



Home of the Ranchers!

Powers Lake School District

PERSONNEL

HANDBOOK

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DISCLAIMERS & DEFINITIONS

AT-WILL STATUS

Unless under contract, employees and the Powers Lake School District (hereafter District) are engaged in an at-will employment relationship. This means either party is free to terminate the relationship at any time, with or without reason or notice. The District is not bound by any oral promises concerning a non-contracted employee's length of employment.

CONTRACTS SUPERSEDE POLICY AND REGULATION (BDAA)

Any contract entered into between the Board and another party supersedes district policy and regulations whenever a conflict exists between a policy, or regulation, and the contract language. Contracts include, but are not limited to, the negotiated agreement and individual teaching and administrative contracts.

DEFINITIONS OF PERSONNEL POLICIES (DAB)

When policy language is only applicable to certain classifications of employees, the following definitions shall apply:

- *Administrators*: Individuals who work in positions requiring an administrative credential from the North Dakota Department of Public Instruction (DPI) and the following positions unless otherwise specified by policy: Athletic Director, Business Manager.
- *Ancillary or classified staff*: Employees working for the District on an at-will basis. Examples include, but are not limited to: paraprofessionals, secretaries, custodians, coaches, bus drivers, cooks.
- *Full-time employee* is defined as a staff member working an average of 40 hours per week. All employees not meeting or exceeding this threshold are considered part-time. This definition shall apply except when superseded by the negotiated agreement or law (e.g., the Patient Protection and Affordable Care Act).
- *Licensed teachers*: Individuals who work in positions requiring licensure from the Educational Standards and Practices Board (ESPB), including, but not limited to: classroom teachers, librarians, counselors.

HANDBOOK LANGUAGE DISCLAIMER

This handbook shall not be construed to form a contract of employment between the District and its employees. The Powers Lake School Board (hereafter Board) reserves the unilateral right to change the handbook at any time unless a previous agreement exists under a negotiated agreement between the Board and negotiating unit.

SAVINGS CLAUSE (BDAB)

Should any policy of the District be found to conflict with requirements in law or be declared illegal by a court of competent jurisdiction, said policy shall be automatically rescinded to the extent that it violates the law. The remaining policies shall remain in full force and effect until rescinded or amended by Powers Lake Public School Board.

ATTENDANCE REQUIREMENTS AND BREAKS

EMERGENCY CLOSINGS (ACAA)

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 emergencies that threaten the health and/or safety of students and employees. The Superintendent's rationale for exercising this authority shall not be arbitrary, capricious, or based merely on convenience.

The Superintendent shall, at a minimum, consider the following factors when exercising his/her 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

Staff shall comply with the superintendent's work reporting instructions during an emergency closing unless emergency 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.

STAFF ATTENDANCE (DEAB)

Regular attendance is required of all employees subject to applicable leave provisions and, for instructional staff, the negotiated agreement. Excessive absences or tardiness, unauthorized leave, or unexcused absences may result in disciplinary action including termination of employment in accordance with law.

BENEFITS AND LEAVE

FAMILY & MEDICAL LEAVE (DDAA)

The District will comply with the Family and Medical Leave Act.

Twelve-Month Leave Description

Eligible employees may request, and upon approval use, unpaid family and medical leave in accordance with and for the applicable duration guaranteed by the federal Family and Medical Leave Act. Unless subject to an exception in law, FMLA shall be made available for up to a combined total of 12 weeks beginning July 1 and ending June 30 of the next year.

Use of Other Leaves

Other available and applicable paid vacation, personal, family, sick or other paid leave will be substituted for family and medical leave necessitated by birth, adoption/foster care placement, a family member's serious health condition, an employee's own serious health condition, qualifying exigency, or to care for covered service member in accordance with law. Any substitution required by this policy will count against the employee's family and medical leave entitlement. The District will pay family leave or sick leave only under circumstances permitted by the applicable leave plan.

Notice of Leave

An employee shall provide notice in accordance with regulations. If deemed necessary, the Superintendent may waive notice requirements.

Return to Work

An employee returning from family and medical leave will be given a position equivalent to his or her position before the leave, subject to the district's reassignment policies, negotiated agreement, and practices. Instructional employees may be required to wait to return to work until the next academic term in certain situations as provided by law.

Implementing Procedures

The Superintendent shall develop procedures to implement this policy consistent with the federal Family and Medical Leave Act.

FAMILY & MEDICAL LEAVE REGULATIONS (DDAA-BR)

Procedure to Request Leave

Foreseeable FMLA leave shall be requested 30 days in advance.¹¹ If 30 days' notice is not practicable, the employee shall provide notice as soon as possible. An employee shall at least provide verbal notice of leave to the Superintendent.

Request for Medical & Qualifying Exigency Certification

When requested, medical or qualifying exigency certification shall be provided in accordance with law (29 CFR 825.305-825.310). Failure to provide certification or adequate certification may result in delaying or denying an employee's leave request. Medical certification must contain all components in 29 CFR 825.306, 825.309, or 825.310.

Intermittent or Reduced-Leave Requests

1. The Board limits leave increments to one-hour periods of time.
2. An employee should follow the regular notice procedures when requesting an intermittent or reduced-hour leave. If the leave is taken because of the birth or placement of a child, leave may be taken intermittently or on a reduced schedule only if the Superintendent agrees.

Response to Leave Request

Response to leave requests will be made in accordance with 29 CFR 825.300. When applicable, the District will require fitness-for-duty documentation certifying that an employee is able to perform essential job functions as a condition of returning to work. The District shall provide notice of this requirement to employees in accordance with law.

Posting and Notice to Employees

Building principals shall post a notice explaining the FMLA's provisions in a location where it can be readily seen by employees and applicants for employment. The FMLA Fact Sheet, published by the Department of Labor, Wage and Hours Division, shall be incorporated into any employee handbook.

(29 C.F.R. 825.300)

Recordkeeping

The Superintendent shall ensure that records are kept according to the requirements contained in law. (29 C.F.R. 825.500)

^[1] See 29 CFR 825.302

JURY & WITNESS DUTY (DDEA)

The Superintendent shall have the authority to request that an employee be excused from service or the service delayed provided the special nature of the employee's qualifications would make it difficult to secure an adequate substitute or if the timing of the proposed jury service might be detrimental to the welfare of the school or the children concerned.

During jury duty or when subpoenaed as a witness, non-exempt employees shall be paid regular wages based on the number of hours typically worked but not to exceed 40 hours.

Exempt Employees

Exempt employees shall be paid regular wages.

Expert Testimony

Employees shall not voluntarily serve as an expert witness when such activity is in conflict of interest with the District.

MILITARY LEAVE (DDBD)

Military leave shall be granted pursuant to current state (NDCC 37-01-25 and NDCC 37-01-25.1) and federal law (38 U.S.C 43).

COMPLAINTS AND GRIEVANCES

NONDISCRIMINATION & ANTI-HARASSMENT (AAC)

General Prohibitions

The Powers Lake 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.

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 Powers Lake School District 701-464-5432

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 Powers Lake School District 701-464-5432

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 Powers Lake School District 701-464-5432

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.

DISCRIMINATION & HARASSMENT GRIEVANCE PROCEDURE (AAC-BR)

The following procedure is designed to resolve discrimination, harassment and retaliation complaints by and against students, parents, and third parties, as described 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 discrimination, harassment, or retaliation investigation. The procedure contained in this regulation supersedes the district's policies regarding complaints about personnel and bullying.

Retaliation Prohibited

The District prohibits retaliation for an individual's participation in and/or initiation of a discrimination and/or harassment complaint investigation, including instances when a complaint is not substantiated. The consequences for violating this prohibition are delineated in the Nondiscrimination and Anti-Harassment Board Policy, coded AAC.

Complaint Filing Format and Deadlines

A complaint may be filed verbally or in writing and should be filed as soon as possible after the discrimination, harassment, or retaliation allegedly occurred. Delays in filing a complaint may cause difficulties in the investigation.

With Whom Complaints May be Filed

A complaint may be filed with any District employee. District employees are required to report any discrimination or harassment to the appropriate grievance coordinator (Title IX, 504/Title II, or Nondiscrimination) 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 District employee to report under this regulation may result in disciplinary action.

Initiating Complaint Resolution Procedure

After receiving a discrimination and/or harassment complaint or gaining knowledge of potentially discriminatory and/or harassing conduct, the appropriate grievance coordinator shall contact the complainant, determine if an informal or formal investigation is appropriate, and determine if the complainant requests confidentiality. Requests for confidentiality must 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 the appropriate grievance coordinator assigned to conduct or oversee 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

A school official responsible for conducting or overseeing discrimination and/or harassment investigations is authorized to receive assistance from the district's legal counsel throughout the process.

Investigation Timeframes

The informal resolution procedure must be completed within 30 days of a District employee reporting the complaint or incident to the appropriate grievance coordinator, unless the investigator documents reasons for delays and communicates these reasons to the complainant and accused.

The formal resolution procedure must be completed within 60 days of a District employee reporting the complaint or incident to the appropriate grievance coordinator 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. Acceptable reasons for delays include extended school breaks when witnesses are not available, and complex cases involving multiple witnesses.

Interim Measures

Pending the final outcome of an informal or formal resolution, the District shall institute interim measures to protect the complainant and inform him/her of support services available. Interim measures may include a district-enforced no contact order, schedule changes, academic modifications for the complainant, and/or school counseling for the complainant. These interim measures should have minimal impact on the complainant. If the accused is a student, interim measures should also take into consideration the accused student's educational rights.

Informal Resolution Procedure

This procedure may only be used when mutually agreed to by the complainant, the accused and the appropriate grievance coordinator. This procedure may not be used when the alleged discrimination and/or harassment may have constituted sexual violence or any other crime. The formal resolution procedure must be used whenever the informal procedure is not permitted.

During the informal resolution process, the investigator shall gather information necessary to understand and resolve the complaint. Based on this fact-gathering process, the investigator shall propose an informal resolution, which may include requiring the accused to undergo training on discrimination and/or harassment, 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 nondiscrimination and anti-harassment 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 appropriate grievance coordinator shall monitor the implementation and effectiveness of the informal resolution procedure and initiate the formal resolution procedure if discrimination and/or harassment persists.

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

Formal Resolution Procedure

This procedure must be used whenever the informal resolution procedure is not used.

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. However, the District shall proceed with its investigation and this resolution procedure, regardless of the criminal investigation or outcome.

The fact-gathering portion of the investigation must be carried out or overseen by the appropriate grievance coordinator and must 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 must be instructed not to discuss this matter with others.

The fact-gathering portion of the investigation must be completed as soon as practical.

Investigation Report:

After the fact-gathering process is complete, under the formal resolution procedure, the appropriate grievance coordinator shall complete a written report containing a determination of whether allegations were substantiated, whether the nondiscrimination and anti-harassment policy was violated, and recommendations for corrective action, if any. The appropriate grievance coordinator shall assess if discrimination and/or harassment “more likely than not” occurred based on the following criteria:

1. Whether evidence suggests a pattern of conduct supportive of disproving the allegations of discrimination and/or harassment or discrimination;
2. Whether behavior meets the definition of discrimination, harassment, and/or sexual harassment as defined in board policy;
3. Ages of the parties involved;
4. Relationship between the parties involved;
5. Severity of the conduct;
6. How often the conduct occurred, if applicable, and;
7. How the District resolved similar complaints, if any, in the past.

The investigation report must indicate if any measures are to be instituted to protect the complainant. Such measures may include extending any interim protection measures taken during the investigation. The report must also inform the complainant of support services available, which at a minimum must include offering school counseling services if the complainant is a student.

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

Disciplinary Action

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

The appropriate grievance coordinator along with the building Principal shall determine if a recommendation for expulsion for an accused student should be made.

The appropriate grievance coordinator along with the District Superintendent shall determine if a recommendation for discharge for an accused employee should be made.

If this recommendation is made and a hearing is required, the hearing must be held in accordance with district policy and law.

Both the complainant and accused shall have an equal right to attend the hearing, have a representative and parent (if student) present, present evidence, and question witnesses.

The complainant may choose to appoint a representative to participate in the hearing in his/her stead.

Notice of Outcome

Both the complainant and the accused must be provided written notice of the outcome of the complaint.

Nothing shall prevent the parties from seeking judicial redress through a court of competent jurisdiction or through any applicable state or federal complaint procedures.

Investigation Materials

Investigation materials must be retained by the appropriate grievance coordinator (Title IX, 504/Title II, or Nondiscrimination) for at least six years.

PATRON COMPLAINTS ABOUT PERSONNEL (KACB)

In order to provide an effective procedure for responding to complaints about school district personnel in a manner that is in the best interests of promoting better educational opportunities for children, the following policy is adopted.

Filing Procedure

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

Complaints should be resolved at the lowest possible level of authority. If the complaint cannot be satisfactorily resolved at that level, the complaint shall be directed to the principal or other supervisor directly responsible for supervision of that employee. The supervisor shall:

1. Investigate the complaint.
2. Promptly notify the employee if the complaint is to be placed in the employee's personnel file. The decision to place information into any personnel file will be made by the administration based on the results of an inquiry or investigation.
3. Schedule a meeting of the employee, the complainant, and the supervisor if deemed appropriate.
4. Provide a response to the complainant within 60 days of receipt of the complaint. Upon conclusion of the investigation, the complainant will be informed as to the outcome of the investigation and the disposition of the complaint. If either party is not satisfied with the handling of the complaint, the matter can be appealed to the Superintendent for final resolution.

Complaints about the Superintendent and Business Manager shall be directed to the Board President, who shall follow the same procedure and shall have authority to take disciplinary action except when dismissal is contemplated. Dismissal recommendations for the Superintendent and Business Manager must be referred to the Board for a determination made in accordance with applicable law.

Deadlines

To be considered for investigation, any such complaint must have been filed within 180 days of the alleged occurrence. (Exception to the 180 days would be an accusation of sexual abuse.) The District has a separate investigation procedure for complaints of harassment and/or discrimination.

Prohibition: Retaliation

The District will not tolerate any form of reprisal, retaliation, or discrimination against an employee, district contractor, district agent, student and/or community member because s/he, in good faith, files a complaint against the District (or a district employee, contractor, or agent) under this policy. Furthermore, the District will not tolerate any form of reprisal, retaliation, or discrimination against an employee, district contractor, district agent, student and/or community member because s/he participates in an investigation, hearing, or inquiry related to this policy.

Prohibition of False Claims

The District may take appropriate disciplinary action against a district employee, contractor, student, and/or other district agent and/or may take legal action against anyone who knowingly files a false complaint under this policy or a false claim of reprisal, retaliation, or discrimination under this policy.

TEACHER GRIEVANCE PROCEDURE (DGAA)

The purpose of this policy is to provide a step-by-step procedure that guarantees the right of teachers to administrative "due process," to assure fairness and equity. No teacher or administrator shall discriminate against, coerce or interfere with any teacher, administrator, witness or representative, for his/her involvement in the presentation or adjudication of any grievance.

No action taken under this procedure shall in any way be construed as forfeiting the right to seek redress through the courts.

If any provision of this procedure is or shall at any time become contrary to law, then such provision shall not be applicable or performed or enforced, except to the extent permitted by law.

Definitions

- *Grievance* is an allegation by a teacher that s/he has been subject to a personal loss, injury, or inconvenience because of a violation, misinterpretation, or misapplication of a specific article, section, or paragraph of the negotiated agreement or teacher's individual contract.
- *Day* as used herein shall be considered a school day and the time limits set shall be considered a maximum.
- *Administrator or supervisor* named in this policy (e.g., Superintendent) assumes that his/her designate or deputy may serve in his/her place.

Time Limit

A grievance must be initiated within 30 days after the teacher knew or should have known the term or condition giving rise to the grievance existed. Failure to timely present the grievance in writing shall be deemed a waiver of the grievance.

Conditions

Failure of the teacher to meet any of the deadlines contained in this procedure shall terminate the grievance. Failure of a school supervisor/administrator to respond to the grievance within specified deadlines shall be deemed a denial of the grievance and shall allow the teacher to advance the grievance to the next step.

Procedure

Meetings held under this procedure shall generally be conducted on non-school time at a place that will afford a fair and reasonable opportunity for all persons proper to be present.

Each step in this procedure is intended to give bona fide consideration to the grievance and is to be a separate review of the facts. Each official to whom the grievance is presented shall issue a decision.

1. **Informal Process:** The Board encourages the resolution of grievances as near the point of origin as possible. Therefore, a teacher with a grievance shall first discuss it with his/her immediate supervisor.

However, should such informal process fail to satisfy the teacher, then a grievance may be processed as follows

2. Formal Process: A teacher may be represented and accompanied by a representative of his/her choosing at any step in this process. The teacher filing the grievance must be present at each step in this procedure.
 - a. The teacher who is filing the grievance shall prepare a written statement containing his/her name, address, and telephone number; school building, address, telephone number, and name of principal; the specific contract provision being grieved and why; and the requested remedy. The written grievance must be signed and dated by the grievant.
 - b. A teacher may present the written grievance to his/her immediate supervisor by the deadline contained in the "Time Limit" section of this procedure. The supervisor shall make every effort to resolve the grievance and shall, within 10 days of the filing of the grievance, render a written answer on the grievance.
 - c. If no agreement is reached or the time limit outlined above elapses without answer, the aggrieved teacher may present the written grievance to the Superintendent. This step must be initiated within four days of the supervisor's written decision or within fourteen days of the filing of the grievance in the event the supervisor fails to provide a written answer. The Superintendent shall either refer the grievance to a designated representative or shall personally work with the aggrieved to seek an equitable solution within 10 days. A written response shall be made to the grievant within the same 10 days. The Superintendent's decision is final, subject to court review if the teacher files suit.

WHISTLEBLOWER PROTECTIONS POLICY (ACF)

Protections: Employees

The Powers Lake School District prohibits and will not tolerate any form of reprisal, retaliation, or discrimination (including, but not limited to: discharge, discipline, threats, or penalizing compensation, work conditions, location, or privileges of employment) against any employee because s/he:

1. In good faith, made or intends to make a report that the School Board, school employee, or an entity/person with whom the District has a business relationship has violated federal, state, or local law/administrative rules or school district policy through practice, policy, act, or omission;
2. Participates in a Powers Lake School-related investigation, hearing, or inquiry; or
3. Refused to carry out a directive that the employee believes is a violation of state or federal law, rule, or regulation or poses a substantial or specific danger to public health and safety provided the employee has an objective basis for that belief and informs the employer that the directive is being refused for that reason.

Protections: False Claims Act (FCA)

The District shall comply with the FCA and prohibits any district employee, contractor, or other district agent from knowingly submitting or causing the submission of a false or fraudulent claim to the federal government in the district's name. The District will not tolerate any form of reprisal, retaliation, or discrimination (including, but not limited to: discharge, discipline, threats, or penalizing compensation, work conditions, location, or privileges of employment) against any employee, contractor, district agent, student, or community member because s/he filed a complaint in good faith under FCA against the District and/or any of its employees, contractors, or agents.

Protections: Students & Community Members

The District will not tolerate any form of reprisal, retaliation, or discrimination against a student and/or community member because s/he, in good faith, filed a complaint against the District (or a district employee, contractor, or agent) under district policy or when authorized by law. Furthermore, the District will not tolerate any form of

reprisal, retaliation, or discrimination against a student and/or community member because s/he participates in a district-related investigation, hearing, or inquiry.

Grievance Procedure

Anyone covered by the above protections who reasonably believes that this policy has been violated by a district employee, contractor, or other authorized district agent may file a grievance in accordance with the district's applicable complaint or grievance policy. In the absence of policy, or if policy is not applicable given the nature of the grievance, the individual should report to the Superintendent who shall investigate. If a grievance under this policy concerns the Superintendent, Business Manager, or a school board member, the complainant should report to the Board President or Board Vice President (if the report concerns the Board President) who shall investigate.

Grievances not otherwise covered by deadlines in the applicable district policy must be reported within 180 calendar days unless state or federal law specifies otherwise. Failure to timely present the grievance shall be deemed a waiver of the grievance. Investigations of grievances filed under this policy shall be completed within 60 days unless the investigator documents in writing reasonable cause for extending this investigation deadline. Upon completion of the investigation, the investigator shall issue his/her findings to the complainant in a written report.

Complainants may also report grievances under this policy to the state agency with jurisdiction over the subject of the grievance (e.g., ND Department of Labor or ND Department of Public Instruction), the appropriate federal agency, and/or, if applicable, law enforcement.

If necessary, the Superintendent or the Board President/Vice President may take reasonable steps to protect the complainant from retaliation during and/or after the investigation. Reports of suspected employee impropriety under this policy shall be treated as confidential to the extent permitted by state law on administrative investigations of school personnel. All individuals involved in an investigation shall be advised to keep information about the investigation confidential and should be advised of the protections contained in this policy.

Policy Violation Consequences

Any employee, district contractor, district agent, or student who is found to have engaged in any of the prohibitions contained in this policy may be subject to disciplinary action including, but not limited to, dismissal or expulsion in accordance with applicable policy and law.

Prohibition of False Claims

The District may take appropriate disciplinary action against a district employee, contractor, and/or other district agent and/or may take legal action against anyone who knowingly files a false claim of reprisal, retaliation, or discrimination under this policy.

Notice of Policy

A copy of the policy will be available upon request in the office.

FACILITIES AND SERVICES

NONCURRICULAR USE OF DISTRICT PROPERTY (ABBB)

District facilities shall be used solely for district operational, curricular, and extracurricular programs as well as other activities with administrative approval.

The Superintendent shall develop facility use regulations. They shall be nondiscriminatory in content, applied uniformly, shall contain conditions for approval and disapproval of facility use requests, contain terms of use, and supervision requirements.

The use of buildings or equipment by others shall be without cost to the district. The Superintendent shall establish, and submit to the Board for approval, a schedule of rental and service charges to offset district costs.

PAYROLL AND FINANCE

PERSONNEL RECORDS (DI)

The Superintendent shall keep a personnel folder for each employee, licens-ed 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 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. The superintendent's office 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 Superintendent, Business Manager, and Board President 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.

PURCHASING (HCAA)

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. The Business Manager shall serve as the 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 superintendent shall not make direct purchases for the District without the approval of the chief procurement officer.

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. 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. Legal services shall only be retained in accordance with policy BDBB.
9. This policy is not applicable to public improvement/construction purchases
10. Purchases requiring contracts must comply with the contracting standards contained in this policy and in law.

Purchasing Authority Thresholds

To determine the appropriate purchasing authority threshold, an estimate must be made. Estimated price may be based upon previous purchases, market research, a published price list, or asking a vendor for a budgetary estimate.

1. **Purchases \$2,500 and below:** These purchases may be delegated by the chief procurement officer to any school administrator. These purchasers should develop specifications and solicit one informal bid or proposal unless not practical because item/service is difficult or impossible to obtain through competitive purchasing or the item/service is needed on an emergency basis. Individuals delegated this purchasing authority must rotate vendors solicited on an equitable basis.
2. **Purchases \$2,500.01 to \$24,999.99:** These purchases may only be made by the Superintendent. These purchasers shall develop specifications and solicit at least three vendors, insofar as practical, to submit oral or written informal bids or proposals. If receiving three bids or proposals is not feasible or practical, the purchaser shall provide a written explanation to 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). Any purchases above \$5,000.00 require board approval.
3. **Purchases over \$25,000:** 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, s/he shall contact the chief procurement officer who shall appoint another qualified district employee without a conflict to oversee the procurement process of the good/service at issue.

Purchases Requiring Contracts

Any purchase requiring a contract with a vendor/seller shall be approved by the Board prior to execution. Whenever possible, the District shall use the Office of Attorney General Sample Service Contract to enter into such agreements. When a vendor/seller supplies the contract, it shall be reviewed by the Superintendent and recommendations made to the Board prior to approval. Contracts for purchases/services of \$10,000 or more shall be reviewed by the district's legal counsel prior to board adoption.

Contracts should be no longer than one year in term and may contain options for renewals or extensions in accordance with law. The District shall not enter into contracts containing indemnity clauses and additional insured status when these clauses will benefit another party.

Unauthorized Purchases

Unauthorized purchases are prohibited by Policy DEBJ.

SUBSTITUTE TEACHERS (DJA)

Definition and Qualifications

Substitute teachers are temporary fill-ins for teachers absent from school. Substitute teachers shall be qualified to teach in North Dakota schools and must possess a valid teacher's license unless an exception under state law or administrative rules applies. Retired teachers may be employed as substitutes.

The Superintendent shall maintain a list of qualified substitutes and develop a protocol for contacting and securing substitutes' services.

Pay

The Board shall determine the rate of pay for substitute teachers annually. Substitute teachers will not participate in the health and welfare plans or other fringe benefits of the District except as may be required by law. All legal deductions are made from substitute pay. Substitute teachers may earn up to the maximum amount allowed by FICA in a school year without contributing to the retirement fund. Should they earn more than the maximum allowed, all earnings become subject to retirement fund deductions.

Supervision and Evaluation

Substitute teachers shall be evaluated and supervised in accordance with the district's policy on teacher evaluation and supervision.

UNAUTHORIZED PURCHASES (DEBJ)

All purchases must be made in a manner consistent with policy (HCAA) and accompanying regulations and only with properly delegated authority. Purchases that are unauthorized shall become the financial responsibility of the purchaser. Purchases made in violation of the purchasing policy or rules may become the financial responsibility of the purchaser subject to an investigation of the alleged violation conducted by the Superintendent or Board President when the alleged violation relates to the Business Manager or Superintendent. District employees may be subject to additional disciplinary consequences for making unauthorized purchases, including, but not limited to, revocation of purchasing authority.

WORKPLACE EXPECTATIONS AND SAFETY

ACADEMIC FREEDOM (GBA)

Teachers shall abide by the curriculum standards adopted by the Board. They shall only select issues for study that contribute to the attainment of course objectives, are consistent with state standards and the district's mission, and are appropriate for classroom presentation. Teachers shall determine the appropriateness of a topic based on the following criteria:

1. There are adequate and age-appropriate materials available that will allow students to learn about all sides of an issue.
2. The topic is age-appropriate, considering the emotional, intellectual, and social capacities of the class as a whole.
3. Teachers are equipped personally and academically to present the topic objectively, allowing students to formulate their own opinions.

Controversial Topics

Controversial topics are issues that are often a matter of opinion and are subjects of public dispute, debate, or contention. When a topic is of a controversial nature, teachers shall receive administrative approval prior to presenting it in the classroom.

Teachers may offer an opinion on issues discussed in the classroom provided that the teacher clarifies that the opinion should not be construed as an authoritative answer, that the teacher is speaking on his/her own—not the district's—behalf, and encourages students to form their own opinions, stressing that students are free to express their own views without fear of academic reprisal.

Teachers that violate this policy or whose speech compromises the district's ability to provide a safe and non-disruptive educational environment may be subject to disciplinary action up to and including discharge.

ACCEPTABLE USE (ACDA)

The Powers Lake School believes Internet access plays an important role in the education of students; however, the Internet also contains content that is not appropriate for students and staff to access. In accordance with federal law, the District has taken reasonable precautions to restrict access to materials obscene, pornographic, and/or harmful to minors through the use of software designed to block sites containing inappropriate material. While the District has taken such 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 about appropriate online behavior, including interacting with other individuals on social networking websites and in chat rooms, and cyberbullying awareness and response.

Monitoring Use

Internet access is a privilege, not a right. Network storage areas shall be subject to the same scrutiny as school lockers for students. Staff shall have no reasonable expectation of privacy when using district computers and/or networks and shall use this technology solely for work-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. Using obscene language;
2. Accessing or creating pornographic files or sites and/or other inappropriate material;
3. Harassing, insulting, threatening, alarming, or attacking others;
4. Damaging computers, computer systems, or computer networks;
5. Violating copyright, trademark, trade secret, or other intellectual property laws;
6. Using or participating in chat lines, chat rooms, and social networking sites for personal and/or non-curricular purposes;
7. Using another's password or representing oneself as another;
8. Trespassing into another's folders, work, or files;
9. Intentionally wasting network resources including, but not limited to, emailing chain letters and/or broadcasting inappropriate messages;
10. Employing the network for political purposes as defined by state law, financial gain, and/or commercial purposes;
11. Revealing anyone's personal information such as, but not limited to, an address or phone number without appropriate consent. Students are prohibited from revealing personal information about themselves and/or others without obtaining written consent in accordance with the Federal Education Rights and Privacy Act and receiving administrative approval;
12. Other activities or actions deemed inappropriate and not in the best interest of the District, its employees, and students.

Violations

Violation of this policy will, at a minimum, result in the following disciplinary consequences for students:

1. First offense (Level I)
 - a. Loss of K12 email and Internet privileges for four weeks,
 - b. Parents contacted.
2. Second offense (Level II)
 - a. Loss of K12 email and Internet privileges for at least the remainder of the year.
 - b. Parents contacted.
3. A student may be subject to Level II disciplinary action on his/her first offense if administration deems this necessary based on the severity of the offense.

Violations of this acceptable use policy or any applicable federal or state law, rule, or regulation may also result in disciplinary action up to and including expulsion for students or termination of employment for staff.

Consent

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

ADMINISTRATIVE LEAVE & SUSPENSION (DED)

Administrative Leave

The Powers Lake School Board authorizes the Superintendent to place a district employee (teacher, administrator, or ancillary staff) on administrative leave when an employee is under district and/or law enforcement investigation, and the Superintendent identifies a need to temporarily remove the employee from his/her duties and/or job placement to protect district property, school operations, students and/or other employees. The Superintendent may consult with district legal counsel when determining if assignment of administrative leave is appropriate.

Prior to placing an employee on administrative leave, the Superintendent should consider if a transfer or reassignment of the employee would be an appropriate alternative to administrative leave. A decision to transfer or reassign an employee shall not violate the terms of the employee's contract with the district or negotiated agreement, if applicable.

Administrative leave shall be with pay, and the employee shall not be required to take any applicable paid leave benefits as part of the administrative leave.

The duration of administrative leave shall be until the investigation is complete and the Superintendent determines that the employee's potential threat or disruption to district property, school operations, students and/or other employees has passed.

The Powers Lake School Board delegates authority to the Board President to place the business manager or Superintendent on administrative leave using the same criteria and requirements established above.

Suspension

The Board delegates authority to the Superintendent to suspend all contracted district employees, except when the Board is required to suspend teachers and administrators by applicable law (NDCC 15.1-14-08 and 15.1-15-10). The Superintendent is authorized to suspend all at-will employees.

Suspension may be with or without pay. If an employee is suspended without pay and then reinstated, the employee shall be entitled to back wages and accrual of any benefits that would have been accumulated during the period of suspension.

AUTOMATED EXTERNAL DEFIBRILLATORS—AED (ACBA)

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 the 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.

BULLYING POLICY (ACEA)

Definitions

For the purposes of this policy:

- *Bullying* is defined as conduct prescribed in NDCC 15.1-19-17. The Superintendent should place this definition, in its entirety, in student and staff handbooks and should develop guidelines to assist students and staff with identifying this conduct.
- *Protected 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* or the term *on-campus* refers to all property owned or leased by the District, school buses and other vehicles, or any school district sponsored or school-sanctioned activity.
- *School-sanctioned activity* is defined 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 Powers Lake School, volunteers, and sponsors of school-sanctioned activities.
- *True threat* is a statement that, in light of the circumstances, a reasonable person would perceive as a serious expression of an intent to inflict harm.

Prohibitions

While at a public school, on school district premises, in a district-owned or leased school bus or school vehicle, or at any public school or school district sanctioned or sponsored activity or event, a student, staff member or school volunteer 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.

Off-campus bullying that is received on school property is also prohibited. The District has limited disciplinary authority to respond to such forms of bullying.

Reporting Procedures for Alleged Policy Violations

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 him/her as soon as possible. If the alleged violation implicates the building principal, the school staff member shall report it to the Superintendent. If the alleged violation implicates the Superintendent, the school staff member shall file it with the Board President.

Should school administration determine that a school staff member knew of or suspected a violation of this policy and failed to report it in accordance with the procedure above, the staff member may be subject to disciplinary consequences or, for sponsors of school-sanctioned activities, other corrective measures.

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. A complainant will have the option of including his/her name on this form or filing it anonymously. The District will place the form in a variety of locations throughout the school and should inform students and staff of these locations. The form may be returned to any school staff member, filed in a school building's main office, or placed in a designated drop box located in each school.
 - b. Complete and submit an online complaint form. A complainant will have the option of including his/her name on the form or submitting it anonymously.
 - c. File an oral report with any school staff member.

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

Reporting to Law Enforcement & Others Forms of Redress

Anytime a school staff member has reasonable suspicion that a bullying incident constituted a crime, s/he shall report it to law enforcement. Also, nothing in this policy shall prevent a victim/his/her family from seeking redress under state and federal law.

Documentation & Retention

The District shall develop a form to report alleged violations of this policy. The form should be completed by school staff when they:

1. Initiate a report of an alleged violation of this policy; or
2. Receive an oral report of an alleged violation of this policy.

The form should be completed by an administrator when s/he:

1. Initiates a report of an alleged violation of this policy; or
2. Receives an oral report of an alleged violation of this policy.

All written reports of an alleged violation of this policy received by the District shall be forwarded to the appropriate school administrator for investigation and retention.

Report forms and all other documentation related to an investigation of an alleged violation of this policy shall be retained by the District for six years after a student turns 18 or graduates from high school, whichever is later. If a student does not graduate from the District, such reports and investigation material shall be retained for six years after the student turns 18.

Investigation Procedures

School administrators (i.e., a principal, an assistant superintendent, or the Superintendent) are required to investigate violations of this policy (as prescribed under "Prohibitions"), when in receipt of actual notice of an alleged violation. Actual notice of an alleged violation occurs when alleged bullying, reprisal, retaliation, or false reporting is reported using the applicable method(s) prescribed in the reporting section of this policy.

Upon receipt of a report of an alleged policy violation, the designated administrator shall first determine if the alleged policy violation is based on a protected 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 his/her relationship to the victim/alleged perpetrator; the ages of the parties involved; the detail, content, and context of the report; 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 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.

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;
4. Create a behavioral adjustment plan;
5. Refer the student to a school counselor;
6. Hold a conference with the student's parent/guardian and classroom teacher(s), and other applicable school staff;
7. Modify the perpetrator's schedule and take other appropriate measures (e.g., moving locker) to minimize contact with the victim;
8. If applicable, contact the administrator of the website on which the bullying occurred to report it.

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

For bullying initiated off campus and received on campus (e.g. cyberbullying), the District only has authority to impose disciplinary measures if the bullying substantially disrupted the educational environment or posed a true threat. In all other cases of off-campus bullying received on campus, the District may only take corrective measures as described in items five through eight above.

If the perpetrator is a school staff member, the District shall take appropriate disciplinary action including, but not limited to: a reprimand, modification of duties (only if allowed by applicable policy, the negotiated agreement,

and/or the individual's contract), suspension, or a recommendation for termination/discharge in accordance with any applicable law.

Victim Protection Strategies

When the District confirms that a violation of this policy has occurred, it should notify the victim's parents and shall implement victim protection strategies. These strategies shall be developed on a case-by-case basis after administration has reviewed the totality of the circumstances surrounding the bullying incident(s) or other violations of this policy. Strategies may include, but not be limited to, the following:

1. Additional training for all students and applicable staff on implementation of this policy and/or bullying prevention.
2. Notice to the victim's teachers and other staff to monitor the victim and his/her interaction with peers and/or the assignment of a staff member to escort the student between classes.
3. Assignment of district staff to monitor, more frequently, areas in the school where bullying has occurred.
4. Referral to counseling services for the victim and perpetrator.
5. Modification of the perpetrator's schedule and other appropriate measures imposed on the perpetrator (not the victim) to minimize the perpetrator's contact with the victim.

Prevention Programs & Professional Development Activities

In accordance with law, the District shall develop and implement bullying prevention programs for all students and staff professional development activities.

CONCUSSION MANAGEMENT POLICY - (EXCERPTS FROM POLICY FCAF)

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).

CONCUSSION MANAGEMENT PROGRAM (FCAF-AR)

Concussion Signs & Symptoms

The signs and symptoms of a concussion are as follows:

Signs*	Symptoms*
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

- a. 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:
 - i. Who reports any sign or symptom of a concussion
 - ii. Who 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.

- b. 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.
- c. If two or more parties listed above with removal-from-play authority disagree on whether or not 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 employee, sports authority (e.g., coach, assistant coach, trainer, referee) or designee should call 911 for emergency medical assistance:

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

3. Transportation when Emergency Assistance is NOT Activated

Under no circumstances 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 in #1 above must be examined as soon as practical by a licensed healthcare 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 healthcare 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.¹ The Superintendent [**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.

CONFIDENTIALITY (DEBA)

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), Pupil Protection and Rights Amendment (PPRA), Children's Online Privacy Protection Act (COPPA), and the Individuals with Disabilities Education Act (IDEA).

Information Release

Information concerning students shall only be released in accordance with the district's policy on student education records and privacy (FGA). Information concerning district employees, activities, and operations shall be released in accordance with the district's policy on employee speech (DEBF).

Violations

Employees that violate this policy may be subject to disciplinary action up to and including dismissal in accordance with law and district policy.

¹ NOTE: NDHSAA officials have received concussion management training in accordance with law.

CONFLICT OF INTEREST (DEBB)

No employee of the District shall engage in or have a financial interest in any activity that directly or indirectly conflicts or raises a reasonable question of conflict with his/her duties and responsibilities in the school system. Outside activities that may conflict with the duties and responsibilities of employees include but are not limited to outside employment and/or college coursework where an employee's efficiency is impaired.

COPYRIGHTED MATERIAL & INTELLECTUAL PROPERTY (ABCA)

Copyright Prohibitions

The District shall abide by the provisions of copyright law, including Fair Use Standards. The District prohibits illegal duplication in any form. Copyright materials, whether they are print or non-print; published online; or in the form of software, music, a digital medium, or a performance shall not be duplicated or performed unless such use is permitted under law or unless appropriate written permission from the copyright holder has been received and, if applicable, royalties paid.

Compliance

The school office should maintain copies of federal Fair Use guidelines and federal Fair Use Standards for off-air taping of copyrighted audio and audiovisual works. Legal counsel shall review any proposed usage beyond the guidelines.

The Superintendent will issue memorandums regarding this policy and federal Fair Use Guidelines to employees as needed, post notices of copyright law and this policy in appropriate locations, install filtering software on district networks to prevent illegal downloading and file sharing, and notify students of this policy through the use of student handbooks.

Intellectual Property

Any copyrightable work produced by a district employee within the scope of his/her duties is considered "work made for hire." The District owns all copyrightable rights to these items. Employees have no right to use such work outside the scope of their district duties without the board's permission. "Work made for hire" must remain with the District upon separation.

The Board authorizes the Superintendent to sell "work made for hire" products to other school systems, organizations, or commercial firms.

Violations

Administration shall investigate all complaints of alleged copyright violations.

Students and employees who willfully disregard the district's copyright position are in violation of board policy and shall be subject to disciplinary consequences in accordance with applicable policies and law. In addition, employees who willfully disregard this policy do so at their own risk and assume all liability. The District may also deem employees who willfully violate copyright laws to be acting outside the scope of employment.

CORPORAL PUNISHMENT PROHIBITED - (EXCERPT FROM FF)

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 Powers Lake 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.

DISPLAYS OF RELIGIOUS OBJECTS OR DOCUMENTS (ABBE)

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.

DRUG AND ALCOHOL-FREE WORKPLACE (DEAA)

The Powers Lake School enforces the Drug-Free Workplace Act. The District prohibits employees from:

1. Unlawfully manufacturing, distributing, dispensing, possessing or using a controlled or prohibited substance including, but not limited to, alcohol on district property and grounds, in any vehicle belonging to the District, and at any school-related activity
2. Knowingly or intentionally aiding or abetting in any of the above activities

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 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.

DRUG AND ALCOHOL TESTING FOR EMPLOYEES (DBBA)

Definitions

For the purpose of this policy:

- *Drugs and controlled substances* are interchangeable and have the same meaning.
- *Controlled substance* refers to substances covered by the Omnibus Transportation Act, including but, not limited to, marijuana, cocaine, opiates, amphetamines and phencyclidine (PCP) (See 21 CFR part 1308).
- *Covered employee/position* means an employee/position subject to the Omnibus Transportation Employee Testing Act.
- *Safety-sensitive position* means a job in which a momentary lapse in the discharge of duties poses a safety threat with potentially severe consequences. In addition to covered positions, the board recognizes the following as safety-sensitive positions: school vehicle drivers as described in NDCC 15.1-07-20.

Statement of Philosophy

The Powers Lake School is committed to the establishment of a drug and alcohol testing program that meets all applicable requirements of the Omnibus Transportation Employee Testing Act. All covered and safety-sensitive employees are prohibited from using controlled substances and alcohol as stipulated in this policy.

Prohibitions and Hours of Compliance

Covered and safety sensitive employees are prohibited from using a controlled substance at all times unless use is at the instruction of a physician, and the physician has advised that use will not affect the employee's ability to perform safety-sensitive duties.

Covered and safety sensitive employees are prohibited from using alcohol while on duty, four hours prior to performing duties, and up to eight hours following an accident or until the employee performs a post-accident test (whichever occurs first).

No supervisor having actual knowledge that an employee covered by this policy has used a controlled substance or alcohol within prohibited hours shall permit the employee to perform or continue to perform safety-sensitive duties.

Notice of Medication Use

Employees covered by this policy shall notify the District any time they are using medication prescribed by a physician that could adversely affect performance of safety-sensitive duties. Employees shall not drive or perform other safety-sensitive duties at any time they have been advised by a physician that medication may or will adversely affect their ability to safely perform these duties.

Participation in Drug and Alcohol Testing Program Required

Employees serving in positions covered by this policy are required to participate in all applicable drug and alcohol testing as a condition of employment.

Circumstances for Testing

1. All covered employees shall be subject to pre-employment, reasonable suspicion, random, post-accident, return-to-duty and follow-up alcohol and drug testing pursuant to procedures set out in the federal regulations. Pre-employment controlled substance and alcohol testing shall be administered to an applicant offered a covered position in the District prior to the first time the employee performs any safety-sensitive duties for the District. Employment with the District is conditional upon the applicant receiving negative test results.
2. An individual applying for, transferring to, or being promoted to any safety-sensitive position shall initially be subject to controlled substance and alcohol testing. Verified positive test results shall prevent an applicant/employee from moving into a safety-sensitive position. School vehicle drivers shall also be subject to post-accident and reasonable suspicion testing. Non-transportation safety-sensitive positions shall be subject to post-accident and reasonable suspicion tests.
3. Transportation contracts approved by the District shall contain assurance that the contractor will establish or join a drug and alcohol testing program that meets the requirements of federal regulations and this policy and regulations and will actively enforce the regulations of this policy and regulations as well as federal requirements

Testing Procedures

Testing will be performed in accordance with federal drug and alcohol testing regulations and testing procedures are outlined in administrative regulations.

Refusal to Submit

An employee covered by this policy may not refuse to take a required test. Refusal includes tampering with, adulterating, or substituting a specimen for testing; inability to provide sufficient quantities of the substance being tested without a valid medical exemption; interfering with the collection procedure; not immediately reporting to the collection site; leaving the collection site before the collection process is complete; and/or leaving the scene of an accident without a valid reason before a drug and alcohol test has been conducted. Employees who refuse required testing will, at a minimum, be prohibited from performing safety-sensitive duties.

Violations

If the testing confirms prohibited alcohol concentration levels or the presence of a controlled substance, the employee shall be removed immediately from safety-related duties and may be subject to the disciplinary consequences contained in the Drug and Alcohol-Free Workplace policy. Before an employee is reinstated, if at all, the employee shall comply with all applicable return-to-duty requirements, including evaluation, rehabilitation, and drug/alcohol testing requirements. The District will follow treatment referral procedures contained in federal regulations for covered employees.

Employees with verified alcohol concentrations below prohibited amounts shall be removed from safety-sensitive positions and may be subject to the disciplinary consequences contained in the Drug and Alcohol-Free Workplace policy.

The District is not required to provide rehabilitation, pay for substance abuse treatment, or to reinstate the employee. The Board retains the authority consistent with law to discipline or discharge any employee who is an alcoholic or chemically dependent and whose current use of alcohol or drugs affect the qualifications for and performance of his/her job.

Confidentiality of Records

The District shall maintain records in compliance with law. Drug and alcohol testing records are confidential and shall be maintained in a secured location. An employee shall be entitled, upon written request, to obtain copies of any records pertaining to the employee's use of alcohol or controlled substances including information pertaining to alcohol or drug tests. Records shall be made available to a subsequent employer upon receipt of a written request from an employee only as expressly authorized by the terms of the employee's request.

Necessary records and reports shall be maintained and made available to federal and state transportation agencies upon request in accordance with federal regulations.

Records from Former Employers

With the employee's consent and in accordance with 49 CFR 40.25, the District may obtain any information concerning drug and alcohol testing from the employee's previous employer.

Training

The District shall take steps to ensure that supervisors receive proper training to administer the drug and alcohol testing program.

Identity of Contact Person

The Board designates [list title] to serve as the contact person for questions concerning the drug and alcohol testing program and this policy. This designee may be reached at Powers Lake School 701-464-5432.

Policy Dissemination

The Superintendent shall disseminate this policy and other educational material in accordance with federal law. Each employee subject to this policy shall certify in writing that s/he has received this material upon receipt. The Board designates the Superintendent as the individual responsible for answering questions related to this material.

Effects of Alcohol and Controlled Substances

Powers Lake School District contains information on the effects of alcohol and controlled substance misuse on an individual's health, work, and personal life; signs and symptoms of an alcohol problem; and available methods of intervening when a misuse problem is detected.

Conflict Between Regulations and Federal Law And Regulations

In the event of a conflict between the provisions of federal law or regulations concerning alcohol and drug testing and this policy or regulations, the federal law or regulations shall control.

EMPLOYEE SPEECH (DEBF)

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; violates district policies on off-duty conduct; 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 policy.

HAZING (ACEB)

Definitions

- *Hazing* means committing an act against a student or coercing a student into committing an act that creates a risk of harm to a person in order for the student to be initiated into or affiliated with a school-sponsored student organization or for any other school-related purpose. Hazing includes, but is not limited to:
 - a. Any type of physical brutality such as whipping, beating, striking, branding, electric shocking, or placing a harmful substance on the body.
 - b. Any type of physical activity that adversely affects the mental or physical health or safety of the student such as, but not limited to: sleep deprivation, exposure to extreme weather, confinement in a restricted area, calisthenics, or other activity that subjects the student to a risk of harm.
 - c. Any activity involving the consumption of any alcoholic beverage, drug, tobacco product or any other food, liquid, or substance that subjects the student to an unreasonable risk of harm or that adversely affects the mental or physical health or safety of the student.
 - d. Any activity that intimidates or threatens the student with ostracism; subjects a student to stress, embarrassment, shame or humiliation; adversely affects the mental health or dignity of the student; or discourages the student from remaining in school.
 - e. Any activity that causes or requires the student to perform a task that involves violation of state or federal law or of school district policies or regulations.
- *Retaliation* includes, but is not limited to, any form of intimidation, reprisal, or harassment.

Prohibitions

The Board believes that hazing is seriously disruptive to the educational environment and is therefore strictly prohibited on school property and at school-sponsored events. No student, district employee, volunteer, or contractor shall plan, direct, encourage, aid, or engage in hazing. No district employee, volunteer, or contractor shall permit, condone, or tolerate hazing.

The District must receive actual notice of a hazing in order to respond in accordance with the investigation procedure contained in this policy. Individuals found to be in violation of this policy shall be subject to disciplinary consequences in accordance with district policy and law. In addition, the District may refer individuals in violation of this policy to law enforcement.

Apparent permission or consent by a person being hazed does not lessen the prohibitions or consequences contained in this policy.

Reporting Requirements

Any person who believes s/he has been the victim of hazing or any person with knowledge or belief that conduct that may constitute hazing has occurred shall report the alleged acts immediately to a teacher, building principal,

or the Superintendent. Teachers who receive a hazing complaint shall immediately report it to the building principal.

Submission of a good faith complaint or report of hazing will not affect the complainant's future employment, grades, or work assignments. Any district student, employee, volunteer, or contractor shall be subject to disciplinary action in accordance with district policy and law if any such individual retaliates against an individual who makes a good faith report of alleged hazing or any person who testifies, assists, or participates in a proceeding or hearing relating to hazing.

The District must receive actual notice of hazing in order to respond in accordance with the investigation procedure contained in this policy. Every report of hazing shall be investigated by the administrator to whom it is reported except when the administrator is the subject of the complaint. In such cases, the administrator's immediate supervisor shall conduct the investigation. The Board President shall conduct the investigation when the Superintendent is the subject of the complaint. The investigator may request assistance or designate a third party to conduct the investigation. The District may take immediate steps, at its discretion, to protect the complainant, students, or others pending completion of an investigation of hazing.

Upon completion of the investigation, the District will take appropriate action. Such action may include, but is not limited to warning, in-school or out-of-school suspension, expulsion, transfer, remediation, termination, or discharge. Disciplinary consequences will be sufficiently severe to deter violations and to appropriately discipline prohibited behavior. School district action taken for violation of this policy will be consistent with applicable statutory authority and school district policies and regulations. A complainant may appeal the findings of a hazing investigation to the Superintendent except when the Superintendent is the subject of the complaint or when the Superintendent conducts the initial complaint investigation. The superintendent's decision shall be final and binding.

NONDISCRIMINATION & ANTI-HARASSMENT (AAC)

Please reference policy AAC on page 9.

OCCUPATIONAL SAFETY (DEAE)

The Superintendent shall develop an occupational safety program for all district employees with at least the following components:

1. An orientation program for new employees that provides an overview of duties, potential hazards and safeguards, district safety rules, location of fire extinguishers and other safety equipment, and emergency procedures. Employees shall certify in writing that they received orientation training upon completion of such training.
2. Issuance of personal protective safety equipment to employees as the Superintendent deems necessary. Employees required to wear safety equipment shall be instructed that failure to comply may cause the District to impose disciplinary consequences in accordance with policy, law, and, when applicable, the negotiated agreement.
3. Inservice safety training on such topics that the Superintendent deems needed.
4. An occupational risk assessment program, which shall include a procedure for identifying and projecting occupational risks associated with proposed equipment purchases and building safety audits.
5. Installation of safety features on district equipment and in district facilities.

Accident Reporting

An employee injured or involved in an accident on the job shall report the injury/accident as soon as practical to his/her immediate supervisor and no later than the deadline in state law unless good cause for a delay in reporting

exists. Failure to notify a supervisor about an injury/accident may result in disciplinary action in accordance with policy and law and may, according to law, result in denial of Workforce Safety and Insurance benefits.

POLITICAL ACTIVITIES (ABBDA)

Definition

For the purposes of this policy, political purpose is defined in accordance with NDCC 16.1-10-02.

Rights and Restrictions

The District recognizes that district employees, students, volunteers, and board members have certain civic rights (e.g., the right to be an active member of a political party of choice; the right to seek, campaign for, and serve in public office; the right to vote). However, in accordance with law, the District prohibits the use of school property, school time, and school services for political purposes except as authorized by law and board approval. Use of the school delivery system for political purposes is also prohibited. Employees shall not use on-duty hours for political purposes and shall observe state law prohibiting political activities by public employees. No district employee or volunteer shall exploit students for political purposes.

Nothing in this policy shall prevent:

1. The discussion and study of politics and political issues, when such discussion and study are appropriate to classroom studies. During any such study or discussion, employees shall observe the district's policy on academic freedom.

The conducting of student and employee organization elections and campaigning connected therewith.

REPORTING CHILD ABUSE & NEGLECT (LBB)

Students in apparent need of social service assistance may be referred to the Area Department of Human Services.

The Powers Lake School Board requires all school employees to fully comply with the mandatory reporting provisions concerning child abuse and neglect, including reporting reasonable suspicion of child abuse/neglect arising from images found on a workplace computer.

RESTRAINT AND SECLUSION (FCC)

Restraint and seclusion shall be implemented in a nondiscriminatory manner. Interventions authorized by this policy may be applied to any student enrolled in the Powers Lake Public Schools so long as such interventions are implemented in compliance with this policy.

Definitions

For the purposes of this policy:

- *Dangerous behavior* is violent, disturbed, or depressed behavior which may **immediately** result, or has resulted, in harm to that person or other persons or behavior that has or may immediately result in extensive or extreme damage to property
- *Chemical restraint* is medication used to control behavior or restrict freedom of movement that is not a standard treatment for the student's medical or psychological condition.
- *Mechanical restraint* is any device or object used to restrict or limit a student's body movement or any normal function of any portion of his/her body to prevent or manage dangerous behavior. Mechanical restraints are prohibited in Powers Lake Public Schools. Mechanical restraints do not include devices used by trained school personnel or by a student him/herself for approved therapeutic or safety purposes for which devices were designed and, if applicable, prescribed.

- *Physical restraint* is the use of physical intervention intended to hold a student immobile or limit a student's movement by using body contact as the only source of restraint to deescalate dangerous behavior or used as part of a parent-approved plan such as, but not limited to, a behavioral intervention plan (BIP), Individualized Education Program (IEP), or 504 Plan. This definition excludes physical prompts and physically escorting a student so long as the physical prompt/escort does not render a student immobile.
- *Behavioral intervention strategies* shall not be construed to mean a name-brand method of identifying and assessing students potentially in need of a behavioral intervention plan. Under this policy, it is defined as methods used to identify students who exhibited past incidents of dangerous behavior or exhibit the potential to engage in such behavior in the future. The Superintendent shall determine the appropriate scope and method of conducting a needs assessment for implementation of behavioral intervention strategies under this policy and should document completion of this assessment.
- *Seclusion* is placing a student in a room or limited space alone to deescalate dangerous behavior or as part of a parent-approved plan such as, but not limited to, BIP, IEP, or 504 Plan except for the presence of a staff monitor who shall monitor the student directly in the space or immediately outside it. This definition excludes disciplinary sanctions designed to penalize students by separating them from the student population (such as, but not limited to, detention and in-school suspension), and alternative placement (which is often used to separate the student from the student population for safety reasons).
- *Timeout* is a behavior intervention strategy that occurs when the ability of a student to receive normal reinforcement in the environment is restricted. Timeout may be inclusionary (where the student remains in sight and sound of others in the classroom) or exclusionary (where the student leaves the learning environment and goes to another location but is not isolated and prevented from leaving). Timeouts are not a form of seclusion.

Behavioral Intervention Strategies

To minimize the need for physical restraint or seclusion to respond to dangerous behavior, the District shall use behavioral intervention strategies to the extent possible. To implement behavioral intervention strategies the District may at least take the following steps:

1. Conduct a school-wide search of students in need of behavioral intervention strategies because of past incident(s) of dangerous behavior or the potential to engage in such behavior in the future; and
2. Train staff on identifying the need for behavioral intervention strategies and on implementing these interventions once established; and
3. Develop a behavioral intervention plan (BIP) for identified students. This plan should at least identify environmental triggers that cause the student to engage in dangerous behavior, include procedures for diminishing or removing such environmental factors, list interventions that will be used to maintain appropriate behavior and respond to inappropriate behavior, and contain an overview of self-regulating techniques on which the student will be trained; and
4. Involve parents in the development of the BIP and receive their consent on the document. In the case of mentally or physically disabled students, behavior intervention strategies, if necessary, should be addressed in the IEP or 504 Plan.

Prohibitions

The Powers Lake School prohibits district employees, contractors, volunteers, and other individuals serving or working in any capacity for the District (hereafter district staff) from use of any form of restraint and/or seclusion on students except when the following conditions are met and then only in compliance with this policy: An emergency situation necessitates the use of physical restraint or seclusion to control violent, disturbed, or depressed behavior which may immediately result, or has resulted, in harm to that person or other persons or to control behavior that has or may immediately result in extreme or extensive damage to property. Restraint or

seclusion may also be used when authorized by a parent-approved plan such as, but not limited to, BIP, IEP, or 504 Plan

The District further prohibits district staff from the following:

1. Using restraint and seclusion interventions simultaneously except when necessary, temporary measure (e.g., to evacuate a classroom, restrain a secluded student who is exhibiting self-destructive behavior)
2. Using restraint or seclusion to discipline a student
3. Using restraint or seclusion as a behavioral intervention when:
 - a. Behavior does not pose an immediate risk of harm or has not resulted in harm to the student or others
 - b. Behavior does not pose an immediate risk of extensive or extreme damage to property,
 - c. Or when not authorized by a parent-approved plan such as, but not limited to, BIP, IEP, or 504 Plan
4. Using mechanical restraints
5. Using chemical restraints
6. Using a physical restraint or seclusion technique that restricts breathing or ability to communicate (e.g., requiring a student to lie down or covering a child's face)
7. Using a restraint or seclusion technique that will knowingly cause harm to a child. An exception to this provision may be warranted if a district staff member is attempting to obtain possession of a weapon or other dangerous object within the control of a student, is attempting to stop a physical altercation between the student and another individual or is acting in self-defense and inadvertently causes harm to the student in the process. Administration shall investigate anytime a student was harmed during restraint or seclusion to determine the appropriateness of the intervention technique under the circumstances.
8. Using physical restraint or seclusion for longer than when the dangerous behavior has subsided.

Determining Appropriate Interventions When Need for Physical Restraint or Seclusion is Foreseeable

When the District identifies a foreseeable need for physical restraint or seclusion, it shall determine the appropriate physical restraint or seclusion intervention based on at least the following criteria:

1. Behavior at issue.
2. Age of the child.
3. If a proposed intervention would violate restraint or seclusion interventions prohibited by policy. Such interventions shall not be used.
4. The child's needs.
5. Terms of the child's BIP, IEP, and/or 504 Plan.
6. If staff has received appropriate training in the intervention proposed.
7. Number of staff needed to administer the intervention. At a minimum, two staff members should be on hand when physical restraint or seclusion is used—one to witness implementation of interventions.
8. If a staff member will be available to continually monitor a student who is restrained or placed in seclusion. The District requires continuous monitoring of a student placed in seclusion.
9. If seclusion is the recommended intervention, whether or not the school has a seclusion area free from any objects that the child could use to harm him/herself. If the District does not have such a room or area, alternative interventions must be used.
10. Whether or not the proposed interventions have been reviewed and approved by a qualified licensed or education specialist such as, but not limited to, a therapist, an individual certified in special education, or psychologist. The District recommends receiving this approval to ensure that proposed physical restraint

or seclusion intervention does not substantially depart from accepted professional judgment, practice, or standards.

11. A review of physical restraint or seclusion interventions used to respond to the child in the past. Any interventions that were ineffective should be modified using the above criteria.
12. Whether parents have authorized the proposed physical restraint or seclusion intervention. Such authorization is required and should be documented in a BIP, IEP, or 504 Plan.

Determining Appropriate Interventions When Need for Physical Restraint or Seclusion is Unforeseeable

When a student engages in unforeseen dangerous behavior (i.e., dangerous behavior not covered by the BIP, IEP, or 504 Plan), trained staff members shall implement physical restraint or seclusion interventions in compliance with all prohibitions contained in this policy, should respond in at least a team of two, should consider the age of the child and his/her needs when determining the appropriate intervention method, and shall take necessary measures to ensure the safety of the student including continuously monitoring a student placed in restraint or seclusion. Staff administering restraint or seclusion under these circumstances are subject to administrator notification and reporting requirements contained in this policy.

Students engaged in unforeseen dangerous behavior shall be reviewed to determine the need for a BIP, IEP, or 504 Plan.

Staff Training

The District shall provide training to appropriate staff in physical restraint and seclusion and shall at least provide a copy of this policy to all district staff. Only trained staff members should implement physical restraint or seclusion interventions.

If a trained staff member is unavailable in situation necessitating use of restraint or seclusion as defined by this policy, the untrained staff member should contact a trained staff member to seek assistance. If the urgency of the situation prohibits contacting a trained staff member for assistance, the untrained staff member shall implement physical restraint or seclusion interventions in compliance with all prohibitions contained in this policy and in the BIP/IEP/504 Plan (if the staff member is aware of the contents of such plan, if such plan exists). Staff administering restraint or seclusion under these circumstances are subject to administrator notification and reporting requirements contained in this policy. The Superintendent shall ensure that the staff member is debriefed after the incident and arrange for the staff member to receive training on physical restraint and seclusion if deemed appropriate.

Documentation, Notification, & Re-Evaluation

Whenever any student is placed in seclusion or is restrained, the intervening staff member shall contact the building principal or designee as soon as practical. The building principal or designee shall determine if the seclusion or restraint is necessary and compliant with this policy; determine the appropriate duration of the physical restraint or seclusion, not to exceed the length of the school day; and shall at least issue his/her decision in writing.

Anytime restraint or seclusion is used, the school staff member administering the intervention should document it using the district's restraint or seclusion reporting form and submit it to administration as soon as practical. An administrator or designee shall attempt to contact the student's parent as soon as practical to inform him/her of the restraint or seclusion intervention used. If parents cannot be reached, the administrator should document a description of his/her notification attempts.

This notification requirement may only be waived if the parent agreed in writing to this waiver in the student's BIP, IEP, or 504 Plan and if the restraint or seclusion intervention used was part of the student's BIP, IEP, or 504 Plan.

School administration shall monitor the number and content of restraint and seclusion reporting forms received. If restraint or seclusion is repeatedly used, used multiple times within the same classroom, or used multiple times by the same individual, the District shall review the student's BIP/504 Plan/IEP to determine the effectiveness of current intervention strategies and shall assess any implicated staff member's need for more training.

Policy Violations

District staff who violate this policy may be subject to disciplinary action up to and including termination in accordance with law, district policy, and, if applicable, the negotiated agreement.

Policy Adoption & Review

The Board should seek input of district parents prior to adoption of this policy and should form a committee to review this policy and implementation of restraint and seclusion interventions at least annually. As part of the policy review, the committee should examine the following:

1. Frequency of use of restraint or seclusion.
2. Outcomes of restraint or seclusion interventions.
3. Demographics of students subject to restraint or seclusion, programs/settings in which such interventions are used, and frequency of each staff member's use of these interventions to determine if policy is applied consistently.
4. Whether or not use of restraint or seclusion is reported accurately and consistently.
5. Whether or not data collected on restraint and seclusion are used to plan behavioral intervention strategies and staff development
6. Whether or not policy continues to protect students and staff.
7. Whether or not policy is still aligned with any applicable law.

SIGNIFICANT CONTAGIOUS DISEASES (ACBB)

The Powers Lake School Board adopts this policy with the intent of protecting the health and safety of all district students, staff, and independent contractors.

Definitions

For the purposes of this policy, the terms *affected person*, *decision-maker*, *independent contractor*, *institution*, *reasonable accommodations*, *significant contagious disease*, *special provisions*, and *universal precautions* will be defined in accordance with ND Administrative Code 33-06-05.1-02.

Universal Precautions

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

Nondiscrimination & 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 district property, including, but not limited to, district buildings, vehicles, school events, and computer networks. Complaints alleging harassment/discrimination based on a significant contagious disease shall be handled in accordance with the district's Harassment and Discrimination Grievance Procedure.

Confidentiality

All information concerning an affected person's condition that is given to an employee or official of the District shall remain confidential. The Superintendent shall develop procedures to protect against confidentiality breaches.

No employee or official of the District may inform anyone of an affected individual's infection. No employee or official may release any information to the public either confirming or denying the presence within the institutional setting of a person who has contracted a significant contagious disease. 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 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 institution 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 (Policy KBA) when handling media requests related to significant contagious disease.

Reasonable Accommodations & Public Health Threats

Except as provided below, the personal physician of the affected individual shall be solely responsible for deciding whether the individual constitutes a public health threat and/or whether the individual has the ability to continue in school or perform his/her duties.

1. **Students:** When a student's personal physician or the multidisciplinary team (in the case of a student who is defined as having a disability under state or federal law) determines that the student is unable to participate in regular classroom instruction, the District will provide either reasonable accommodations, special provisions, or an individualized education program. The Superintendent shall establish procedures for the development of special provisions.
2. **Employees & Contractors:** When an employee's, prospective employee's, or independent contractor's personal physician determines that the employee, prospective employee, or independent contractor is able to perform job duties and does not constitute a public health threat, the District will 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 will 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 institutional setting, the use of universal precautions and prevention. Instruction will begin in Grade K and continue through Grade 12
2. 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 will 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 will have an opportunity to preview/review the curriculum and materials.

3. **Employees:** All district employees will 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 will receive additional in-service from qualified health education professionals.

4. **Independent Contractors:** All independent contractors performing services for the District will receive a brochure concerning significant contagious diseases upon entering into a contract with the District. The brochure shall contain information regarding the transmission of significant contagious diseases in an institutional setting, the means of protecting against contracting the diseases in an institutional setting, and the use of universal precautions.

SPORTSMANSHIP (ABCB)

A primary goal of the sports program is to teach sportsmanship. Student athletes, student spectators, district personnel, and public spectators are expected to support this goal.

Rules of Conduct

The athletic director shall develop rules of conduct for athletic events. These rules shall be published in student and employee handbooks and disseminated to district patrons using the method deemed most appropriate, effective, and cost efficient by the Superintendent.

The Superintendent, principal, athletic director and law enforcement may evict violators of these rules from the athletic event, and the Superintendent may prohibit and/or restrict attendance at future events. In addition, district students and employees violating these rules may be subject to disciplinary consequences in accordance with district policy and law.

STUDENT CONDUCT STANDARDS & DISCIPLINARY PROCEDURES (FF-AR)

Student misconduct shall be classified as a minor, moderate, or major violation of conduct standards. Definitions of these terms and disciplinary investigation and response procedures shall be included in student handbooks.

When determining the level of a conduct violation, a teacher, principal, or other school official with disciplinary authority shall take into account the totality of circumstances associated with the misconduct, such as, but not limited to:

1. The degree to which the misconduct disrupted the educational environment;
2. The degree to which the misconduct infringed on the rights of others;
3. The frequency and proximity of the incidents of prior misconduct.

When a school official is unsure of how to appropriately classify a student conduct violation, s/he shall consult with the building principal or, in the case of a building principal, the Superintendent before responding to the misconduct. Neither this requirement nor the disciplinary procedure below shall supersede district policies and procedures containing emergency response and safety measures.

Investigation & Disciplinary Procedures

Minor conduct violations: Minor conduct violations shall be handled by the student's classroom teacher or by a school official with disciplinary authority when the student is not under the supervision of a classroom teacher. If the teacher/school official did not witness the misconduct, s/he will investigate to determine if the student was in violation of conduct standards. When the teacher/school official determines that a minor conduct standard was violated, s/he shall submit a misconduct report to the building principal, which may be placed in the student's educational record at the principal's discretion in accordance with applicable policy and law. In addition, teachers/school officials with disciplinary authority are authorized to respond to minor conduct violations by invoking one or more (if permitted by this regulation) of the following options:

Minor offenses:

1. Require the student to attend detention;
2. Withdraw student privileges;
3. Contact the student's parents;
4. Develop a behavior adjustment plan;
5. Hold a conference with the student's parent/guardian;
6. Any other disciplinary sanction deemed appropriate by the building principal

Options three through five are not considered disciplinary sanctions and may therefore be administered on their own or in combination with any disciplinary sanction listed above.

Moderate and major conduct violations: Such offenses shall be referred to the building principal for investigation and response. A teacher or school official referring a student to the building principal as a result of a potential conduct violation shall complete a misconduct report for the principal to review. The principal shall conduct further investigation as deemed necessary and shall include his/her findings on the misconduct report. This report may be placed in the student's educational record at the principal's discretion in accordance with applicable policy and law. If a moderate or major conduct violation is substantiated, the principal is authorized to respond by invoking one or more (if permitted by this regulation) of the following options:

Moderate offenses

1. Require the student to attend detention;
2. Impose in or out of school suspension. The action shall only be taken in accordance with due process procedures contained in the district's suspension and expulsion policy;
3. Recommend alternative placement. This recommendation shall be submitted to the Superintendent for approval or denial. The Superintendent may approve such recommendations only if the student has been given notice of the charges against him/her and an opportunity to respond;
4. Refer the student to a school counselor;
5. Create a behavioral adjustment plan;
6. Hold a conference with the student's parent/guardian and classroom teacher;
7. Any other disciplinary sanction deemed appropriate by the building principal.

Options four through six are not considered disciplinary sanctions and may therefore be administered on their own or in combination with any disciplinary sanction listed above.

Major offenses: The building principal may respond to major student conduct violations using any of the measures listed above for moderate conduct violations or may recommend more severe penalties, which may include expulsion, in accordance with district policy.

Detention

If a student is required to serve detention, his/her parent shall be notified by the school at least 24 hours prior to the student serving the detention.

STUDENT-STAFF RELATIONS (DEBD)

The Board requires employees, volunteers, and students to treat one another with respect and professionalism. All employees and volunteers are expected to exercise good judgment and maintain professional boundaries when interacting with students at all times, on and off school property.

Prohibited Behavior

Any behavior of a harassing or sexual nature towards students is strictly prohibited. Such behavior includes but is not limited to the following:

1. Insults, disparaging remarks/names, and/or sarcasm, used to force compliance with an employee's or volunteer's requirements or expectations.
2. Any conduct that would amount to sexual harassment, discrimination, or retaliation under Title IX of federal education amendments.
3. Any activity that may lead to a sexual relationship such as dating, sending intimate correspondence, and/or engaging in sexualized dialogue.
4. Any sexual relationship between an employee or volunteer and a current student, regardless of his/her age, or a former student under the age of 18.
5. Any conduct by an employee or volunteer that would constitute a sexual offense as defined in state law.

Individuals aware of any of these prohibited behaviors are expected to report such action to a building administrator or the Superintendent.

All reported prohibited behavior shall be investigated. 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.

TOBACCO USE (ABBA)

Definitions

For purposes of this policy, *tobacco* is defined to include any product that contains tobacco, is manufactured from tobacco, contains nicotine, e-cigarettes, and other electronic smoking devices. This excludes any FDA-approved nicotine replacement therapy.

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.

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 Powers Lake School Board establishes the following tobacco-free policy.

Use & Possession Prohibitions

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

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

- 3. Additional:** The District will not allow advertising of tobacco products in school buildings, on school property, at school functions, on district 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 the 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.

UNAUTHORIZED PURCHASES (DEBJ)

All purchases must be made in a manner consistent with policy (HCAA) and accompanying regulations and only with properly delegated authority. Purchases that are unauthorized shall become the financial responsibility of the purchaser. Purchases made in violation of the purchasing policy or rules may become the financial responsibility of the purchaser subject to an investigation of the alleged violation conducted by the Superintendent or Board President when the alleged violation relates to the Business Manager or Superintendent. District employees may be subject to additional disciplinary consequences for making unauthorized purchases, including, but not limited to, revocation of purchasing authority.

USE OF ANIMALS IN SCHOOL & IN CURRICULAR PROGRAMS (ACBC)

The Powers Lake School Board believes there are medical and physical dangers associated with allowing interaction with and/or use of animals in the educational program and in district schools. The Board, however, also recognizes that animals may be an effective teaching aid and/or their presence may be required to reasonably accommodate students and staff with disabilities.

Use of Animals for Educational Purposes

Teachers seeking to request the use of animals as part of the educational program or seeking permission for students to participate in an activity involving animals (e.g., a field trip) shall submit a request to the building principal in accordance with administrative regulations. The principal shall consider such requests on a case-by-case basis based upon criteria established by the Superintendent.

Use of Service Animals by the Disabled

Disabled students and staff, as defined by Section 504 of the Rehabilitation Act, may be granted use of a service animal for the purpose of reasonable accommodation. The Superintendent shall make such determinations on a case-by-case basis based on the following criteria. Whether the presence of the service animal would:

1. Impose an undue financial or administrative burden on the District;
2. Require a fundamental alteration to the educational program;
3. Injure the legitimate and legally protectable rights of others. In such cases, a disabled student's parent may be given the option of changing the student's educational placement if alternative placement will remedy the infringement of other's rights.

Revocation of Animal Use

The decision to allow any type of animal in school may be revoked if:

1. The animal poses a direct health and/or safety threat to others;
2. The animal is out of control;
3. The animal's presence has fundamentally altered the educational program.

Animal Related Injuries

The principal and parent/guardian (if a student is involved) shall be notified as soon as possible if an animal bites an individual on school property or during a school-sponsored activity or an animal-related incident occurs on school property or during a school-sponsored activity that could have an adverse effect on an individual's physical or emotional health. An accident report shall be filed in accordance with district policy and regulations.

VIOLENT & THREATENING BEHAVIOR (ACE)

Threatening Behavior

A true threat is a statement made orally, in writing, or using another medium that would be perceived by a reasonable person to be a serious expression of intent to harm, commit assault, or damage school property.

Reporting

Any student or employee who has knowledge of a threat shall report it to the building principal or Superintendent. Failure to report a known threat may result in disciplinary consequences up to and including suspension for students and termination of employment for staff in accordance with policy, law, and, when applicable, the negotiated agreement.

Threat Assessment

Upon receipt of a threat report, the building principal shall contact the Superintendent. The Superintendent shall determine if the report constitutes a true threat as defined above and if, given the nature of the threat, it should be handled internally or turned over to law enforcement. The Superintendent shall make these determinations based on, but not limited to, the following criteria:

1. The detail, specificity, context, and content of the threat;
2. The amount of disruption the threat has caused or may cause to the educational environment;
3. Whether or not the Superintendent can identify the source of the threat; anonymous threats may be turned over to law enforcement;

4. When the source of the threat can be identified, the Superintendent shall consider, to the extent possible, the individual's:
 - a. State of mind;
 - b. Relationship with peers;
 - c. Age;
 - d. Domestic life;
 - e. Ability to carry out the threat (e.g., access to weapons);
 - f. Past behavior.
5. If any laws have been violated;
6. The identity and potential motives of the individual reporting the threat.

The threat assessment may involve interviews with district staff, students, and parents. The Superintendent may, in accordance with the Family Educational Rights and Privacy Act and other applicable records laws, release threat assessment findings to law enforcement when deemed necessary.

When law enforcement and/or the Superintendent, having considered the totality of the facts obtained through the threat assessment, verifies that a threat is true, the District shall take necessary and timely measures to safeguard students, staff, and district property.

Disciplinary Consequences for Threatening Behavior

1. **Regular Education Students:** A student who is found to have made a true threat will be subject to disciplinary measures, including, but not limited to suspension and/or expulsion. When deemed to be a necessary safety precaution, the District may require alternative placement or appoint supervision during the periods of suspension and/or expulsion for threatening behavior.
2. **Special Education Students:** Special education students found to have made a true threat will be disciplined in accordance with applicable policies and laws pertaining to the discipline of special education students.
3. **Staff:** Employees found to have made a true threat shall be subject to disciplinary consequences up to and including termination of employment in accordance with policy, law, and, when applicable, the negotiated agreement.

Students and employees may also be subject to the filing of criminal charges and/or referred to counseling services for treatment.

Violent Behavior

The District prohibits all acts of violence and aggression, including, but not limited to, possession of a weapon or dangerous instrument, physical assault, vandalism of district property, stalking, gang affiliation and/or activity, or terroristic acts. Violators of this policy shall be subject to disciplinary consequences, determined by the seriousness of the act, including, but not limited to, expulsion for students, discharge for employees, and exclusion from school premises in accordance with applicable policy and law. In addition, the District may take legal action against the perpetrator.

Students and employees may also be subject to the filing of criminal charges and/or referred to counseling services for treatment.

WEAPONS PROHIBITION ON SCHOOL PROPERTY-EMPLOYEES (DEAG)

Definitions

For purposes of this policy, the following definitions apply:

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

Prohibitions

District employees, district contractors and/or their employees, and district volunteers shall not possess a weapon or firearm on school property, including those individuals who may otherwise be permitted by law to carry such weapons. This prohibition does not apply to law enforcement personnel. Weapons and firearms under the control of law enforcement personnel are permitted on school property.

Exceptions

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

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

District employees are not in violation of this policy if using an item prohibited by this policy to defend oneself or others in an emergency situation that warrants self-defense will ensure notice of this policy is provided to district employees, district contractors, and district volunteers.

Violations

Employees in violation of this policy will be subject to discipline up to and including dismissal in accordance with any applicable law. Individuals contracting with the District and volunteers will be subject to appropriate sanctions. A referral to law enforcement may be made by appropriate school officials.

ANCILLARY/CLASSIFIED STAFF POLICIES

SEPARATION OF AT-WILL EMPLOYEES (DKBA)

Whenever possible, support personnel are requested to give notice of intention to terminate employment two weeks prior to resignation. Written notice of resignation should be addressed to the Superintendent and presented to the employee's immediate supervisor.

The Superintendent is authorized to discharge ancillary employees. The employee may be suspended during any investigation of which the employee is the subject. The Board shall be notified of any suspension and/or discharge.

The Superintendent may terminate at-will employees at any time, with or without cause.

TEACHER POLICIES

REDUCTION-IN-FORCE POLICY (DKA)

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.

Teaching staff on leave for any purpose remain subject to the district's reduction-in-force policy.

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.

If a reduction in force is necessary, only teachers directly impacted (e.g., those employed under a Title program) will be considered for reduction in force based on the criteria for RIF above.

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.

REVIEW OF CONTESTED MATERIAL IN PERSONNEL FILES (DIB)

Teachers have the right to request an administrative review of any material in their files that they consider to be inaccurate or inappropriate, other than performance evaluations.

If the teacher is not satisfied with the administrator's decision, the teacher may request, and must receive, a formal review by the Board. This review shall be at an open public meeting of the Board.

SUBSTITUTE TEACHERS (DJA)

Definition and Qualifications

Substitute teachers are temporary fill-ins for teachers absent from school. Substitute teachers shall be qualified to teach in North Dakota schools and must possess a valid teacher's license unless an exception under state law or administrative rules applies. Retired teachers may be employed as substitutes.

The Superintendent shall maintain a list of qualified substitutes and develop a protocol for contacting and securing substitutes' services.

Pay

The Board shall determine the rate of pay for substitute teachers annually. Substitute teachers will not participate in the health and welfare plans or other fringe benefits of the District except as may be required by law. All legal deductions are made from substitute pay. Substitute teachers may earn up to the maximum amount allowed by FICA in a school year without contributing to the retirement fund. Should they earn more than the maximum allowed, all earnings become subject to retirement fund deductions.*

Supervision and Evaluation

Substitute teachers shall be evaluated and supervised in accordance with the district's policy on teacher evaluation and supervision.

TEACHER EVALUATION (DFAA)

Immediate supervisors shall evaluate the professional staff by use of instruments adopted by the Board. The evaluation process will be based on the supervisory process. These evaluations shall be conducted in conformance with North Dakota law, including the dates specified in the law. The evaluation shall become a part of the employee's personnel file. The employee shall have the right to review the evaluation and may attach a statement of disagreement if he/she so wishes.

SCHOOL BOARD RELATIONS WITH PERSONNEL

ADMINISTRATION IN POLICY ABSENCE (CBAB)

The Board grants to the Superintendent power to administer the District in absence of specific board policy. The Superintendent is expected to report to the Board actions and/or decisions that reflect the need for policy.

BOARD COMMUNICATION WITH THE PUBLIC (BGA)

As members of the Powers Lake 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, Powers Lake School Board members shall comply with the applicable portions of the following procedure:

1. Explain that individual board members have no authority to act on behalf of the Board.
2. 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.
3. 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 Powers Lake School Board or for which the Board has not established a policy, the matter shall be referred to the Powers Lake 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.

BOARD MEETING AGENDA & PRE-MEETING PREPARATION (BCAA)

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 three 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. Confirmation of agenda
3. Approval of minutes
4. Consideration of bills
5. Communications
6. Financial
7. Unfinished business
8. New business
9. Miscellaneous business
10. Adjournment

Pre-Meeting Preparation

The agenda, minutes of the previous meeting, and relevant supplementary information will be delivered to each board member at least three days 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 school building.

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.

PUBLIC PARTICIPATION AT BOARD MEETINGS (BCBA)

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 of 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 presiding officer.
2. State name and address for the minutes.
3. Limit comments to no more than five minutes, unless the presiding officer 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 presiding officer 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 complainant 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. Furthermore, any individual who is persistently disruptive of a school board meeting may be removed from that meeting by order of the presiding officer.

Questions and Comments by Board and District Administrator

Board members and the district administrator may question a speaker or make comments in response to the speaker's 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 presiding officer requests information.

FORMS

HANDBOOK ACKNOWLEDGEMENT FORM

I, _____ (print name), have received a copy of the employee handbook, and I have read and understand the content, requirements, and consequences for violating it. I agree to abide by all the directives and other requirements contained in the employee handbook. I understand that if I have questions at any time regarding the handbook, I will contact the Powers Lake School Superintendent.

Employee's Signature

Date

ANNUAL NOTICES

ASBESTOS HAZARD EMERGENCY RESPONSE ACT: <https://www.epa.gov/asbestos/asbestos-and-school-buildings#comply> 21