to any student who is on school property, or whose off-campus conduct is reasonably predicted to substantially disrupt the operations of the District, district safety, or welfare of students or employees.

### **Reporting Violations**

A student or staff member that has reason to believe that a student has violated this policy shall notify a school official (i.e., a teacher or administrator if the reporter is a student; a school administrator if the reporter is a district staff member). Except in limited circumstances under law,<sup>4</sup> a teacher is required to report known or suspected violations of this policy to the school principal or Superintendent.

### **Violation**

When a principal/Superintendent has reasonable suspicion that a student has violated this policy, they may search the student in accordance with the district's policy on searches of students' person or personal property.

As part of this search, the principal or Superintendent may require the student to submit to a drug/alcohol test if:

1. The principal and/or Superintendent has reasonable suspicion that the student is under the influence of drugs/alcohol.
2. The mandatory drug/alcohol test is reasonable at inception based on criteria established by the Board<sup>5</sup> and not excessively intrusive in light of the age and sex of the student.

All drug/alcohol testing shall be performed in accordance with federal law on Transportation Workplace Drug Testing. This language in no way authorizes random drug testing in district schools as part of the curricular program.

Disciplinary sanctions will be imposed on, and additional actions may be taken (as listed below) in response to, any violation of this policy. These sanctions may include suspension or expulsion, intervention (as described below), and notification of proper authorities for prosecution. Prohibited substances will be confiscated and illegal substances will be turned over to law enforcement authorities.

### **Intervention**

It is acknowledged 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 that 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. The Superintendent shall develop a procedure for chemical dependency identification and referral for treatment.

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<sup>4</sup> When a teacher/principal participates in a juvenile court program and receives confidential information about a student.

<sup>5</sup> These criteria should at least contain guidelines on signs and symptoms of drug use.



Referral for treatment shall be a constructive not punitive action; however, use of the treatment program shall not override or prohibit the District from taking disciplinary action for violations of this policy.

The school will make a reasonable effort to cooperate with a therapy program if one is recommended for the student. The Board believes that if a student is involved in a chemical dependency program and is successfully addressing their harmful involvement with chemicals, they may be allowed to continue in the regular school setting and continue to participate in any extracurricular program unless participation is in conflict with rules and regulations set forth by the Board, the [North Dakota High School Activities Association](#), and/or the student has been suspended or expelled as a result of a district policy violation.

### **Confidentiality**

The District shall maintain the confidentiality of students referred for counseling and chemical dependency treatment in accordance with the district's policy on counseling records and other applicable law.

### **Education**

The District will teach about drugs and alcohol in an age appropriate developmentally based education and prevention program in every grade in accordance with law. This program will include information about drug and alcohol counseling and rehabilitation programs available to the students.

In addition, the District will conduct staff orientation and training on drug and alcohol prevention, including a periodic overview of this policy and its procedures for implementation. The District will also provide parent and community education on the topic of drug and alcohol prevention.

### **Policy Implementation**

Student handbooks shall contain a statement of sanctions required concerning the possession, use, or distribution of drugs and/or alcohol.

The North Border School District will review this policy and its implementation periodically to ensure that disciplinary sanctions are consistently applied and to determine the effectiveness of the program for the prevention of alcohol and other drug use/abuse.

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

- ABBA, Tobacco Free School & Workplace
- FFA-AR, Alcohol & Other Drug Intervention Procedure
- FFE, Extracurricular Participation Requirements
- FFK, Suspension & Expulsion
- FFK-BR, Suspension & Expulsion Regulations
- FGAA, Student Counseling & Guidance Records & Confidentiality
- FGCB, Searches of Students & Students' Personal Property
- FGDB, Student Handbooks

**End of Policy FFA..... Adopted: 10**

### ALCOHOL & OTHER DRUG INTERVENTION PROCEDURE

The District encourages faculty members to be observant of student behavior and to participate in a program of intervention. Faculty members may use the record of observable behavior to determine whether behavior should be reported.

If the faculty member decides that the behavior indicates a possible prohibited activity, the student should be:

1. Reported to the principal and taken immediately to the principal's office.
2. Referred to the school counselor.

If the principal/Superintendent has reasonable suspicion that the student is under the influence, 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 principal/Superintendent may have the student removed from the school by school, medical, or law enforcement personnel.

If the counselor, principal or Superintendent believes that the student is indeed in need of intervention assistance, the counselor, principal, or Superintendent may call the student in for a conference. If the counselor calls this meeting, s/he shall notify the building principal of this conference. The student's parents shall be notified of this conference. Parents shall be requested to attend the conference. The counselor and building principal shall be required to attend and may receive assistance from a certified addiction counselor in how to confront students.

If, after conferring with the student, parent, and administration, the counselor believes that there is a probability that the student may be experiencing a drug or alcohol problem, the student and the student's parent(s)/guardian will be told that it is necessary that the student receive a formal chemical dependency diagnosis.

**End of Administrative Regulation FFA-AR**

### **REQUIRED**

Descriptor Code: FFB

### ATTENDANCE & ABSENCES

North Dakota law contains compulsory attendance requirements for students ages seven through sixteen. In order to comply with and enforce these requirements, the Board establishes the following attendance policy.

#### **Section I: Definitions**

- A. For purposes of compulsory attendance reporting under NDCC 15.1-20-02.1 (1-2):

- *Excused absence* is an absence that the District will not use in determining if a compulsory attendance violation occurred. Any absence may be excused if it is supported by either a verbal or written excuse supplied by the student's parent, teacher, or school administrator.
  - *Unexcused absence* is any absence not supported by the verbal or written excuse required for an excused absence.
- B. For the purposes of taking academic/disciplinary sanctions under Section III this policy as authorized by NDCC 15.1-20-02.1(3):
- *Approved absence* is an absence that the District believes is necessary and/or unavoidable and has received administrative approval. Necessary and/or unavoidable absences may be caused by illness, injury, family emergency, religious observance or instruction, suspension, participation in a school-related activity, court appearances when subpoenaed, or other reasons deemed necessary and/or unavoidable by the principal or Superintendent. Students granted approved absences shall not be subject to the consequences contained in Section III of this policy. The Superintendent or designee shall develop criteria for requesting and granting an approved absence and shall establish make-up work requirements.
  - *Unapproved absence* is defined as an absence that does not meet the above criteria for approved absences. If a student is absent for an unapproved reason, the parent/guardian shall still be responsible for calling the principal's office to explain the absence, and the student will be subject to the consequences contained in Section III of this policy.

## **Section II: Documentation Requirements**

School administration may require applicable documentation to verify an excused or approved absence, including, but not limited to:

1. Medical documentation from an appropriate licensed healthcare provider;
2. A copy of a court summons or subpoena;
3. An obituary for funeral leave;
4. Verification of planned or executed family travel (e.g., a boarding pass);
5. A request from an official at the student's place of worship;
6. A request for an absence due to a curricular or extracurricular event submitted by the student's teacher, coach, or extracurricular advisor.

## **Section III: Accumulated Unapproved Absence**

The Board believes that unapproved absences are a form of misconduct and authorizes the Superintendent to establish grade-appropriate the disciplinary consequences. Students will be afforded appropriate due process rights based on the severity of disciplinary penalty that the District is considering imposing. Students shall be required to complete make-up work in accordance with administrative regulations or will receive no credit for incomplete work.

## **Compulsory Attendance Violations**

North Dakota law defines what constitutes a compulsory attendance violation. Suspected violations of the compulsory attendance law shall be reported to school administration

and investigated in accordance with law. When a compulsory attendance violation is substantiated, the District shall comply with law enforcement reporting requirements under law.

**Dissemination**

This policy shall be published in all student handbooks.

**End of Policy FFB**..... **Adopted:**

**REQUIRED**

Descriptor Code: FFD

CARRYING WEAPONS

**Definitions**

This policy defines the following:

- Dangerous weapon* as defined by NDCC 62.1-01-01(1)
- Firearm* as defined in accordance with 18 U.S.C. 921 and NDCC 62.1-01-01(3)
- 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.

**Prohibitions**

Students are prohibited from knowingly possessing or transmitting on school property a firearm, dangerous weapon, or any object that is used, attempted to be used, or threatened to be used to intimidate or cause bodily harm.

**Disciplinary Consequences**

Violation of this policy will result in disciplinary action up to and including suspension or expulsion. Bringing a dangerous weapon, other than a firearm, to school will require that proceedings for up to 10 days suspension and/or expulsion for up to 12 months be initiated immediately in accordance with the district’s suspension and expulsion policy.

Bringing a firearm to school will require that the District immediately initiate proceedings for the expulsion of the student involved for a minimum of one calendar year in accordance with the district’s suspension and expulsion policy. The Superintendent may modify the length of a firearms-related expulsion to less than one calendar year 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 dangerous 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 firearm or dangerous 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 dangerous weapons or look-a-likes for educational purposes. Such a display will be exempt from this policy.

A student who finds a firearm or dangerous weapon on the way to school, on or in school property, or discovers that they accidentally have a firearm or dangerous weapon in their possession shall not be considered to possess it if they turn it over to an administrator, teacher or head coach or immediately notifies an administrator, teacher, or head coach of its location.

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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 Policy FFD..... Adopted: 10/17**

**EXTRACURRICULAR PARTICIPATION REQUIREMENTS****Philosophy**

The Board believes that participation in extracurricular activities constitutes a privilege and not a right. Students who participate in extracurricular activities represent the student body, school district, and community on the state and national level. As such, behavior of these students is a reflection of the entire community.

The District will enforce the requirements placed on extracurricular participants by the North Dakota High School Activities Association (NDHSAA), which govern both on and off campus behavior. In addition, the Board has established the following extracurricular participation requirements.

**Activities Affected by this Policy**

Activities affected by this policy shall include extracurricular activities as listed in the student handbook, including those not sponsored by NDHSAA.

**Tobacco, Alcohol & Other Drug Use**

In addition to the tobacco, alcohol, and other drug prohibitions contained in NDHSAA bylaws, the District prohibits student presence at a gathering where alcohol, tobacco, or a controlled substance is being illegally used. Student presence at such a gathering will be regarded as possession. The building principal will take into consideration whether the student was at a gathering where the student had knowledge that alcohol, tobacco or controlled substance were being illegally used, and whether or not the student had a reasonable opportunity to remove him/herself from said location. The disciplinary consequences for violating this rule shall be suspension from extracurricular participation for the same duration as prescribed for tobacco, alcohol, and other drug possession by NDHSAA bylaws.

**Academics**

NDHSAA requires that local districts establish a definition of what constitutes a failing grade. For the purposes of this policy, a failing grade is defined as receiving a 69% or lower in any curricular course as computed from the beginning of the semester for regular education students or, in the case of special education students, not meeting the goals of Individual Education Programs as assessed from the beginning of the semester.

In addition to NDHSAA academic standards, the North Border School District also requires that no Junior High or High School student may participate in a contest if he or she is failing any class as computed from the beginning of the quarter. Beginning on the third Monday morning of the new quarter and every Monday until its conclusion, eligibility will be checked. If a student becomes ineligible, they cannot become eligible until the next grade check. Eligibility will carry over from quarter to quarter and from year to year.

**Violation of Other Misconduct Policies**

Students who violate student conduct policies not covered by NDHSAA bylaws may be subject to suspension from extracurricular activities for a period of six (6) consecutive weeks for the first offense and a period of eighteen (18) weeks for any subsequent offense(s). Such consequences shall be imposed in addition to other disciplinary

consequences imposed under the applicable policy.

When the principal deems suspension from extracurricular participation necessary, s/he shall follow the procedure for suspension from extracurricular participation required by NDHSAA bylaws.

**Practice and Travel while Suspended**

Students who are under suspension are encouraged to practice and travel with their respective teams. However, suspended students will not be allowed to miss school time to travel with the team.

**Period of Enforcement**

This policy shall be in effect 12 months per year, including those days and months when school and extracurricular activities are not in session. It shall be in effect for all extracurricular activities including those of junior high students.

**Off-Season Violations**

In addition to the penalties delineated in this policy, in the event the suspension is administered during a season when the student is not actively participating (e.g., summer-for all students, fall-for a student participating in track) the student's suspension shall be extended to include a two-contest suspension from the student's next NDHSAA sponsored activity. "Next activity" shall be defined as the next activity in which the student begins practicing at the appropriate date and concludes at the end of the season (i.e., does not start and quit). Should the student's next activity not be until the following school year, the two-contest rule will be applied at that time.

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**Complementary Documents**

- FF, Student Conduct & Discipline
- FFE-AR, Meals for Students Participating in Extracurricular Activities
- FFE-AR2, Athletic Physicals
- FFK, Suspension & Expulsion
- FFK-BR, Suspension & Expulsion Regulations
- [GCBA, Grading]**

**End of policy FFE..... Adopted:**

**REQUIRED**

Descriptor Code: FFG

**STUDENT ASSEMBLIES**

Generally, school administrators will determine or substantially control the content of what is expressed at 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.

For the purposes of this policy, primary control is defined as authority by a student to include any content in a speech so long as it is not profane, sexually explicit, defamatory, disruptive, and/or does not infringe on the rights of others. Administration shall review student speeches prior to delivery. In the event that a speech contains potential prohibited content, administrators should contact legal counsel to seek guidance before asking a student to remove such content.

**End Policy FFG ..... Adopted:**

SUPPLEMENTARY

**Descriptor Code: FFH**

STUDENT DRESS CODE

The Board encourages students to use sound judgment in dress and grooming. While attention seeking devices in dress and grooming are discouraged, students shall not be prevented from attending school or a school-sponsored activity because of appearance if style, fashion, or taste is the sole criterion for such action.

**Prohibitions**

The District prohibits the following articles of clothing or decoration at school-sponsored functions and/or on school property. Clothing/decoration that:

1. Is reasonably likely to substantially disrupt the educational environment;
2. Poses a health or safety risk;
3. Is destructive to school property and/or causes excessive maintenance problems;
4. Is intended to identify the student as a member of a gang;
5. Promotes illegal activities and/or the use of tobacco or alcohol.

The administration will make reasonable efforts to notify students of these rules. Each building principal shall develop a procedure for handling and disciplining students in violation of these rules.

While the school administration may require students participating in physical education classes to wear certain apparel which meets reasonable health and safety standards as established by the Board, they may not prescribe a specific brand that students must buy.

**End of [Name of District] Policy FFH ..... Adopted:**



**SUSPENSION AND EXPULSION****Definitions**

This policy defines the following

- School property* means all land within the perimeter of the school site and all school buildings, structures, facilities, and school vehicles, whether owned or leased by the school district, and the site of any school-sponsored event or activity.
- Suspension* includes in-school suspension from classes and out-of-school exclusion from classes, school property, and activities.
- Dangerous weapon* as defined by NDCC 62.1-01-01
- Firearm* as defined by NDCC 62.1-01-01

**Suspension/Expulsion Authority**

The Board hereby delegates to the Superintendent and each principal the authority to deal with disciplinary problems in their school, including suspension and recommendation for expulsion of a student. Suspension shall not be imposed beyond the maximum duration permitted by law.

The Board designates the Superintendent to serve as the hearing officer for expulsion hearings unless not qualified to serve as defined in board regulations. In such cases, the Board shall appoint an alternative hearing officer.

The hearing officer may expel a student for conduct that violates this policy, after providing notice and a hearing, as set forth in board regulations. When the hearing officer is someone other than the North Border School District Board, the student may seek a review of the hearing officer's expulsion decision by the Board based on the record of the hearing.

Expulsion shall not be imposed beyond the maximum duration permitted by law.

**Conduct Subject to Suspension/Expulsion**

Conduct, including but not limited to the following, exhibited while on school property, 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 individual, except in self-defense;
4. Possessing or transmitting on school property a firearm, dangerous weapon, or any object that is used, attempted to be used, or threatened to be used to intimidate or cause bodily harm.;

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. Disobedience or defiance of proper authority;
7. Behavior that is detrimental to the welfare, safety, or morals of other students;
8. Truancy;
9. Offensive and vulgar language when it is obscene, defamatory, or inciteful to violence and disruptive of the educational process;
10. Threats of violence, bomb threats, or threats of injury to individuals or property;
11. Student behavior that is detrimental or disruptive to the educational process, as determined by the principal.

Information regarding the conduct subject to suspension or expulsion must be posted in a prominent place in each school and must be published in student handbooks.

### **Suspension or Expulsion of Students with Disabilities**

Suspension or expulsion of students with disabilities must comply with the provisions of the Individuals with Disabilities Education Act.

The District is not required to refer a regular education student who has been suspended or expelled for violation of school rules and/or district policy for special education assessment and evaluation to determine if such a student might have a disability. A suspended regular education student is not entitled to the reinstatement of school privileges pending any assessment and evaluation that is to be made during the term of the student's suspension.

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

- FGDB, Student Handbooks
- FFK-BR, Suspension & Expulsion Regulations
- FFK-E1, Suggested Procedure for Conducting an Expulsion Hearing
- FFK-E2, Suspension & Expulsion of Special Education Students

**End of Policy FFK..... Adopted: 10/17**

**REQUIRED**

Descriptor Code: FFK-BR

### SUSPENSION AND EXPULSION REGULATIONS

#### **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 exhibit 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 suspension or 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] [shall]** 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 five years and until the expelled student reaches the age of 19 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.

For expulsion procedures, see the exhibit on guidelines for hearings.

End of Board Reg. FFK-BR..... Approved:

## EXHIBIT

Descriptor Code: FFK-E1

### SUGGESTED PROCEDURE FOR CONDUCTING AN EXPULSION HEARING

The following guidelines are offered recognizing that each expulsion hearing may call for a slightly different method of presentation. Expulsion hearings should be kept informal so that the truth may be obtained and a fair and just result reached.

1. **Advise the Parties of the Procedures to be Followed:**
  - a. The hearing will be closed unless the parent(s)/eligible student waives their rights under the Family Rights and Privacy Act (FERPA) in writing.
  - b. The hearing is being recorded, and either side may request the witnesses be sent to another room and be called individually. The student, the student's parent(s), and/or representative may be present throughout the hearing. Witnesses will be given an oath or affirmation before official testimony.
  - c. No formal rules of evidence will be followed and the hearing will be informal, as it is not a court proceeding. However, certain procedures may be established that will facilitate the conduct of the hearing.
  - d. The Business Manager or other individual who is receiving the evidence and recording what is said should be identified as the person to whom exhibits and/or other written evidence or materials are to be presented.
  - e. The parties and their respective capacities should be identified for the record, prior to commencing the hearing.

2. **State the Reasons for the Proposed Expulsion:** The hearing officer should read the written reasons that were mailed (preferably by certified mail) or otherwise delivered to the student, their parent(s), and their representative, which are the basis for the possible expulsion. This should be done to assure that the record will adequately reflect the reasons for the proposed expulsion, to substantiate that all parties had notice of the proposed reasons and possible punishment, and to narrow the issues.
3. **Allow the School's Witnesses to Testify and Present Evidence:** The witnesses for the administration will first present their evidence in support of the reasons given for the proposed expulsion. This may be done in any manner that is conducive to reaching the truth and supports the reasons offered for possible expulsion. If necessary to reach the truth or in the interest of fairness, the hearing officer may allow cross examination of witnesses.
4. **Allow Student's Witnesses to Testify and Present Evidence:** The student and/or their representative will then be given an opportunity to present witnesses and evidence to disprove the reasons offered by the school's witnesses. If necessary to reach the truth, or in the interest of fairness, the hearing officer may allow cross examination of witnesses.
5. **Allow Concluding Arguments:** At the conclusion of the presentation of witnesses by the school and the student, each side should be allowed the opportunity to make concluding remarks and arguments regarding the evidence that has been presented and the reasons for the expulsion.
6. **Making the Decision:** The decision whether or not to expel may be made at the hearing, or may be made following the hearing, after the hearing officer has had time to review the evidence. If the decision is delayed, the hearing officer should announce a time at which the decision will be made and notify the student and the student's parent(s) or representative of the decision at that time. The decision of the hearing officer will be in writing and will set forth the basis of the decision. When the hearing officer gives notification of the decision, the hearing officer should also inform the student and the student's parent(s) or representative of the right to appeal the decision to the Board and the procedure for doing so if the Board did not serve as the hearing officer.

**End of Exhibit FFK-AR1**

SUSPENSION AND EXPULSION OF SPECIAL EDUCATION STUDENTS**Definitions**

- Change of Placement (long-term removals)* occurs when either
  - a. The removal is for more than 10 consecutive school days; or
  - b. The student has been subjected to a series of removals that constitute a pattern:
    1. Because the series of removals total more than 10 school days in a school year;
    2. Because the student's behavior is substantially similar to behavior in previous incidents that resulted in the series of removals; and
    3. 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.
  - c. The school determines on a case-by-case basis whether or not 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 the student to continue to participate in the general education curriculum and to progress toward meeting the goals set out in their 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 the Controlled Substances 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' parent(s) and IEP team review all relevant information including:
  - a. Test results and any independent educational evaluations;
  - b. Information provided by the parent(s);
  - c. Observations of the child; and
  - d. The child's IEP and placement.After the review of information, the team then determines if:
  - a. The conduct in question was caused by or had a direct and substantial relationship to the student's disability; or
  - b. 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

18 U.S.C.1365(h)(3).

- *Short-term removal*: Any appropriate interim alternative educational placement, placement in 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 18 U.S.C.930(g)(2).

### **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. If the student is incapable of understanding any part of the suspension and expulsion procedure, their parent(s) should be present in meetings between school district personnel and student regarding the suspension.

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. <sup>6</sup> Providing alternative educational services for the first 10 days of a short-term removal is only required if the District provides these services to regular education students.

Parents should be promptly 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.<sup>7</sup>

### **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 the parents.

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### **Manifestation Determination Criteria**

1. If the behavior that gave rise to the violation of school policy 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:



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. This notice is not required by law but is strongly recommended

- a. 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.
  - b. 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.
  - c. 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.
2. 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:
- a. Conduct a FBA, unless the school had already conducted an FBA before the behavior occurred, and implement a behavior intervention plan; or
  - b. Review the behavior intervention plan, if a behavior intervention plan already has been developed, and modify it as necessary to address the behavior; and
  - c. Return the student to the placement from which they were removed unless the student's parent(s) 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 enacting a change of placement decision. This notice must include:

1. A description of the action proposed or refused by the 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; and
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. The district's special education unit should have a sample notice and sample procedural safeguards to assist the 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(s) 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(s) requested an evaluation of their child; or
3. The teacher of the student or other school personnel expressed specific concerns directly to the director of special education of the school 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 their 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.

Following a due process hearing, the hearing officer may:

1. Return the student to the placement from which they were 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(s) agree otherwise.

### **Expedited Due Process Hearing**

Whenever a due process hearing is requested regarding a dispute over placement, then the parent(s) 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 the parent(s) 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 the student 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 the student or other students.

### **Civil Action**

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

**End of Exhibit FFK-AR2**

**REQUIRED**

Descriptor Code: FG

### **STUDENT RIGHTS AND RESPONSIBILITIES**

The Board affirms those legal rights of students that are guaranteed under the federal and state constitutions and statutes. The Board reminds students that rights also are accompanied by responsibilities.

These rights and responsibilities include:

1. Civil rights, including the rights to equal educational opportunity and freedom from illegal discrimination; the responsibility not to discriminate against others.
2. The right to attend free public schools; the responsibility to attend school as required by law and to observe school rules and regulations essential for permitting others to learn at school.
3. The right to due process of the law with respect to expulsion, searches and seizures, or administrative decisions that the student believes have injured his/her rights.
4. The right to free inquiry and expression; responsibility to observe reasonable rules regarding these rights. Students may exercise their right to freedom of expression through speech, assembly, petition, and other lawful means. The exercise of this right may not interfere with the rights of others. Freedom of expression may not be utilized to present material that is vulgar, slanderous, defames character, advocates violation of law or is in violation of district policy.

The Superintendent shall ensure that students are made aware of the legal authority of the Board and the delegated authority of the staff to make rules and regulations regarding the orderly operation of the school, which uphold the legal rights of students.

#### Complementary Documents

- FFG, Student Assemblies
- FGBB, Student Prayer During Non-Instructional Time
- FGDB, Student Handbooks

**End of Policy FG..... Adopted:**

#### **REQUIRED**

Descriptor Code: FGA

### **STUDENT EDUCATION RECORDS AND PRIVACY**

The North Border School District School Board believes that while collection and use of student information is necessary to provide educational and student support services, the District must implement safeguards to ensure information is appropriately protected and used to serve the best interests of students. The purpose of this policy is to establish such safeguards.

#### **Definitions**

- Directory information* is defined as personally identifiable information contained in a student education record that is generally considered **not** harmful or an invasion of privacy if disclosed and includes:
  - a. Address
  - b. Name (first and last)
  - c. Telephone listing

- *Education record* is defined as any record that directly relates to a student and is maintained by the District or by a party acting for the District. This definition excludes law enforcement records and records in the sole possession of the maker used only as a memory aid.<sup>8</sup>
- *Eligible student* means a student who has reached the age of 18.<sup>9</sup>
- *FERPA* stands for the Family Educational Rights and Privacy Act.
- *Legitimate educational interest* is defined as access that is needed in order for a school official to fulfill his/her professional responsibility.<sup>10</sup>
- Parent means a parent of a student and includes a natural parent, a guardian, or an individual acting as a parent in the absence of a parent or a guardian.
- *Permanent record* is defined as a record containing a student's name, address, phone number, record of grades, years enrolled, courses attended, and grades completed.
- *Personally Identifiable Information (PII)* includes information maintained in the student's education record that could be used alone or in combination to trace a student's identity directly or indirectly and would allow a reasonable person, who does not have personal knowledge of the relevant circumstances, to identify the student with reasonable certainty.
- *Record* means any information recorded in any way including, but not limited to, handwriting, print, computer media, video or audio tape, film, microfilm, and microfiche.<sup>11</sup>
- *School official* is defined as an individual who has a legitimate educational interest in accessing student educational records and is affiliated with the District in one of the following capacities:
  - a. An individual employed by the District in an administrative, instructional, or support staff position
  - b. School board members
  - c. Contractors, consultants, volunteers, service providers, or other party with whom the school or District has outsourced institutional services or functions for which the school or District would otherwise use employees; records provided to these third parties must remain directly under the district's control for purposes of maintenance and use and the third party must agree to comply with 34 C.F.R. 99.33(a). Examples include, but are not limited to, school resource officers, interns, student teachers, the district's attorney, PowerSchool, SLDS, learning management software, hot lunch tracking software, and district alert systems.<sup>12</sup>

### **Designation and Responsibilities of Privacy Officers**

The Superintendent or designee shall serve as Chief Privacy Officer. In this role, the Superintendent is responsible for submitting to the Board for approval student information sharing requests from third-party individuals/entities other than parties to which the

8 34 CFR 99.3

9 34 CFR 99.3

10 [https://nces.ed.gov/pubs2004/privacy/section\\_4b.asp](https://nces.ed.gov/pubs2004/privacy/section_4b.asp)

11 34 CFR 99.3

District reports student information under law. The Superintendent shall also maintain a master list of all individuals and entities having access to student information, including school district personnel listed by title. To ensure this list remains current and is manageable to maintain, it shall not contain names of individuals who have access to data.

The Superintendent may designate privacy officers at the district and building level. These privacy officers are responsible for:

1. Maintaining a list of school personnel by title who have access to student information; this list shall be provided to the Superintendent each time it is updated;
2. Submitting to the Superintendent for board approval new requests to share student information with third-party individuals and entities other than parties to which the District reports student information under law;
3. Ensuring that access to student information is granted only to the extent there is a legitimate educational interest and in accordance with this policy and any applicable agreements;
4. Enforcing this and other applicable district confidentiality and data protection policies;
5. Providing a list of students who have opted-out of directory information to classroom teachers and other district staff who have a need to know.

### **Information Release Safeguards**

#### **1. Access by Parents and Eligible Students**

To ensure compliance with parental and eligible student access requirements under FERPA:

- a. The District shall comply with a request by a parent or eligible student to access education records within a reasonable period of time, not to exceed 45 days after receipt of a request.
- b. The Board shall develop procedures for a parent/guardian/student to review and amend educational records. These procedures shall include procedures to verify the identity of a requesting parent/eligible student. The regulations shall be delineated in board approved regulations and disseminated annually in accordance with law.<sup>13</sup>

13 34 CFR 99.7 and 99.10

#### **2. Classroom Use of Instructional Tools Requiring Release of Student Information**

Teachers are encouraged to use instructional technological tools that allow for use of an alias or that do not require submission of directory information (other than or in addition to name) or PII. Whenever a teacher wishes to use an instructional tool that requires release of directory information, other than or in addition to name, or PII such as, but not limited to, software or an app, the teacher shall submit a

request to the building-level privacy officer. The privacy officer shall check the district's master list of individuals and entities approved to receive student information. If the entity is not on this list or the teacher's request is beyond the scope of information sharing permission previously granted, the privacy officer shall either deny the teacher's request or submit an information-sharing request to the Superintendent for board approval. If the teacher is authorized to use the instructional tool, the building-level privacy officer shall ensure the teacher complies with any parental consent requirements and directory information opt-out requests before using the tool.

**3. Data Breaches**

District employees are responsible for informing a privacy officer of any known or suspected breach of PII. When a privacy officer becomes aware of a breach of student PII, s/he shall contact the Chief Privacy Officer. The Chief Privacy Officer shall determine if enactment of data breach response procedures contained in policy IDC and NDCC Ch. 51-30 is appropriate.

**4. Information Storage and Destruction**

Student education records shall be reviewed annually and any records unnecessary for progression to the next grade level, not needed for college entrance purposes, not needed for extracurricular participation, not needed for disciplinary purposes, and records that are not part of the permanent record will be shredded or destroyed. Exceptions apply for any content that may reasonably be related to litigation or anticipated litigation (retain for six years after a student turns eighteen), bullying reports (retain in accordance with policy ACEA), concussion documentation (retain in accordance with policy FCAF), executive session tapes (retain for at least six months), PowerSchool records, and special education records (retain in accordance with the Individuals with Disabilities Education Act).

**5. Directory Information**

The District may disclose directory information without parental/eligible student consent if it has given parents/eligible students a reasonable amount of time to opt-out of directory information release. Opt-out notices should be provided at the beginning of the school year and when a student otherwise enrolls in the District. These notices shall contain a reasonable deadline of at least 10 days for parents/eligible students to opt out.<sup>14</sup>

The Board approves release of directory information as follows:

- a. Publication on the district's website
  - b. To board-approved vendors for purposes of sale of school-related items such as, but not limited to, yearbooks, school pictures, graduation items, district apparel, and book orders
  - c. To military and college recruiters in accordance with applicable laws (NDCC 15.1-07-25.1 and 20 U.S.C. 7908)
  - d. To official district newspaper for purposes of recognizing student accomplishments and coverage of extracurricular events
  - e. To school-affiliated groups for purposes of communicating and fundraising
  - f. To school-sponsored student publications including, but not limited to, newspapers and yearbooks
  - g. When the Board receives and approves a directory information release request; directory information shall only be released and used for purposes
-

specified in the release request and the Superintendent shall add approved requestors to the district's master list of individuals and entities having access to student information. The Board shall develop criteria in regulations for approving and denying these requests.<sup>15</sup>

Any district employee who wishes to disseminate student directory information to a third party shall contact his/her privacy officer. The privacy officer shall determine if the Board has previously approved such release and, if not, deny the request or submit it to the Superintendent for board approval. Upon board approval, the Superintendent shall instruct the privacy officer to ensure compliance with any opt-out requests made by parents.

## **6. Personally Identifiable Information (PII)**

Any third party requesting or receiving access to student PII must receive board approval unless the third party is required to receive PII under state or federal law.<sup>16</sup> Any school employee who wishes to share PII with a third party shall contact his/her privacy officer. The privacy officer shall determine if the Board has previously approved such release and, if not, deny the request or submit it to the Superintendent for board approval. Upon board approval of any PII release request, the applicable privacy officer shall inform the requestor of any parental consent requirements (see #7) and ensure the requestor complies with such requirements.

Parental/eligible student consent is not required to release PII under the following circumstances:

- a. The District receives information under 42 U.S.C. 14071 and applicable federal guidelines about a student who is a registered sex offender under section 170101 of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 14071), and the District has a need to disclose the student's status as a sex offender for safety purposes<sup>17</sup>
- b. In connection with a health or safety emergency under the conditions described in 34 C.F.R. 99.36<sup>18</sup>
- c. If records have been de-identified by the District; third party individuals and entities that receive de-identified information shall be included on the district's master list of individuals and entities having access to student information<sup>19</sup>
- d. To a school official who has a legitimate educational interest in the education records if the following conditions are satisfied:
  - i. Access shall be limited to only information the school official has a legitimate need to know
  - ii. School officials shall use the information only for the purposes for which the disclosure was made and shall not re-disclose the information to any other party without proper consent or legal authority

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15 34 CFR 99.37(d)

16 SB 2326

17 34 CFR 99.31(a)(16)

18 34 CFR 99.36

19 34 CFR 99.31(b)(1) and SB 2326



- iii. Titles of individuals and entities considered school officials shall be included on the district's master list of individuals and entities having access to student information<sup>20</sup>
- e. To a court without a court order or subpoena when the District initiates legal action against a parent/student or a parent/student initiates legal action against the District<sup>21</sup>
- f. To accrediting bodies for purposes of accreditation<sup>22</sup>
- g. To an organization conducting a study for the District to develop, validate, or administer a predictive test; administer student aid programs; or improve instruction so long as the organization has entered into a written agreement with the Board in accordance with law; if the organization is conducting a survey of students, the District shall ensure parents are notified in compliance with policy GCC and shall obtain parental consent, if applicable (see #7)<sup>23</sup>
- h. To another school in which the student seeks, intends to, or is already enrolled<sup>24</sup>
- i. To authorized representatives of the Comptroller General of the United States, the Attorney General of the United States, the U.S. Secretary of Education, and state and local educational authorities for audit or evaluation of federal or state supported education programs or for the enforcement of or compliance with federal legal requirements that relate to those programs<sup>25</sup>
- j. To comply with a judicial order or lawfully issued subpoena; the District must make reasonable attempt to contact the parent/eligible student before disclosure unless the court order instructs otherwise<sup>26</sup>
- k. To the parents of an eligible student who is also a "dependent student" as defined in IRS Section 152<sup>27</sup>

The District will take measures necessary to ensure that individuals and entities to which PII is released shall only have access to information necessary to fulfill their responsibilities under law and to the District. Measures may include, but not be limited to, controlling access to computer data through password restrictions, controlled access to paper records, and ensuring that any information access agreements required by law are properly executed by the Board.<sup>28</sup>

## 7. When Parental Consent is Required

The District must obtain parental/eligible student consent to release student information under the following circumstances:

- a. The Board has approved release of PII to an individual or entity not meeting the definition of school official under law and/or not meeting an exception to the parental consent requirement under FERPA

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<sup>20</sup> 34 CFR 99.31(a)(1)

<sup>21</sup> 34 CFR 99.31(a)(9)(iii)(A)

<sup>22</sup> 34 CFR 99.31(a)(7)

<sup>23</sup> 34 CFR 99.31(a)(6) <sup>24</sup>

<sup>34</sup> CFR 99.31(a)(2) <sup>25</sup> <sup>34</sup>

CFR 99.31(a)(3) <sup>26</sup> <sup>34</sup>

CFR 99.31(a)(9) <sup>27</sup> <sup>34</sup>

CFR 99.31(a)(8) <sup>28</sup> <sup>34</sup>

CFR 99.31(a)(3)(ii)

- b. The Board has approved release of directory information, other than or in addition to name, or PII to an online service provider for commercial purposes and the impacted students are under 13<sup>29</sup>
- c. When administering a survey funded in whole or in part by the U.S. Department of Education and concerning any of the following areas:
  - i. Political affiliations or beliefs of the student or the student's parent
  - ii. Mental or psychological problems of the student or the student's family
  - iii. Sex behavior or attitudes
  - iv. Illegal, anti-social, self-incriminating, or demeaning behavior
  - v. Critical appraisals of other individuals with whom respondents have close family relationships
  - vi. Legally recognized privileged or analogous relationships, such as those of lawyers, physicians, and ministers
  - vii. Religious practices, affiliations, or beliefs of the student or student's parent
  - viii. Income (other than that required by law to determine eligibility for participation in a program or for receiving financial assistance under such program)<sup>30</sup>

If the District is unable to obtain this consent, it shall not release the impacted student's information.

#### **504 Plans and Individual Educational Programs (IEPs)**

Sharing of student information necessary for developing, amending, or implementing an IEP or 504 Plan and sharing student information needed to determine eligibility for special education or disability services are not subject to board approval requirements in NDCC Ch. 15.1-07-25.3 because the District provides these services in fulfillment of requirements under state and federal law.

#### **Policy Violations**

Failure by a district employee or volunteer to comply with this policy, other district confidentiality requirements, or any improper disclosure of student information by a school employee or volunteer shall result in disciplinary action up to and including dismissal in accordance with applicable law. Failure by a third party to comply with this policy, any information-sharing agreements between the District and third party, or any improper disclosure of student information by the third party may result in termination of the third-party's access to student information and termination of the district's agreement with the third party if permitted under the terms of such agreement.

#### **Training**

School officials employed or volunteering for the District shall receive information and/or training on confidentiality requirements pertaining to student education records and consequences for breaching confidentiality. The District shall also provide training to applicable school personnel on the procedures for requesting to release student information contained in this policy.

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

- ACE, Violent & Threatening Behavior
- FACB, Transfer & Withdrawal Records
- FGA-BR, Student Education Records Access & Amendment Procedure
- FGA-E, Notice for Directory Information
- FGA-E2, Model Notice of Rights Under FERPA for Elementary and Secondary Schools
- FGA-E3, FERPA Release Form for Parents
- FGA-E4, Notice of Executive Session Tape on File
- FGA-E5, Student Information Sharing Request
- FGA-E6, Model form for Disclosure to Parents of Dependent Students
- FGA-E7, School Officials' Guide to FERPA and Data Privacy
- FGA-E8, Parties Approved to Receive Student Data

End of District Policy FGA.....Adopted

**REQUIRED**

Descriptor Code: FGA-BR

STUDENT EDUCATION RECORDS ACCESS & AMENDMENT  
PROCEDURE

**Reviewing an Educational Record**

The District will comply with a parent/guardian/eligible student's right to inspect educational records. This right will be granted using the following procedure:

1. A request to view an educational record shall be granted by the deadline in law (45 days).
2. A request may be made orally or in writing to the building principal.
3. The principal shall notify the parent/guardian/eligible student of the time and place when a record may be inspected.
4. The principal or designee shall be present when the parent/guardian/eligible student reviews the record.
5. If circumstances prevent a parent/guardian/eligible student from reviewing the educational record at the school office, the District shall prepare and mail a copy of the record or make alternative arrangements for the parent/guardian/eligible student to review the record. Any expense incurred from copying and/or mailing a record may be charged to the parent/guardian/eligible student at state rates, except as prohibited by law.

**Amending an Educational Record**

A parent/guardian/eligible student has the right to request an amendment to any portion of the educational record s/he believes to be inaccurate, misleading, or in violation of the student's right to privacy. A parent/guardian /eligible student shall use the following

procedure to dispute or request an amendment to an educational record. This procedure shall not be used to dispute a grade, disciplinary decision, or opinions/reflections of a school official contained in an educational record.

1. Any request to amend an educational record shall be made in writing and submitted to the building principal.
2. The principal shall review the request within a reasonable time and approve or deny it. The principal's decision shall be submitted to the parent/guardian/eligible student. If the principal denies the amendment request, s/he shall inform the parent/guardian/eligible student of his/her right to request an appeals hearing.
3. Requests for an appeals hearing shall be submitted to the Superintendent. The hearing shall be held within a reasonable time after the appeal request has been made.
4. The Superintendent shall serve as the hearing officer. A representative of the parent/guardian/eligible student's choosing may accompany the parent/guardian/eligible student at the parent/guardian/eligible student's expense. The parent/guardian/eligible student shall have a full and fair opportunity to present evidence related to the amendment request.
5. The Superintendent's decision is final and binding and shall be submitted to the parent/guardian/eligible student at a reasonable time after the hearing.
6. If the Superintendent denies the amendment request, s/he will notify the parent/guardian/eligible student within a reasonable time of his/her right to submit a written response commenting on the contested material and/or explaining the disagreement with the hearing officer's decision. This written response shall be retained and, when applicable, disseminated in accordance with law.

**End of Board Reg. FGA-BR..... Approved:**

**REQUIRED**

Descriptor Code: FGBB

**STUDENT PRAYER DURING NON-INSTRUCTIONAL TIME**

The District shall comply with state law concerning student recitation of prayer/student-initiated religious speech in school, which allows such activity before, during, and after the school day to the same extent that District allows secular speech. Any time, place, and manner restrictions that the District places on recitation of prayer/student religious speech shall not exceed those placed on student's secular speech.

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. School staff shall refrain from encouraging or discouraging students from participating in such activity.

**End of Policy FGBB ..... Adopted:**

**REQUIRED**

Descriptor Code: FGDB

STUDENT HANDBOOKS

The Superintendent or designee shall create student handbooks in conformance with the Department of Public Instruction’s regulations. The Superintendent shall ensure that student handbooks do not conflict with district policy, state law, and/or federal law. The Board shall review student handbooks prior to dissemination.

Student handbooks shall be disseminated or be made available electronically to each student at the beginning of the school year and to each new student upon enrollment in the District.

Complementary Documents

- FGDB-E, Department of Public Instruction Student Handbook Regulations

**End of Policy FGDB ..... Adopted:**

**REQUIRED**

Descriptor Code: FGDD

STUDENT PUBLICATIONS & FREEDOM OF EXPRESSION

School-sponsored media as defined by NDCC Ch. 15.1-06 shall be supervised by a student media advisor but shall not be reviewed by an administrator unless the publication is believed to contain restricted content as listed below.

The following material is prohibited from being published in school-sponsored media:

1. Material that is profane or pornographic
2. Material that is slanderous or libelous in nature
3. Material that infringes or may infringe on the privacy rights of others
4. Material that violates federal or state law, promotes violence, terrorism, or other illegal activities including, but not limited to, material that promotes tobacco and/or drug and alcohol use by minors
5. Material that is reasonably forecasted to materially and substantially disrupt the educational environment
6. Material that violates or incites the violation of policy including, but not limited to, the district’s policies on bullying and harassment
7. Material that poses a direct safety threat to the District, its students, and/or staff

A decision to prohibit publication and distribution of a student publication with restricted content shall be made by the building principal and may be appealed to the Superintendent. The Superintendent shall investigate and issue a decision in a timely manner.

**End of Policy FGDD ..... Adopted:**

## **REQUIRED**

Descriptor Code: GAAA

### **CURRICULUM DESIGN & EVALUATION**

#### **Development**

The Board shall ensure a curriculum review takes place to assess curricular needs, review curricular inclusions, and make curricular recommendations on expansion and improvement.

The curriculum shall include all components/subjects mandated by law and shall provide for the needs of all students, including both vocational and college-bound students. The curriculum/curricular programs shall at least contain the following components:

1. Content standards, which shall, at a minimum, be based upon state standards.
2. Performance objectives, which shall, at a minimum, be based upon state standards. The objectives should highlight core skills and knowledge that the majority of students are expected to acquire. They must provide clear direction to instructors and be concrete enough to allow documentation of student growth.

Curriculum proposals shall demonstrate consistency with the district's mission and education goals, contain a justification for the proposed program, describe conditions and resources necessary to meet performance standards and programming needs, and shall contain an implementation procedure and timeline. Furthermore, because the Board believes in curriculum integration, curriculum proposals should contain an explanation of the manner and degree to which this philosophy is incorporated in the proposed program.

#### **Experimental Programs & Projects**

Under this program, teaching and administrative staff may propose experimental programs and projects to the curriculum committee. The committee shall review such proposals and make recommendations to the Board based on feasibility and suitability.

#### **Evaluation**

Annually, by a deadline established by the Board, an evaluation of the current curriculum and recommendations should be submitted to the Board for action. Evaluation will be performed in order to determine the need for modification to or elimination of current curricular programs and offerings and the need for new curricular offerings and programs.

The curriculum committee may use at least the following indicators during this evaluation process:

1. Testing programs such as national standardized general achievement tests, nationally standardized tests in specific subject areas, and tests administered by other agencies;
2. Study of school achievement records;
3. Study of students' dropout records;
4. Utilization of out-of-system services; participation in regional research studies; contracted evaluation services;
5. Teacher and parent evaluation of student achievement and curricular needs;

- 6. Recommendations by teachers and/or administrators;
- 7. Evaluation by other agencies.

All board action on curriculum matters will be taken in accordance with the district’s policy on curriculum adoption.

The District has adopted a separate procedure related to complaints about instructional material and resources. This policy shall not supersede or govern that procedure.

**Complementary Documents**

- BBBB, School Board Committees
- GAAB, Curriculum Adoption
- GAAC, Review & Complaints about Instructional & Resource Material
- GAAC-BR, Procedure for Reviewing Complaints about Instructional/ Resource Material

**End of Policy GAAA ..... Adopted:**

**REQUIRED**

Descriptor Code: GAAB

CURRICULUM ADOPTION

Annually, after reviewing the recommendations, budgetary data, other pertinent information, and ensuring the curriculum meets all requirements under district policy and law, the Board shall approve the curriculum for the upcoming school year. The Superintendent shall assist in the approval process to ensure the curriculum is comprehensive and meets all applicable legal requirements.

During the course of the school year, the curriculum committee may suggest improvements and changes to the curriculum, and such changes may be implemented administratively by the Superintendent and his/her designee(s) as the Superintendent deems necessary and educationally sound. The Superintendent shall report to the Board prior to implementing such changes.

**End of Policy GAAB ..... Adopted:**

**REQUIRED**

Descriptor Code: GAAC

REVIEW & COMPLAINTS OF INSTRUCTIONAL & RESOURCE MATERIAL

In order to consider the opinions of those persons in schools and the community who are not directly involved with the instructional and resource material selection process, and to avoid the possibility of a biased or prejudicial attitude influencing selection, a board-

appointed district review committee shall deal with formal complaints about and/or requests for reconsideration of library and instructional materials.

This committee shall be responsible for reviewing all selection standards and procedures and shall work with all departments in clarifying selection criteria.

All citizen requests for reconsideration of and complaints about instructional and resource material will be processed through the District Review Committee.

A procedure for processing and responding to criticism of approved material shall be established and followed. This procedure shall include the use of a formal signed "Request for Reconsideration of Instructional Resources" form.

This District subscribes to the philosophy stated in the School Library Bill of Rights.

#### Complementary Documents

- GAAC-BR, Procedure for Reviewing Complaints about Instructional/Resource Material
- GAAC-E1, Request for Reconsideration of Instructional Resources
- GAAC-E2, Library Bill of Rights
- GAAC-E3, Access to Resources & Services in School Library Media Program
- GAAC-E4, Hatch Amendment Sample Letter

**End of Policy GAAC** ..... **Adopted:**

#### **REQUIRED**

Descriptor Code: GAAC-BR

### PROCEDURE FOR REVIEWING COMPLAINTS ABOUT INSTRUCTIONAL/RESOURCE MATERIAL

#### **Review Committee**

The Board shall appoint an instructional/resource material review committee annually before the commencement of the school year. The committee shall be composed of the following individuals:

1. A media specialist;
2. A teacher from each educational level serviced by district schools as selected by the Superintendent;
3. A parent or parents;
4. The principal(s);
5. The Superintendent.

The committee may obtain the assistance of individuals with expertise in an area/subject that comes before the committee for review and may hold a public forum to receive community input when instructional or resource material is contested.



## Review Procedure

When a complaint or request for review of instructional material is made, the following procedure shall be followed:

1. The building principal shall require the complainant to complete a Request for Reconsideration of Instructional/Resource Material form.
2. The building principal shall submit the completed form to the Superintendent who shall call the review committee meeting to initiate the review process as soon as practicable.
3. If the item being contested is a library book, the item may be placed on reserve in the library during the review process, requiring parental permission to check out. If the review relates to curricular material, the principal shall be responsible for issuing notice to parents of the instructional material under review and provide parents the option of electing an alternative assignment for their children during the course of the review process.
4. Review committee members shall read/view/listen to all or a substantial portion of the contested material.
5. The review committee shall generate a report of recommendations. Recommendations to remove or restrict access to material must be based on the following criteria:
  - a. The material is pervasively vulgar.
  - b. The material is not educationally suitable.
  - c. The material is not age-appropriate.
  - d. The material is part of the curriculum and forces students to profess or deny a belief in what they are reading or engage or refrain from engaging in a practice contrary to their religious belief.

Recommendations shall not be made in an attempt to suppress a viewpoint or limit student exposure to divergent ideas. Mere exposure to an idea does not violate students' rights and the District shall not prescribe what is orthodox in politics, nationalism, religion, or other matters of opinion. Consequently, the committee should consider alternatives to removing instructional/resource material such as, but not limited to, an opt-out option for curricular material or placing check-out restrictions on library material.

6. Committee recommendations shall cite specific passages, sections, pages, and/or chapters that formed the basis of the recommendations.
7. If the review committee does not unanimously agree on the recommendations, the dissenting committee members may generate a minority report. This report must contain all components listed above.
8. The review committee shall issue recommendations to the Board as soon as practical.
9. The Board shall read the challenged material before acting on the recommendations.
10. The board's ruling is final. All findings and records related to the review process shall be retained by the Superintendent.

**End of Board Reg. GAAC-BR..... Approved:**

EXHIBIT

Descriptor Code: GAAC-E1

**NORTH BORDER PUBLIC SCHOOLS REQUEST FOR RECONSIDERATION OF INSTRUCTIONAL RESOURCES**

**Material Information**

Author: \_\_\_\_\_

Title: \_\_\_\_\_

Publisher or Producer: \_\_\_\_\_

Copyright Date: \_\_\_\_\_

Type of Material:  Library book  Periodical  Movie  Textbook  
 Other learning aid: \_\_\_\_\_

**Requestor's Information**

Name: \_\_\_\_\_

Telephone numbers

Home: \_\_\_\_\_

Work: \_\_\_\_\_

Cell: \_\_\_\_\_

Address: \_\_\_\_\_

City: \_\_\_\_\_

Requestor represents:  Self  Group/organization: \_\_\_\_\_

**Reason for Request**

- I do not feel material is educationally suitable for the following reasons.
- I do not feel the material is age-appropriate for the following reasons.
- The material is part of the curriculum, and I feel it violates students' rights for the following reasons.
- I feel that the material is vulgar. Explain.

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

**Familiarity with Material**

Did you read, listen, or view the work in its entirety? If not, what parts?

Yes  No: \_\_\_\_\_

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

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What are the benefits to be derived from study of this material? \_\_\_\_\_

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What do you believe is the theme of this material? \_\_\_\_\_

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Are you aware of the judgment of this material by professional critics? If yes, explain.  
 Yes       No: \_\_\_\_\_

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**Proposed Remedies**

What would you like the school to do about this material?

- Do not assign/lend it to my child
- Withdraw it from all students
- Other: \_\_\_\_\_

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In its place, what material of equal literary or scientific value would you recommend that would convey as valuable a picture and perspective of the subjects treated?

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Signature of Requestor: \_\_\_\_\_  
Date: \_\_\_\_\_

**FORM MUST BE RETURNED TO THE BUILDING PRINCIPAL**

**End of Exhibit GAAC-E1**

**EXHIBIT**

Descriptor Code: GAAC-E2

**LIBRARY BILL OF RIGHTS**

The American Library Association Affirms that all libraries are forums for information and ideas, and that the following basic policies should guide their services.

1. Books and other library resources should be provided for the interest, information, and enlightenment of all people of the community the library serves. Materials should not be excluded because of the origin, background, or views of those contributing to their creation.
2. Libraries should provide materials and information presenting all points of view on current and historical issues. Materials should not be proscribed or removed because of partisan or doctrinal disapproval.
3. Libraries should challenge censorship in the fulfillment of their responsibility to provide information and enlightenment.
4. Libraries should cooperate with all persons and groups concerned with resisting abridgement of free expression and free access to ideas.
5. A person's right to use a library should not be denied or abridged because of origin, age, background, or views.
6. Libraries that make exhibit spaces and meeting rooms available to the public they serve should make such facilities available on a equitable basis, regardless of the beliefs or affiliations of individuals or groups requesting their use.

**End of Exhibit GAAC-E2****EXHIBIT**

Descriptor Code: GAAC-E3

**ACCESS TO RESOURCES AND SERVICES IN THE SCHOOL LIBRARY MEDIA PROGRAM**

An Interpretation of the LIBRARY BILL OF RIGHTS:

The school library media program plays a unique role in promoting intellectual freedom. It serves as a point of voluntary access to information and ideas and as a learning laboratory for students as they acquire critical thinking and problem solving skills needed in a pluralistic society. Although the educational level and program of the school necessarily shapes the resources and services of a school library media program, the principals of the Library Bill of Rights apply equally to all libraries, including school library media programs.

School library media professionals assume a leadership role in promoting the principals of intellectual freedom within the school by providing resources and services that create and sustain an atmosphere of free inquiry. School library media professionals work closely with teachers to integrate instructional activities in classroom units designed to equip students to locate, evaluate, and use a broad range of ideas effectively. Through resources, programming, and educational processes, students and teachers experience the free and robust debate characteristic of a democratic society.

School library media professionals cooperate with other individuals in building collections of resources appropriate to the development and maturity levels of students. These collections provide resources, which support the curriculum and are consistent with the philosophy, goals, and objectives of the School District. Resources in school library media collections represent diverse points of view on current as well as historical issues.

While English is, by history and tradition, the customary language of the United States, the languages in use in any given community may vary. Schools serving communities in which other languages are used make efforts to accommodate the needs of students for whom English is a second language. To support these efforts, and to ensure equal access to resources and services, the school library media program provides resources, which reflect the linguistic pluralism of the community.

Members of the school community involved in the collection development process employ educational criteria to select resources unfettered by their personal, political, social, or religious views. Students and educators served by the school library media program have access to resources and services free of constraints resulting from personal, partisan, or doctrinal disapproval. School library media professionals resist efforts by individuals or groups to define what is appropriate for all students or teachers to read, view, hear, or access via electronic means.

Major barriers between students and resources include but are not limited to: imposing age or grade level restrictions on the use of resources, limiting the use of interlibrary loan and access to electronic information, charging fees for information in specific formats, requiring permission from parents or teachers, establishing restricted shelves or closed collections, and labeling. Policies, procedures, and rules related to the use of resources and services support free and open access to information.

The School Board adopts policies that guarantee students access to a broad range of ideas. These include policies on collection development and procedures for the review of resources about which concerns have been raised. Such policies, developed by persons in the school community, provide for a timely and fair hearing and assure that procedures are applied equitably to all expressions of concern. School library media professionals implement district policies and procedures in the school.

**End of Exhibit GAAC-E3**

**EXHIBIT**

Descriptor Code: GAAC-E4

HATCH AMENDMENT SAMPLE LETTER

**[Date]**

Dear **[Name]**:

This letter is written in response to your request that your child not be involved in certain school activities or in the use of certain instructional materials without your prior review and written consent. This request has been submitted to us under the terms of 20 U.S.C. 1232h, Protection of Student Rights, commonly referred to as the "Hatch Amendment."

It is the policy of the School District that parents and other members of the public have the right to inspect instructional materials used or being considered for use in the schools and to comment upon these materials. The establishment of curriculum and the decision to include or remove particular materials within the curriculum are the legal responsibilities of the School Board, acting as the representative of the local community.

The School District has a procedure for parental complaints about curriculum and instructional materials. If there are specific matters which you believe are improper or objectionable, you may submit a complaint through these procedures. However, the law does not give each parent the right to condition his or her child's attendance at school or any particular activity upon prior approval of the content or teaching technique used.

The School District acknowledges and complies with the Hatch Amendment requirement for parental consent prior to psychiatric or psychological examination, testing or treatment in any program funded by the United States Department of Education. The School District does not construe this provision to require parental consent to ordinary classroom activities or teaching techniques.

The public schools are not interested in undermining the efforts of parents or in manipulating the beliefs of their children. All aspects of the curriculum are open to inquiry and discussion by concerned members of the community. However, the schools are charged with the duty of providing an educational program and, in fulfilling that duty, are empowered with significant discretion in setting curriculum.

The request set forth in your correspondence cannot be granted. This is not to say that any of the described activities occur at the schools, but merely recognizes that the request fails to account for the public interest and function of the schools as a community institution and overstates the purpose and effect of the Hatch Amendment.

**End of Exhibit GAAC-E4**

**REQUIRED**

Descriptor Code: GA AE

#### CRITICAL RACE THEORY

#### **Definitions**

For the purpose of this policy:

- *Critical race theory* is as defined in NDCC 15.1-21-05.1 and means the theory that racism is not merely the product of learned individual bias or prejudice, but that racism is systematically embedded in American society and the American legal system to facilitate racial inequality.

- *Curriculum* means the knowledge and skills students are expected to learn and includes the collection of subjects and academic content taught by teachers in the District. District curriculum is designed and evaluated in accordance with policy GAAA and adopted by the Board pursuant to policy GAAB.
- *Instructional/resource materials* means all print and non-print materials, including textbooks, as well as supplementary, library and other educational materials, used for the education of students in the teaching-learning process.

**Requests to View**

The Board shall make available for public viewing district curriculum and instructional/resource materials used in the school system to ensure compliance with the requirements set forth in NDCC 15.1-21-05.1.

Curriculum and instructional/resource materials shall be made available for public viewing upon request. When a request to view is made, the **building principal and/or Superintendent** shall direct the requester to complete a Request to View Instructional/Resource Material form in which the individual must identify the specific material the individual wishes to view. The completed Request form must be returned to the **building principal and/or Superintendent**. Once a completed Request form is received, the **building principal and/or Superintendent** shall inform the requester of a time during which the individual may review the requested material at the district office. The time for review must occur within thirty (30) days of receipt of the completed Request form.

**Complaint Procedure**

Any complaints that district curriculum or any instructional/resource material does not comply with the requirements of NDCC 15.1-21-05.1 must be submitted and handled in accordance with the process and procedures outlined in GAAC-BR (Procedure for Reviewing Complaints About Instructional/Resource Material).

**Professional Development**

All district-led or district-sponsored professional development must comply with the requirements of NDCC 15.1-21-05.1.

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

- GAAA, Curriculum Design and Evaluation
- GAAB, Curriculum Adoption
- GAAC, Review and Complaints of Instructional and Resource Material
- GAAC-BR, Procedure for Reviewing Complaints about Instructional/Resource Material
- GAAD, Selection and Adoption of Instructional Materials
- GAAE-E1, Request to View Instructional/Resource Material

End of North Border School Policy GAAE.....Adopted: 02/2023

**REQUIRED**

Descriptor Code: GABAA

ENGLISH LANGUAGE LEARNERS

It is the policy of the North Border School District to provide the appropriate educational services as required by law. Students are guaranteed equal educational opportunities regardless of race, color, religion, gender, national origin, ancestry, disability, age, or other class protected by law. Students identified as lacking the necessary language proficiency to learn and interact in the classroom shall be provided necessary services.

The District provides appropriate educational services and parity in programs/services/resources provided to students who are Limited English Proficient (LEP) and/or English Language Learners (ELL). The District has developed a plan which describes the process of identifying and assessing students who are LEP or ELL. The plan is consistent with state and federal requirements.

The plan also includes a procedure for ensuring participation by identified students in state mandated assessments and a description of methods used to assist with language proficiency and academic achievement, including a description of the instructional model chosen, method of developing individual student instructional plans, teacher assessment, instructional planning, parental involvement, and program exit criteria. The plan assures that a trained ESL or bilingual education teacher shall oversee the LEP and ELL program. The plan will be monitored to ensure that portions that fail to meet the needs of LEP and ELL students are revised or discontinued.

Parents or guardians of ELL and LEP student shall be notified upon identification and be informed of student’s needs, services available, and annual progress in English and academic achievement. Parents or guardians shall be communicated with, to the extent practicable, in their native language or a language that they can understand.

Complementary Documents

- AAC, Nondiscrimination & Anti-Harassment Policy

**End of Policy GABAA ..... Adopted:**

**REQUIRED**

Descriptor Code: GABC

SEX EDUCATION

Parents have the prime responsibility to assist their children in developing knowledge and moral values with regard to sex education. The schools shall support and supplement parents' efforts in the areas of family life and sex education through the district’s health education curriculum, which shall be offered in accordance with 20 U.S.C. 7906 and North Dakota law.



In elementary 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. 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. Teachers who provide instruction in family life and sex education will have professional preparation in the subject area.

**Complementary Documents**

- ACBB, Significant Contagious Disease
- GABC-E, Sex Education Law

**End of Policy GABC..... Adopted:**

**EXHIBIT**

Descriptor Code: GABC-E

SEX EDUCATION LAW 20 U.S.C.  
7906

**Prohibitions**

None of the funds authorized under this chapter shall be used:

1. To develop or distribute materials, or operate programs or courses of instruction directed at youth, that are designed to promote or encourage sexual activity, whether homosexual or heterosexual;
2. To distribute or to aid in the distribution by any organization of legally obscene materials to minors on school grounds;
3. To provide sex education or HIV-prevention education in schools unless that instruction is age appropriate and includes the health benefits of abstinence; or
4. To operate a program of contraceptive distribution in schools.

**Local control**

Nothing in this section shall be construed to:

1. Authorize an officer or employee of the Federal Government to mandate, direct, review, or control a State, local educational agency, or school's instructional content, curriculum, and related activities;
2. Limit the application of the General Education Provisions Act [20 U.S.C.1221 et seq.];
3. Require the distribution of scientifically or medically false or inaccurate materials or to prohibit the distribution of scientifically or medically true or accurate materials; or
4. Create any legally enforceable right.

**End of Exhibit GABC-E**

REQUIRED

Descriptor Code:

**GABDB**

TITLE PROGRAMS DISPUTE RESOLUTION PROCEDURE

**Process**

Any individual who believes that the North Border School District has violated the regulations or law governing a Title program should submit a complaint to the Principal, or by calling the appropriate building. The Principal shall investigate the complaint and provide the individual with a written response within 30 days.

The complaint must

include: 1. The date;

2. A detailed description of the complaint, including specific

facts; 3. The signature of person making the complaint.

If the complainant is dissatisfied with the response, the complainant may submit an appeal request to the Superintendent. The Superintendent shall issue a written response to the complainant as soon as practicable not to exceed 30 days.

**Reconsideration**

If the complaint is not resolved to the satisfaction of the complainant at the district level, the complainant may forward the complaint to the Title Program Director, Department of Public Instruction, 600 East Boulevard, Bismarck, ND 58505. DPI has established a reconsideration procedure in the event that a complainant is dissatisfied with the State Title Program Director's decision.

Once the state-level complaint review process has been exhausted, a complainant may forward the complaint to the Secretary of Education, U.S. Department of Education, 555 New Jersey Avenue, NW, Washington, DC 20208.

**End of Policy GABDB ..... Adopted:**

REQUIRED

Descriptor Code: GACB

PATRIOTIC EXERCISES

The principal of each school and/or any teacher is allowed to provide a daily program for the voluntary pledge of allegiance. Students may also receive instruction concerning the words and music of the national anthem so they are able to recite or sing the words and recognize the music.

The Board recognizes that the beliefs of some students and teachers prohibit their participation in these patriotic exercises. No person shall be required to participate these exercises. All persons, however, are expected to show respect to the flag and to the participation of others in the exercise.

Schools may hold ceremonies and/or integrate information into the curriculum related to historically significant and/or patriotic holidays such as Martin Luther King

Day, President's Day, Flag Day, and Columbus Day.

**End of Policy GACB** ..... **Adopted:**

**REQUIRED Descriptor Code: GCAA**

**GRADE PROMOTION, RETENTION, & ACCELERATION**

The North Border School District is committed to fostering the continuous educational and personal growth of its students. Student progress shall be continually evaluated based on state and local achievement standards, course content standards, and education goals and objectives as established by administration and the teaching staff.

The Board recognizes that at every grade level there are differences among students in their intellectual and personal development and that individual students may be more proficient in some content areas than in others. Therefore, assignment of a student to a grade level shall be based on the best educational interest of the student, which shall be determined by using the criteria established below.

**Criteria for Determining Promotion & Retention**

The decision to promote or retain a student shall be based on at least the following criteria: 1.

1. Whether the student has completed course requirements at the presently assigned grade.
2. Whether the student demonstrates proficiency in enough course content areas to warrant promotion.
3. Whether the student has sufficiently met achievement standards and other educational goals/objectives established for the student's current grade level.
4. Whether the student demonstrates the degree of social, emotional, and physical maturation necessary for successful learning experiences in the next grade level.
5. The decision to promote or retain a special education student shall be made by the Individual Education Program (IEP) team in accordance with applicable law.

Under no circumstances shall a student be retained for the sole purpose of improving the student's ability to participate in the district's athletic program.

Procedures for promoting and retaining students shall be developed by the Superintendent and delineated in administrative regulations.

**Acceleration**

The Superintendent shall develop grade acceleration criteria and approval/denial procedures, which shall be delineated in administrative regulations.

Complementary Documents

- GCAA-AR, Grade Promotion, Retention & Acceleration Procedure

End of Policy GCAA..... Adopted:

Descriptor Code: GCAA-AR

GRADE PROMOTION, RETENTION & ACCELERATION PROCEDURE

**Procedure for Determining Promotion & Retention**

If a teacher believes retention is a possibility, s/he shall contact the student’s parent(s) and inform the building principal as early as possible. The principal shall inform the parents of remediation options. Advancement to the next grade may be made conditional upon successful remediation or demonstrated proficiency within a timeframe established by the principal.

Teachers, in consultation with parents, are responsible for making promotion and retention recommendations based on promotion and retention criteria contained in policy. Recommendations shall be submitted to the building principal for approval.

A parent who is dissatisfied with the principal’s decision may appeal to the Superintendent. The Superintendent’s decision shall be final. Appeals must be initiated within 30 days of receiving notice of the principal’s promotion or retention decision. Failure to timely present the appeal shall be deemed to be a waiver of the appeal process.

**Promotion & Retention of Special Education Students**

The decision to promote or retain a special education student shall be made by the Individual Education Program (IEP) team in accordance with applicable law.

Parents wishing to appeal the IEP’s decision shall follow appeal procedures under the Individuals with Disabilities Act.

**Acceleration**

Decisions regarding acceleration shall be made by the principal in consultation with the student’s parent(s)/guardian(s), teacher(s) and guidance counselor. The principal’s decision shall be binding but may be reversed by the principal should new evidence indicate such a need.

End of Administrative Regulation GCAA-AR

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## PROTECTION OF PUPIL RIGHTS AMENDMENT & THIRD-PARTY RESEARCH ON STUDENTS

Surveys and educational studies can serve as a valuable tool for determining student needs and developing educational services.

Because of the possibility of a large number of outside requests to conduct surveys and research studies, the Superintendent shall only bring to the Board for approval<sup>31</sup> requests that at least meet the following criteria:

1. The study/survey is conducted for the purpose of improving the education or general welfare of students.
2. The party proposing the study/survey has a purpose and mission that is in keeping with the district's mission, goals, and objectives.
3. The study/survey proposal is sufficient in scope and depth to justify the use of the time and effort of district students and staff.
4. The party conducting the study/survey will provide a copy of the survey instrument and/or any instructional material that will be used including, but not limited to: textbooks, teachers' manuals, films, software, and/or other supplementary material. Such material must be provided prior to the initiation of the survey/study and in a timely manner, allowing the Superintendent and other relevant school official sample opportunity to review such material, bring approval recommendations to the Board, and comply with any applicable parental notification and consent requirements under the Protection of Pupil Rights Amendment (PPRA) if the survey concerns a protected area or is for marketing purposes.<sup>32</sup>
5. Neither the study/survey nor its findings are reasonably predicted to exploit or compromise the safety of district students and staff.
6. The party conducting the study/survey agrees to provide a copy of the outcome/results to the District within a reasonable time after the study/survey's completion.

<sup>31</sup> See NDCC 15.1-07-

25.3 See NDCC 15.1-07-25.3

Before recommending to the Board for approval a study/survey, the Superintendent shall also take into account the amount of instructional time the survey/study will consume, if it will unduly disrupt the educational environment, the level of supervision the District will have to provide to third parties conducting the survey/study, the amount of protected/confidential information that will be gathered, and whether or not the agency conducting the survey/study has developed appropriate safeguards for collection, protection, disclosure, and use of protected/confidential information.

Teachers may use surveys in classes to determine student knowledge and/or attitudes prior to teaching particular unit or subject provided that administrative approval

has been given and provided that responses will not be used in a manner that would breach student confidentiality requirements under law and/or district policy.

### Protection of Pupil Rights Amendment (PPRA)

The District shall comply with PPRA, which affords parents specific rights with relation to conducting surveys, collecting and using student information for marketing purposes, and conducting certain physical exams.

Under PPRA, parents are afforded the following rights:

- Receive advance notice of any survey related to a protected area <sup>33</sup> and an opportunity to opt in their child if the survey is funded by the U.S. Department of Education (ED) or opt out their child if the survey is not funded by ED
- Receive advance notice of any survey that will be used for marketing purposes and an opportunity to opt out their child

**28 Protected areas** are as follows:

1. Political affiliations or beliefs of the student or student's parent;
2. Mental or psychological problems of the student or student's family;
3. Sex behavior or attitudes;
4. Illegal, anti-social, self-incriminating, or demeaning behavior;
5. Critical appraisals of others with whom respondents have close family relationships;
6. Legally recognized privileged relationships, such as with lawyers, doctors, or ministers;
7. Religious practices, affiliations, or beliefs of the student or student's parent; or
8. Income, other than as required by law to determine program eligibility.

**Parental consent requirements:** If a survey on a protected area is funded in whole or in part by a program of the U.S. Department of Education (ED), parental consent is required for students to participate. If a survey relates to a protected area and is funded by a source other than ED or if a survey on any topic is conducted for marketing purposes, schools must provide parents with advance notice of the survey and an opportunity to opt out.

<sup>33</sup> See footnote twenty-eight for a definition of protected area.

- Upon request, inspect a survey created by a third party or a survey that will be used for marketing purposes before the survey is administered or distributed by a school to a student; parents must file such requests with the building principal, and the building principal or designee will mail, email, or arrange for a parent to inspect the survey at school within a reasonable timeframe after receiving the request
- Upon request, inspect any instructional material used as part of the educational curriculum for his/her child; parents must file such requests with the building principal, and the building principal or designee will mail, email, or arrange for a parent to inspect the instructional material at school within a reasonable timeframe after receiving the request
- Receive advance notice of any nonemergency physical exam and an opportunity to opt out except when the physical exam is required by law

Whenever administering or overseeing a survey or physical exam of students, the District will comply with student confidentiality requirements in law and applicable district policy.

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

- FGA, Student Education Records
- GAAA, Curriculum Design & Evaluation
- GCC-E, Model Notification of Rights Under the Protection of Pupil Rights Amendment

End of GCC

## **EXHIBIT**

Descriptor Code: GCC-E

### MODEL NOTIFICATION OF RIGHTS UNDER THE PROTECTION OF PUPIL RIGHTS AMENDMENT (PPRA)

PPRA affords parents certain rights regarding our conduct of surveys, collection and use of information for marketing purposes, and certain physical exams. These include the right to:

1. Consent before students are required to submit to a survey that concerns one or more of the following protected areas (“protected information survey”) if the survey is funded in whole or in part by a program of the U.S. Department of Education (ED):
  - a. Political affiliations or beliefs of the student or student’s parent;
  - b. Mental or psychological problems of the student or student’s family;
  - c. Sex behavior or attitudes;
  - d. Illegal, anti-social, self-incriminating, or demeaning behavior;
  - e. Critical appraisals of others with whom respondents have close family relationships;
  - f. Legally recognized privileged relationships, such as with lawyers, doctors, or ministers;
  - g. Religious practices, affiliations, or beliefs of the student or parents;
  - h. Income, other than as required by law to determine program eligibility.
2. Receive notice and an opportunity to opt a student out of:
  - a. Any other protected information survey, regardless of funding;
  - b. Any non-emergency, invasive physical exam or screening required as a condition of attendance, administered by the school or its agent, and not necessary to protect the immediate health and safety of a student, except for hearing, vision, or scoliosis screenings, or any physical exam or screening permitted or required under State law; and
  - c. Activities involving collection, disclosure, or use of personal information obtained from students for marketing or to sell or otherwise distribute the information to others.

3. Inspect, upon request and before administration or use:
  - a. Protected information surveys of students;
  - b. Instruments used to collect personal information from students for any of the above marketing, sales, or other distribution purposes; and
  - c. Instructional material used as part of the educational curriculum.

These rights transfer from parents to a student who is 18 years old or an emancipated minor under State law.

North Border School District has developed and adopted policies, regarding these rights, as well as arrangements to protect student privacy in the administration of protected information surveys and the collection, disclosure, or use of personal information for marketing, sales, or other distribution purposes.

North Border School District will directly notify parents of these policies at least annually at the start of each school year and after any substantive changes. North Border School District will also directly notify, such as through U.S. Mail or email, parents of students who are scheduled to participate in the specific activities or surveys noted below and will provide an opportunity for the parent to opt his or her child out of participation of the specific activity or survey. North Border School District will make this notification to parents at the beginning of the school year if the District has identified the specific or approximate dates of the activities or surveys at that time. For surveys and activities scheduled after the school year starts, parents will be provided reasonable notification of the planned activities and surveys listed below and be provided an opportunity to opt their child out of such activities and surveys. Parents will also be provided an opportunity to review any pertinent surveys.

Following is a list of the specific activities and surveys covered under this requirement:

1. Collection, disclosure, or use of personal information for marketing, sales or other distribution.
2. Administration of any protected information survey not funded in whole or in part by ED.
3. Any non-emergency, invasive physical examination or screening as described above.

Parents who believe their rights have been violated may file a complaint with: Family Policy Compliance Office  
U.S. Department of  
Education 400 Maryland  
Avenue, SW Washington,  
D.C. 20202-8520

**End of Exhibit GCC-E**



**GRADUATION EXERCISES**

The Board wishes to recognize the achievement of high school graduation by annually holding a graduation ceremony.

**Participation Criteria**

Only students who have completed all district graduation requirements shall participate in the ceremony.

Participation in the graduation ceremony is a privilege not a right. Students who violate student conduct policies/regulations may be denied the privilege of participation in the ceremony at the principal's or superintendent's discretion.

**Graduation Speakers**

Student graduation speakers shall be selected based on neutral criteria. Student speakers shall have primary control over their speech and the district's policy on student speech at student assemblies shall apply to graduation ceremonies.

Complementary Documents

- FFG, Student Assemblies

End of Policy GDB..... Adopted:

**FEDERAL FISCAL COMPLIANCE**

The North Border School District shall appoint one individual annually to serve as the authorized representative for the Title I program in accordance with state Title I requirements. This individual shall have official signature authority over the Title I program and the district's Title I funds, shall serve as the district's main contact for the State Title I office, unless the district specifies otherwise, and shall receive Title I updates and mailings.

The North Border School Board approves the authorization of the Superintendent as the authorized representative for the following federal programs: Title I, Title II Part A, Title III, Title IV Part A, RLIS funds<sup>34</sup>, School Food Service, Comprehensive School Reform, and Federal Vocation Program.

*(NOTE: Districts that receive additional federal funds, such as formula or competitive grants, must also assign an authorized representative for those programs and grants.)<sup>35</sup>*

Annually, the Board shall review and approve the consolidated application for Title I,

Title II Part A, Title III, Title IV Part A, and RLIS funds. Upon approval, the Board shall grant permission to the authorized representative to submit the application. The Board shall also review and approve all competitive grant applications prior to their submission.

The Business Manager shall track all Title expenditures and assure that the District follows all budgetary requirements under Title.

The Business Manager shall ensure that the budgetary requirements have been appropriately documented, submit all Title program reports to the State Title office, as required, and ensure that the district's Title programs comply with the federal Maintenance of Effort regulation.

The Business Manager shall also ensure that all other federal funds, such as those received through grants, are expended as intended in the grant application or budget revision and will verify that the budgetary information for these federally funded programs matches the budgetary information on file with the state.

The Business Manager shall track all items purchased with Title funds. These items will be labeled as purchased with Title funds. The District shall maintain a formal equipment inventory description list for all items purchased with Title funds that are valued at \$750 or more and all computers purchased with these funds.

All employees paid with federal funds shall document the time and effort they expend towards federal programs in accordance with federal law.

34 Rural and Low-Income School grant program, AKA, Rural Education Achievement Program (REAP) - <https://www2.ed.gov/programs/reaprlisp/index.html>  
35 Remove NOTE prior to adopting final version.

- Complementing NDSBA Templates (may contain items not adopted by the Board)
- HBAA-E, Title I Fiscal & Inventory Requirements

**End of North Border School District District Policy HBAA.....Adopted: 12-16-19**

**[10/19]**

*NOTE: All district recipients of federal fund dollars must have a procurement policy in place prior to distributing funds.*

## **PURCHASING**

All purchases made on behalf of the District shall be executed in a fair, equitable, and legal manner using a process that helps ensure the best value for the District and its taxpayers. The purpose of this policy and accompanying regulation is to establish such procedures.

### **Establishment of a Purchasing System**

The Board delegates overall purchasing authority to the Superintendent who shall serve as the district's Chief Procurement Officer. The Chief Procurement Officer shall be responsible for developing and administering the purchasing program of the District, including the development and implementation of a requisition and purchasing system that is efficient, economical, and meets the standards below. A complete purchasing record system shall be maintained by the Chief Procurement Officer. To ensure adequate checks and balances, the procurement officer shall have authority to approve district employee's purchases but shall not directly make purchases for the District.<sup>1</sup>

### **General Requirements for Purchases**

1. All purchases must conform to all applicable state laws (see HCAA-E), including, but not limited to, laws prohibiting disclosure of confidential and proprietary information.
2. All parties involved in purchasing shall act in good faith, and purchases at all levels shall be made in a manner and form that permits the highest degree of fair competition possible.
3. All purchases must be documented through the purchase card (p-card) system, a purchase order, contract, invoice, or receipt. All records of purchases must be submitted to the Chief Procurement Officer.
4. All purchases made through the purchasing system must have budget appropriations adequate to cover the cost of such obligations. Purchases not meeting this criterion must be approved by the Board.
5. Prior to making a purchase, the purchaser shall check current inventories to ensure that the purchase is necessary and determine if the item can be obtained through existing cooperative purchasing agreements under NDCC 54-44.4-13 or federal agencies contracted under 21-06-08. Purchases made through such agreements are exempt from the procurement procedures contained in this policy.
6. Procurement requirements may not be artificially fragmented as to constitute a small purchase or to avoid competitive purchasing requirements. Artificial fragmentation means splitting purchase requirements or splitting an invoice to stay below a certain dollar level to avoid competition or stay within delegated authority limits.

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<sup>1</sup> Districts should consult with their auditors for guidance and review p-card rules if considering modification to these recommended checks and balances.

Fragmentation must be based on an actual need of the District, and documentation of this need shall be filed with the procurement officer.

7. If purchases are made using restricted funds (e.g., grant dollars), purchases must conform to any requirements associated with those funds.
8. This policy is not applicable to legal services or public improvement or construction purchases, which are covered by separate policies HCAB, HCAC, HCAD.
9. Purchases requiring contracts must comply with the contracting standards contained in this policy and in law.

### **Purchasing Authority Thresholds**

The Chief Procurement Officer or designee shall evaluate the procurement needs and estimate the amounts to be purchased to ensure the appropriate purchasing authority threshold is followed. Estimated price may be based upon previous purchases, market research, a published price list, or asking a vendor for a budgetary estimate.

1. **[P-Cards: The Chief Procurement Officer is authorized to implement a purchase card system. While most purchases with p-cards shall conform to the purchasing standards contained in this policy, the Chief Procurement Officer is authorized to make exceptions to this policy as follows. The Chief Procurement Officer may issue cards to school staff not listed in this policy, ensuring that their cards have adequate spending caps in place given the nature of their positions and may waive specification and solicitation requirements for p-card purchases for items or services that are difficult or impossible to obtain through competitive purchasing (e.g., travel expenses). {In addition to these p-card requirements, the Board has adopted a separate p-card policy, HCAG.}]**
2. **Purchases less than \$10,000:** These purchases may be delegated by the Chief Procurement Officer to building-level administrators and Athletic Director. Purchasers shall obtain at least one fair and reasonable quote. To the extent feasible, the District must rotate vendors solicited on an equitable basis. The Board has developed criteria if multiple informal bids or proposals are necessary (HCAA-BR).
3. **Purchases \$10,000 to \$50,000:** These purchases may only be made by the **[list positions of district-level administrators who are not the Chief Procurement Officer (e.g., Superintendent)]** who shall develop specifications and solicit at least three vendors to submit oral or written informal bids or proposals. If receiving three bids or proposals is not feasible or practical, the purchaser shall document an explanation and file it with the Chief Procurement Officer who has authority to require the purchaser to seek additional solicitations. The Board has developed criteria for purchasers to evaluate informal bids or proposals (HCAA-BR).
4. **Purchases greater than \$50,000:** These purchases shall only be made in accordance with NDCC 15.1-09-34 and board policy HCAB.

### **Delegation of Purchasing Authority when Conflict of Interest Declared**

In the event that an individual with purchasing authority has a conflict of interest under law, they shall contact the Chief Procurement Officer who shall appoint another qualified district employee without a conflict to oversee the procurement process of the good or service at issue.

**Purchases Requiring Contracts**

Any purchase requiring a contract with a vendor shall be approved by the Board prior to execution. When a vendor supplies the contract, the Chief Procurement Officer or designee shall review and make recommendations to the Board prior to approval. Contracts for purchases or services of \$10,000 or more or contracts that contain the option for extension or renewals shall be reviewed by the district’s legal counsel prior to board adoption.

Contracts shall be no longer than one year in term unless permitted by law and may contain options for renewals or extensions in accordance with law. The District shall not enter into contracts containing indemnity obligations on the part of the District and additional insured status when these clauses will benefit another party.

**Unauthorized Purchases**

Unauthorized purchases are prohibited by Policy DEBJ.

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Complementary Documents

- DEBJ, Unauthorized Purchases
- HCAA-BR, Evaluation of Bids or Proposals
- HCAA-E, Purchasing Laws for Schools
- HCAB, Bidding Requirements & Procedures
- HCAG, Purchase Cards
- HEAA, Line-Item Transfer Authority

End of [Name of District] Policy HCAA ..... Adopted:

**REQUIRED**

Descriptor Code: IB

FOOD SERVICE PROGRAM

The District participates in the National School Breakfast, Lunch, and Milk Program. As a participant in these programs, the District assures compliance with the following requirements:

1. The District shall only claim meal reimbursement for meals in which documentation is available.
2. The District shall determine eligibility for free and reduced lunches for students not categorically eligible in accordance with current Income Eligibility Guidelines.
3. The District shall disseminate applications for free and reduced-priced meals before the start of the school year when possible or within the first week of school. Students who enroll later in the school year shall receive an application at the time of enrollment. The District shall use the Department of Public Instruction application form for free and reduced- priced meals.
4. In accordance with federal law and the U.S. Department of Agriculture Policy, the District shall not discriminate on the basis of race, color, national origin, sex, age, disability or other class protected by law. Individuals may file a complaint of discrimination with the USDA Director at the Office of Civil Rights in Washington, D.C.

5. The names of participants for which free or reduced-priced meals may be claimed shall not be published, posted, or announced in any manner and there shall be no overt identification of any such participants by any means. To this end, the District shall establish a system of school meal payment tracking that does not overtly identify any student as receiving a free or reduced price meal/milk.
6. The District shall comply with the eligibility appeals procedure contained in 7 CFR 245.7.
7. The District shall submit any substantive amendments of this policy to the Department of Public Instruction prior to implementation. Such changes shall only become effective upon DPI approval.

The Board designates the Superintendent or designee as the individual responsible for determining eligibility for purposes of claiming free and reduced priced meals.

**Training**

The District shall comply with requirements in state law related to training food service personnel.

**Serving Meals to Adults**

The District shall comply with DPI guidance and requirements with regard to serving meals to adults.

**Complementary Documents**

- AAC, Nondiscrimination & Anti-Harassment Policy
- IB-BR, Lunch Charging
- IB-E1, Free & Reduced Priced Meal Eligibility Appeals
- IB-E2, DPI Requirements & Guidance for Adult Meals
- IB-E3, Foods of Minimal Nutritional Value
- IBA, Alternative Food Service

**End of Policy IB** ..... **Adopted:**

Descriptor Code: IB-RB

**LUNCH CHARGING**

This Board policy outlines procedures for a student to charge a meal. Adults are prohibited from charging meals.

**Purpose/Goals:** To establish consistent meal charging and collection procedures districtwide.

The goals of this procedure are:

- To maintain a positive experience for students during meal service.
- To treat all students with dignity and respect.
- To minimize meal charges and encourage parents to pre-pay for all meals.
- To promote parents' responsibility for meal payments and self-responsibility of the student.

Payment in advance for meals enables the District to achieve these goals.

**Pre-paid Meal System:** The school meal accounting system is a pre-paid system. Parents or guardians must deposit money into their child's account before meals are served. Payments can be made daily, weekly, monthly, or annually. In addition to using cash and checks, parents can also pay online with their credit/debit cards or online through their checking accounts. It is the parent's responsibility to make sure that money is in the account or a home prepared meal is sent to school with their child.

**Repayment for Meal Charges and Bad Checks:** Federal guidelines prohibit the Food and Nutrition operation from writing off bad debts as a result of charged meals. Every effort will be made to collect for unpaid meals. Unpaid meal charges will result in the following:

- An automated instant alert, for those who have set it up, sent out as a reminder for all accounts when the balance hits zero
- Written notices sent home every two weeks for all negative accounts
- A letter sent out by the business manager if no payment has been received on all negative accounts over \$100.00

Meal repayment plans are available for uncollected charges.

All meals eaten before a Free and Reduced-Price application is processed and approved are the responsibility of the parent/guardian and must be paid for as required by law.

At the end of the school year, the amount of uncollected meal charges must be paid to the Food and Nutrition fund/account from some other funding source. Uncollected meal charges should be handled the same as other school debt in accordance with North Dakota State Law.

**Descriptor Code: IBA**

## **ALTERNATIVE FOOD SERVICE**

### Foods of Minimal Nutritional Value

At the discretion of the principal, schools are permitted to operate a reasonable number of vending machines that dispense foods of minimal nutritional value, as defined by the U.S. Department of Agriculture, for student use. Operation of the machines will conform to federal food service guidelines. Machines shall be located in non-food service areas where there will be no disruption in the orderly operation of the school.

All schools may install, for use of staff only, vending machines that dispense items such as food or soft drinks. Such machines will be located in staff lounge areas only. The installation and operation of those machines are subject to the approval and management of the school principal.

Vending Machines

Contracts will be awarded on based ability to satisfy criteria established by the Board or designee and on the lowest bid; however, if it appears that the cost of supplies for the machines may annually reach or exceed the bidding threshold amount as established by North Dakota law for public schools the bidding process in NDCC 15.1-09-34 will be followed. Proceeds from the machines will accrue to the student activity funds. Students shall not service or collect money from the machines.

Sale of Competitive Food During Meal Times

Competitive foods, other than those of minimal nutritional value, may be sold in the food service area during the lunch periods provided all income from their sale accrues to the school-approved student organizations.

Complementary Documents

- ABCC, Wellness

End of Policy IBA ..... Adopted:

**REQUIRED**

Descriptor Code: IDC

DATA PROTECTION & SECURITY BREACHES

**Data Protection**

The North Border School District will take reasonable security measures to guard against the foreseeable loss of private information. Private information is defined as that information protected under federal laws such as, but not limited to, the Family Educational Rights and Privacy Act (FERPA), information defined as confidential or exempt in NDCC Ch. 44-04, and data defined as “personal information” in NDCC 51-30-01(2). Private information does not include publicly available information that is lawfully made available to the general public pursuant to state or federal law or regulation.

In determining the reasonableness of the district’s security measures, the Board will consider the value of private information in the district’s possession and the potential damages associated with the loss or compromise of this data.

All security measures will be delineated in a security system plan, which is exempt from North Dakota open records law. Creation of, discussion of, and revision to this plan will occur in executive session in accordance with North Dakota law.

**Security Breach**

State law defines “breach of security” in NDCC 51-30-01. Any security breach that meets this definition or any reasonable suspicion of such a breach shall be immediately reported to the Superintendent. The Superintendent shall put procedures in place to notify state residents affected by the breach as required by law.



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

- ACDA, Acceptable Use
- BCAD, Executive Session
- IDC-E, Security Breach Procedure

**End of Policy IDC**

**RECOMMENDED**

Descriptor Code: KAAA

VISITORS IN THE SCHOOLS

The Board encourages parents and community members to visit district schools to become better informed about day-to-day operations and observe the educational process. Because schools are places of work and learning, visitors shall observe the following requirements when visiting district schools, which are created to ensure the educational environment is not disrupted:

1. Visitors shall comply with applicable state law and district policy/regulations while on school property. No person shall enter school property for unlawful purposes or for purposes unauthorized by the Board. The District shall enforce state law on willful disruption of schools. The Superintendent shall make a reasonable effort to keep the public informed about district policies pertaining to visitors such as, but not limited to: drug, alcohol, and tobacco use; sexual offenders; patron grievances; and other policies designed to maintain order.
2. Solicitors are not permitted on school property except under the terms of the district's solicitation policy.
3. Visitors shall be prohibited from videotaping and/or otherwise electronically recording district students and staff. This policy does not apply to visitors electronically recording school-sponsored events not governed by copyright laws and non-school-sponsored activities and events held on school property. The Board may also create an exception to this policy for members of the press.
4. Public visits to classrooms shall not be for the purpose of evaluating teachers, teaching methods, or curriculum. Visitors who wish to observe a classroom shall schedule their visits in advance according to administrative regulations. Visitors shall agree to follow this policy and any administrative regulations governing classroom observation prior to receiving classroom observation privileges.

**Policy Violations**

Individuals who violate any portion of this policy shall receive a warning that they are in violation of a district policy/regulation and may be asked by the Superintendent, building principal, or designee to leave school property. The Superintendent, building principal, or designee shall ask visitors who repeatedly violate district policy/regulations or willfully disrupt school operations to leave school property. If an individual refuses to leave when asked, school administration shall seek the assistance of law enforcement to remove the individual from school property.

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

- ABBA, Tobacco-Free Schools & Workplace
- ACCA, Sexual Offenders on School Property
- ACCA-BR, Criteria for Granting Parent Offenders Privileges to Enter School
- DEAA, Drug & Alcohol Free Workplace
- FFA, Alcohol & Other Drug Use/Abuse
- HCBB, Sales Calls & Demonstrations
- KAAA-AR, Visitors in Schools Regulations
- KACB, Patron Complaints about Personnel
- KBA, Relations with the News Media

**End of North Border School District Policy KAAA**

## **REQUIRED**

Descriptor Code: KAB

### PARENT AND FAMILY ENGAGEMENT

In support of strengthening student academic achievement, the North Border School District and schools who receive Title I, Part A funds, hereafter referred to as “District-Schools”, must jointly develop with, agree on with, and distribute to parents and family members of participating children a written Parent and Family Engagement Policy that contains information required by the Every Student Succeeds Act (ESSA). The policy establishes the district-school’s expectations and objectives for meaningful parent and family engagement and describes how the district will implement a number of specific parent and family engagement activities.

### **Definitions**

This policy defines the following:

- Parent means a biological, adoptive, step or foster father or mother, or any other individual who stands in loco parentis to the student.
- Parental involvement means the participation of parents in regular, two-way, and meaningful communication involving student academic learning and other school activities, including ensuring:
  - a. Parents play an integral role in assisting their child's learning;
  - b. Parents are encouraged to be actively involved in their child's education at school;
  - c. Parents are full partners in their child's education and are included, as appropriate, in decision-making and on advisory committees to assist in the education of their child; and
  - d. Other activities are carried out, such as those described in ESSA.
- Family/family members are adults living in a student’s household who are related to the student.

## **District-Schools Parent and Family Engagement Policy Requirements**

The District-Schools agree to implement the following requirements as outlined in law:

1. The District-Schools shall put into operation programs, activities, and procedures for the engagement of parents and family members in all of its school with Title I, Part A programs. These programs, activities, and procedures must be planned and operated with meaningful consultation with parents and family members of participating children.
2. The District-Schools shall work to ensure that the required District-Schools Parent and Family Engagement Policy meets the Title I, Part A requirements, and includes as a component, a school-parent compact.
3. The District-Schools shall incorporate this District-Schools Parent and Family Engagement Policy into its district plan.
4. The District-Schools shall involve parents, in an organized, ongoing, and timely way, in the planning, review, and improvement of programs under Title I, Part A, including the planning, review, and improvement of the District-Schools Parent and Family Engagement Policy and the joint development of the targeted assistance or schoolwide program plan.
5. The District-Schools shall update the District-Schools Parent and Family Engagement Policy periodically to meet the changing needs of parents and the school, distribute it to the parents of participating children, and make the Parent and Family Engagement Policy available to the local community.
6. The District-Schools shall provide full opportunities for the participation of parents with limited English proficiency, limited literacy, disabilities, of migratory children, who are economically disadvantaged, or are of any racial or ethnic minority background, including providing information and school reports required under ESSA in an understandable and uniform format including alternative formats upon request and, to the extent practicable, in a language parents understand.
7. If the District-Schools plan for Title I, Part A is not satisfactory to the parents of participating children, the District shall submit any parent comments with the plan when the district submits the plan to Department of Public Instruction.

## **Required District-Schools Parent and Family Engagement Policy Components**

The District-Schools Parent and Family Engagement Policy includes a description of how the school may implement or accomplish each of the following components:

### **1. Joint Development**

The District-Schools shall take the following actions to involve parents and family members in jointly developing its district-school plan, and in the

development and review of support and improvement plans:

*Conduct an annual meeting to inform parent of their school's participation under Title I, requirements, programs, and their right to be involved. Involve parents and guardians in joint planning, development, school review, improvement and annual evaluation of the Title I program content and effectiveness. Provide a copy of the current Title I plan at each school site for public review. Provide a copy of the parent compact at each school site upon request.*

## **2. Annual Title I, Part A Meeting**

Each district school who receives Title I, Part A funds shall take the following actions to conduct an annual meeting, at a convenient time, and encourage and invite all parents of participating children to attend to inform them about the school's Title I program, the nature of the Title I program, the parents' requirements, the District-Schools Parent and Family Engagement Policy, the schoolwide plan, and the school-parent compact.

*The Annual Title I meeting shall be in May of each year.*

## **3. Technical Assistance**

The District-Schools shall provide the following coordination, technical assistance, and other support necessary to assist and build capacity of all Title I, Part A schools in planning and implementing effective parent and family involvement activities to improve student academic achievement and school performance, which may include meaningful consultation with employers, business leaders, and philanthropic organizations, or individuals with expertise in effectively engaging parents and family members in education:

*The district will provide the following necessary coordination, technical assistance, and other support to assist Title I schools in planning and implementing effective parental involvement activities to improve student academic achievement and school performance: Regularly scheduled teacher in-services; School staff meetings; District Title I staff and administration available for consultation and information ; and Training and resources available through the Red River Valley Educational Cooperative support and/or services*

## **4. Annual Evaluation**

The District-Schools shall take the following actions to conduct, with the meaningful involvement of parents and family members, an annual evaluation of the content and effectiveness of this District-Schools Parent and Family Engagement Policy in improving the academic quality of its Title I, Part A schools. The evaluation must include identifying barriers to greater participation by parents in activities (with particular attention to parents who are economically disadvantaged, are disabled, have limited English proficiency, have limited literacy, or are of any racial or ethnic minority background). The evaluation must also include identifying the needs of

parents and family members to assist with the learning of their children, including engaging with school personnel and teachers and strategies to support successful school and family interactions. The District may use the findings of the evaluation about its District-Schools Parent and Family Engagement Policy to design evidence-based strategies for more effective parental involvement, and to revise, if necessary, its District-Schools Parent and Family Engagement Policy.

*Utilize Parent Surveys, parent feedback, STAR 360, other assessment data and teacher feedback.*

## **5. Coordination of Services**

The District-Schools shall, to the extent feasible and appropriate, coordinate and integrate parent and family engagement programs and activities with other relevant Federal, State, and local laws and programs that encourage and support parents in more fully participating in the education of their children by:

*The District-Schools shall coordinate with the counselor and the 7-12 building level principal to assist in the transition from grades K-6 to the secondary school level in terms of academic skills and supports.*

## **6. Building Capacity of Parents and Family Members**

The District-Schools shall build the schools' and parents' capacity for strong parent and family engagement by providing materials and training on such topics as literacy training and using technology to help parents work with their children to improve their children's academic achievement. Assistance will also be provided to parents in understanding the following topics:

- a. The challenging State academic standards;
- b. The State and local academic assessments including alternate assessments;
- c. The requirements of Title I, Part A;
- d. How to monitor their child's progress; and
- e. How to work with educators to improve the achievement of their child.

*The district will utilize informational letters, brochures, newsletters-Title I and/or District Individual Student Achievement Results, Adequate Yearly Progress reports, and student Title I report cards as appropriate. Other informational meetings will be held with parents and family members on an as needed basis.*

The District-Schools shall provide parent and family engagement of participating children, if requested, opportunities for regular meetings to formulate suggestions and to participate, as appropriate, in decisions relating to the education of their children, and respond to any such request as soon as practically possible:

*Such meetings will be held as necessary and appropriate during the course of the school year.*

## **7. Building Capacity of District Staff**

The District-Schools shall, with the assistance of its schools and parents, educate its teachers, specialized instructional support personnel, principals and other school leaders, and other staff in the value and utility of contributions of parents, and in how to reach out to, communicate with, and work with parents as equal partners, implement and coordinate parent programs, and build ties between parents and schools by:

*Hosting district or school in-services; Annual Spring review Staff meetings; Mailbox correspondence; and School Improvement team meetings.*

The District-Schools shall provide other reasonable support for parent and family engagement activities as parents may request by:

*Hosting family nights as appropriate and holding parent/staff meetings as appropriate.*

## **8. School-Parent Compact**

Each district school who receives Title I, Part A shall take the following actions to jointly develop with parents of participating children a school-parent compact (KAB-E) that outlines how parents, the entire school staff, and students may share the responsibility for improved student academic achievement and the means by which the school and parents may build and develop a partnership to help children achieve the state's high standards.

*This compact shall be reviewed by a collaborative team of parents and educators at the annual Title I meeting.*

## **9. Communications**

Each district school who receives Title I, Part A shall take the following actions to provide parents of participating children the following:

- a. Timely information about the Title I programs,
- b. Flexible number of meetings, such as meetings in the morning or evening, and may provide with Title I funds, transportation, child care or home visits, as such services relate to parent and family engagement, and
- c. Information related to the school and parent programs, meetings, and other activities, is sent to the parents of participating children in an understandable and uniform format, including alternative formats upon request and, to the extent practicable, in a language the parents can understand.

*The district may communicate with parents about school and parent program, meetings, and other activities via the website, the mobile app, information packets sent home with parents at the beginning of the year, personal phone calls or messages.*

**Policy Adoption and Dissemination**

This policy will be in effect for one school year following the adoption of the board. The District-Schools will distribute this policy annually to all parents of participating Title I, Part A children.

Complementary Documents

- FDC, Education of Migrant Students
- GABAA, English Language Learners
- KAB-E, School Parent Compact

**End of Policy KAB..... Adopted:**

**REQUIRED**

Descriptor Code: KAB-E

SCHOOL-PARENT COMPACT

The North Border Schools, who receive Title I, Part A funds, and the parents of the students participating in Title I, Part A activities, services, and programs agree that this compact outlines how they may share the responsibility for improved student academic achievement and the means by which the school and parents shall build and develop a partnership that may help children achieve the State’s high standards.

This school-parent compact is effect during the \_\_\_\_\_ school year.

**School Responsibilities**

The North Border Schools will:

1. Provide high-quality curriculum and instruction in a supportive and effective learning environment that enables the participating children to meet the State’s student academic achievement standards as follows:

*Implement curriculum developed by a nationally recognized publisher for which there is a scope and sequence, and clearly defined objectives based on scientifically based reading research and North Dakota math standards; provide instruction by highly qualified teachers on a one-to-one or small group basis; ensure that title I staff is in close and consistent communication with classroom teachers; and provide a curriculum modified to meet individual student’s needs using various instructional methods.*

2. Hold parent-teacher conferences (at least annually in elementary schools) during which this compact will be discussed as it relates to the individual child's achievement. Specifically, these conferences will be held:

*In the fall from 3:30-8:00 p.m. and in the winter/spring from 3:30-8:00 p.m.*

3. Provide parents with frequent reports on their children's progress. Specifically, the school(s) will shall provide the reports as follows:

*School performance profiles will be sent out as soon as they become available in the fall. Student progress reports and assessment results will be sent out each grading period through personal conferences, phone messages, and mailings.*

4. Provide parents reasonable access to staff. Specifically, staff will be available for consultation with parents as follows:

*Parents may visit with title staff by making an appointment during school hours, which are from 8:00 a.m. to 4:00 p.m. daily. They may contact staff by telephone. They may write to staff at the mailing address provided on the school website. They may utilize email to contact teachers as well.*

5. Provide parents opportunities to volunteer and participate in their child's class, and to observe classroom activities, as follows:

*Upon request by a parent or a teacher, for special occasions or projects, or during individual instruction with children as appropriate.*

6. Ensure regular two-way, meaningful communication between family members and staff, in a language that family members can understand:

*Regular two-way and meaningful communication is essential for student academic success. Teachers are available via telephone, email, and by personal appointment on a regular basis. If families are not proficient in English, administration will work to implement translation services on an as-needed basis.*

### **Parent Responsibilities**

We, as parents, shall support our children's learning in the following ways, such as:

1. *Monitoring attendance;*
2. *Making sure that homework is completed;*
3. *Monitoring amount of television my child watches;*
4. *Volunteering in my child's classroom;*



5. *Participating, as appropriate, in decisions relating to my children's education;*
6. *Promoting positive use of my child's extracurricular time;*
7. *Staying informed about my child's education and communicating with the school by promptly reading all notices from the school or the school district either received by my child or by mail and responding, as appropriate;*
8. *Serving, to the extent possible, on policy advisory groups, such as being the Title I parent representative on the school's School Improvement Team, the Title I Policy Advisory Committee, the District wide Policy Advisory Council, the State's committee of Practitioners, the School Support Team or other school advisory or policy groups.*

**REQUIRED**

Descriptor Code: LAC

RELATIONS WITH COLLEGES AND UNIVERSITIES

The Board desires that staff and students of this 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.

**Professional Development & Continuing Education**

The Superintendent or designee may 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 inservice, 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.

**Recruiting**

The District will cooperate with recruiting efforts of post-secondary institutions so long as they do not unduly interfere with the school schedule. The Superintendent shall develop criteria and regulations for receiving college recruiters at district schools. Military recruiters shall be afforded the same opportunities as colleges and universities.

The District must comply with a request by a military recruiter or an institution of higher education for secondary students' names, addresses, and telephone numbers, unless a parent has "opted out" of providing such information. The District is required to provide an opt-out notice, and opt-out notification procedures are contained in the district's student educational records policy.

**Complementary Documents**

- DHBA, Professional Development
- FGA, Student Education Records
- FGA-E, Notice of Directory Information
- LBA, Relations with Armed Forces Recruiting Units

**End of Policy LAC** ..... **Adopted:**

**REQUIRED**

Descriptor Code: LBA

**RELATIONS WITH ARMED FORCES RECRUITING UNITS**

The District will afford the same courtesies to the armed forces recruiting units as are afforded to other post-secondary educational and career entities. To minimize disruption to the educational environment, military recruiters will be subject to the same criteria and regulations as those developed by the Superintendent for college/university and career recruiters.

The District must comply with a request by a military recruiter or an institution of higher education for secondary students' names, addresses, and telephone numbers, unless a parent has "opted out" of providing such information. The District is required to provide an opt-out notice, and opt-out notification procedures are contained in the district's student educational records policy.

**Complementary Documents**

- FGA, Student Education Records
- FGA-BR, Student Education Records Access & Amendment Procedure
- LAC, Relations with Colleges & Universities

**End of Policy LBA ..... Adopted:**