

**Hettinger Public School District #13**  
**Board Policy**



## POLICY UPDATING INSTRUCTIONS

If the board wants to use the updated policies to replace an existing policy, it must first make a motion to rescind your existing policy (only one reading needed) and then adopt the new policy (adoption requires two readings). These motions can be made at the same meeting.

If the board wishes to adopt portions of policy; change the portions of the existing policy and make a motion to amend (amendments require two readings).

The following policies require a first and second reading by the School Board:

- Required policies
- Recommend policies
- AdvancED Policies
- Supplementary Policies

Per policy BDA, Procedure for Adopting Board Policy, the second reading may be waived for any of the above listed policies if a motion is made by your board.

The following actions require only one reading by your School Board:

- Approving Board Regulations (-BR)
- Rescinding a policy
- Reaffirming a policy

The Board may review the following, but no motions should be made. These are meant as quick reference for administrators.

- Administrative Regulations (-AR)
- Exhibits (-E)

## Table of Contents

POLICY UPDATING INSTRUCTIONS.....	2
A GENERAL OPERATIONS PHILOSOPHIES.....	10
PHILOSOPHY OF PUBLIC SCHOOLS .....	10
DISTRICT GOALS & OBJECTIVES .....	13
NONDISCRIMINATION AND ANTI-HARASSMENT POLICY .....	14
DISCRIMINATION AND HARASSMENT GRIEVANCE PROCEDURE.....	19
SECTION 504 DISPUTE RESOLUTION POLICY .....	23
SCHOOL DISTRICT ORGANIZATION PLAN .....	24
SCHOOL YEAR & CALENDAR.....	25
NON-CURRICULAR USE OF DISTRICT PROPERTY.....	28
DISPLAYS OF RELIGIOUS OBJECTS OR DOCUMENTS.....	29
<b>TICKET SALES FOR ACCESSIBLE SEATING</b> .....	30
COPYRIGHTED MATERIAL & INTELLECTUAL PROPERTY .....	31
SPORTSMANSHIP.....	32
WELLNESS POLICY .....	33
RECORDS RETENTION .....	37
PROHIBITION ON AIDING SEXUAL ABUSE .....	39
ACCESSIBILITY POLICY.....	41
EMERGENCY CLOSINGS.....	42
EMERGENCY & DISASTER PLANS & DRILLS.....	43
<b>ACCIDENT REPORTING</b> .....	44
AUTOMATED EXTERNAL DEFIBRILLATORS (AED) .....	45
SIGNIFICANT CONTAGIOUS DISEASES .....	46
<b>USE OF ANIMALS IN DISTRICT SCHOOLS &amp; IN CURRICULAR PROGRAMS</b> .....	49
<b>SCHOOL MEDICATION PROGRAM</b> .....	51
NALOXONE (NARCAN) ADMINISTRATION.....	59
<b>SEXUAL OFFENDERS ON SCHOOL PROPERTY</b> .....	62
<b>CRITERIA FOR GRANTING PARENT OFFENDERS</b> .....	64
<b>PRIVILEGES TO ENTER SCHOOL PROPERTY</b> .....	64
ACCEPTABLE USE.....	65
<b>VIDEO SURVEILLANCE &amp; RECORDING IN SCHOOLS</b> .....	67
VIOLENT & THREATENING BEHAVIOR.....	69
BULLYING POLICY.....	71
HAZING .....	77
<b>VANDALISM</b> .....	79

<b>WHISTLEBLOWER PROTECTIONS POLICY:</b> .....	80
<b>PROHIBITION AGAINST RETALIATION</b> .....	80
B SCHOOL BOARD .....	82
SCHOOL BOARD ETHICS.....	82
EMPLOYING BOARD MEMBERS.....	83
<b>BOARD CONFLICT OF INTEREST</b> .....	84
SCHOOL BOARD ELECTIONS & TERMS OF OFFICE.....	85
OFFICERS OF THE BOARD.....	86
SCHOOL BOARD COMMITTEES .....	88
SCHOOL BOARD MEMBER ASSIGNMENTS .....	89
METHOD OF FILLING A BOARD VACANCY .....	90
MEETINGS OF THE BOARD .....	92
BOARD MEETING AGENDA & PRE-MEETING PREPARATION.....	93
BOARD MEETING PROCEDURES .....	94
PROCEDURE FOR SEATING NEW BOARD AT THE ANNUAL MEETING ..	95
<b>MINUTES</b> .....	96
EXECUTIVE SESSION .....	97
PUBLIC PARTICIPATION AT BOARD MEETINGS .....	98
<b>RULES OF DECORUM AT BOARD MEETINGS</b> .....	100
NEWS COVERAGE OF BOARD MEETINGS .....	101
NEWS COVERAGE OF BOARD MEETINGS REGULATIONS.....	102
PROCEDURE FOR ADOPTING BOARD POLICY.....	103
CONTRACTS SUPERSEDE POLICY AND REGULATIONS.....	105
SAVINGS CLAUSE .....	106
CONSULTANTS TO THE BOARD .....	107
RETAINING AN ATTORNEY.....	108
CITIZENS' ADVISORY COMMITTEES .....	109
COMPENSATION AND EXPENSES FOR BOARD MEMBERS .....	110
MEMBERSHIP IN ASSOCIATIONS .....	111
CANDIDATE ORIENTATION .....	112
NEW MEMBER ORIENTATION .....	113
SCHOOL BOARD EVALUATION .....	114
BOARD-SUPERINTENDENT RELATIONS.....	115
BOARD-STAFF RELATIONS .....	116
RETIRING BOARD MEMBERS.....	117
BOARD MEMBER VISITS TO SCHOOLS .....	118
<b>BOARD COMMUNICATION WITH THE PUBLIC</b> .....	119

C	ADMINISTRATION .....	120
	SUPERINTENDENT RECRUITMENT AND APPOINTMENT .....	120
	SUPERINTENDENT EVALUATION PROCEDURE .....	121
	ADMINISTRATIVE REGULATIONS .....	122
	ADMINISTRATION IN POLICY ABSENCE .....	123
	SUPERINTENDENT'S CONSULTING ACTIVITIES .....	124
	SUPERINTENDENT'S ROLE IN NEGOTIATIONS .....	125
	SUPERINTENDENT GRIEVANCE PROCEDURE .....	128
D	PERSONNEL .....	130
	PERSONNEL POLICIES REQUIREMENTS & IMPLEMENTATION .....	130
	ROLE OF POLICY & REGULATIONS.....	131
	FOR NON-CONTRACTED EMPLOYEES .....	131
	DEFINITIONS FOR PERSONNEL POLICIES .....	132
	RECRUITMENT, HIRING, & BACKGROUND CHECKS FOR NEW CLASSIFIED PERSONNEL .....	133
	RECRUITING & HIRING TEACHERS .....	136
	DRUG AND ALCOHOL TESTING PROGRAM FOR EMPLOYEES .....	139
	CLASSIFIED STAFF INTENT TO REHIRE .....	143
	FRINGE BENEFITS.....	144
	<b>DEFINITION OF WORKWEEK AND</b> .....	145
	<b>OVERTIME AND COMPENSATORY TIME</b> .....	145
	SICK LEAVE.....	146
	<b>FAMILY &amp; MEDICAL LEAVE</b> .....	147
	EMPLOYEE LEAVE GIFTING PROGRAM .....	149
	<b>SICK LEAVE REGULATIONS</b> .....	151
	<b>FAMILY AND MEDICAL LEAVE REGULATIONS</b> .....	152
	VACATIONS.....	153
	HOLIDAYS .....	154
	MILITARY LEAVE.....	155
	UNPAID LEAVE.....	156
	POLITICAL LEAVE.....	157
	JURY & WITNESS DUTY .....	158
	STAFF CODE OF CONDUCT .....	159
	DRUG & ALCOHOL FREE WORKPLACE .....	162
	STAFF ATTENDANCE .....	165
	<b>STAFF DRESS CODE</b> .....	166
	OCCUPATIONAL SAFETY .....	167
	WEAPONS PROHIBITION ON SCHOOL PROPERTY—EMPLOYEES .....	168

<b>CONFIDENTIALITY</b>	169
<b>CONFLICT OF INTEREST</b>	170
<b>GIFTS TO DISTRICT PERSONNEL</b>	171
<b>STAFF-STUDENT RELATIONS (NON-FRATERNIZATION POLICY)</b>	172
<b>EMPLOYEE RELATIONS WITH VENDORS</b>	173
<b>EMPLOYEE SPEECH</b>	174
<b>ELECTRONIC COMMUNICATIONS WITH STUDENTS</b>	176
<b>UNAUTHORIZED PURCHASES</b>	177
<b>OUTSIDE EMPLOYMENT</b>	178
<b>ADMINISTRATIVE LEAVE &amp; SUSPENSION</b>	179
<b>TEACHER EVALUATION</b>	180
<b>PROMOTION</b>	181
<b>TEACHER GRIEVANCE PROCEDURE</b>	182
<b>EMPLOYEE ASSISTANCE PROGRAM PROCEDURES</b>	184
<b>PROFESSIONAL DEVELOPMENT PLAN</b>	185
<b>LICENSURE</b>	186
<b>TITLE I QUALIFICATIONS NOTIFICATION REQUIREMENT</b>	187
<b>PERSONNEL RECORDS</b>	188
<b>DISTRIBUTION OF PERSONNEL DIRECTORY</b>	190
<b>REVIEW OF MATERIAL IN TEACHER PERSONNEL FILES</b>	191
<b>SUBSTITUTE TEACHERS</b>	192
<b>PART-TIME TEACHERS</b>	193
<b>TEACHERS' AIDES</b>	194
<b>REDUCTION-IN-FORCE POLICY</b>	195
<b>SEPARATION OF AT-WILL EMPLOYEES</b>	196
<b>CONTRACTED STAFF RESIGNATIONS &amp; REQUEST FOR RELEASE FROM CONTRACT</b>	197
<b>TEACHER DISCHARGE FOR CAUSE</b>	198
<b>SERVICE CREDIT PURCHASE</b>	200
<b>F STUDENT</b>	201
<b>OPEN ENROLLMENT</b>	201
<b>EARLY ENTRANCE REQUIREMENTS</b>	202
<b>ENROLLMENT OF SUSPENDED OR EXPELLED STUDENTS</b>	203
<b>TUITION AGREEMENTS</b>	204
<b>SCHOOL ASSIGNMENT</b>	205
<b>PLACEMENT &amp; ADJUSTMENT OF TRANSFER STUDENTS</b>	206
<b>STUDENT TRANSFER &amp; WITHDRAWAL RECORDS</b>	207

<b>STUDENT FEES .....</b>	<b>208</b>
<b>TOILET INDEPENDENCE.....</b>	<b>209</b>
<b>STUDENT SAFETY &amp; SUPERVISION.....</b>	<b>210</b>
<b>ACCOMMODATING STUDENTS WITH ALLERGIES.....</b>	<b>211</b>
<b>&amp; SPECIAL DIETARY NEEDS.....</b>	<b>211</b>
<b>HEAD LICE .....</b>	<b>212</b>
<b>STUDENT ACCIDENTS.....</b>	<b>213</b>
<b>SUICIDE PREVENTION.....</b>	<b>214</b>
<b>CONCUSSION MANAGEMENT .....</b>	<b>217</b>
<b>STUDENT DISMISSAL PRECAUTIONS .....</b>	<b>219</b>
<b>STUDENT TRANSPORTATION SAFETY &amp; SUPERVISION .....</b>	<b>220</b>
<b>STUDENT CUSTODY .....</b>	<b>221</b>
<b>RESTRAINT OR SECLUSION POLICY.....</b>	<b>223</b>
<b>EDUCATION OF HOME SCHOOLED STUDENTS .....</b>	<b>224</b>
<b>EDUCATION OF MIGRANT STUDENTS .....</b>	<b>227</b>
<b>EDUCATION OF PREGNANT AND PARENTING STUDENTS .....</b>	<b>228</b>
<b>EDUCATION OF SPECIAL EDUCATION/DISABLED STUDENTS .....</b>	<b>230</b>
<b>REQUIRED      Descriptor Code: FDH.....</b>	<b>231</b>
<b>STUDENTS IN FOSTER CARE .....</b>	<b>231</b>
<b>STUDENT ASSISTANCE PROGRAM.....</b>	<b>233</b>
<b>HONOR ROLL.....</b>	<b>234</b>
<b>GIFTS &amp; AWARDS TO STUDENTS .....</b>	<b>235</b>
<b>EARLY DISMISSAL FOR WORK.....</b>	<b>236</b>
<b>SENIOR PRIVILEGES .....</b>	<b>237</b>
<b>STUDENT ORGANIZATIONS.....</b>	<b>238</b>
<b>STUDENT GOVERNMENT .....</b>	<b>240</b>
<b>STUDENT CONDUCT &amp; DISCIPLINE .....</b>	<b>241</b>
<b>STUDENT ALCOHOL &amp; OTHER DRUG USE/ABUSE.....</b>	<b>243</b>
<b>ATTENDANCE &amp; ABSENCES .....</b>	<b>247</b>
<b>BUS CONDUCT .....</b>	<b>249</b>
<b>CARRYING WEAPONS .....</b>	<b>250</b>
<b>EXTRACURRICULAR PARTICIPATION REQUIREMENTS .....</b>	<b>252</b>
<b>FIELD &amp; OTHER SCHOOL-SPONSORED TRIPS .....</b>	<b>254</b>
<b>STUDENT ASSEMBLIES .....</b>	<b>255</b>
<b>STUDENT DRESS CODE .....</b>	<b>256</b>
<b>STUDENT VEHICLES ON SCHOOL PROPERTY.....</b>	<b>257</b>
<b>SUSPENSION AND EXPULSION.....</b>	<b>258</b>

<b>STUDENT RIGHTS AND RESPONSIBILITIES .....</b>	<b>260</b>
STUDENT EDUCATION RECORDS.....	261
<b>RELEASED TIME FOR OUTSIDE INSTRUCTION.....</b>	<b>268</b>
<b>STUDENT PRAYER DURING NON-INSTRUCTIONAL TIME.....</b>	<b>269</b>
<b>SEARCHES OF LOCKERS .....</b>	<b>270</b>
<b>SEARCHES OF STUDENTS &amp; STUDENTS' PERSONAL PROPERTY .....</b>	<b>271</b>
<b>STUDENT INTERVIEWS, INTERROGATIONS, AND CUSTODY BY SCHOOL RESOURCE OFFICERS AND OUTSIDE AUTHORITIES .....</b>	<b>272</b>
<b>STUDENT HANDBOOKS .....</b>	<b>274</b>
<b>STUDENTS OF LEGAL AGE .....</b>	<b>275</b>
<b>STUDENT PUBLICATIONS &amp; FREEDOM OF EXPRESSION .....</b>	<b>276</b>
<b>CLASS GIFTS TO SCHOOLS .....</b>	<b>277</b>
<b>PUBLIC PERFORMANCES BY STUDENTS.....</b>	<b>278</b>
<b>G INSTRUCTION .....</b>	<b>279</b>
<b>CURRICULUM DESIGN &amp; EVALUATION.....</b>	<b>279</b>
<b>CURRICULUM ADOPTION .....</b>	<b>281</b>
<b>REVIEW &amp; COMPLAINTS OF INSTRUCTIONAL &amp; RESOURCE MATERIAL.....</b>	<b>282</b>
<b>ENGLISH LANGUAGE LEARNERS.....</b>	<b>283</b>
<b>SEX EDUCATION .....</b>	<b>284</b>
<b>STUDENT ACHIEVEMENT.....</b>	<b>285</b>
<b>TITLE PROGRAMS DISPUTE RESOLUTION PROCEDURE.....</b>	<b>286</b>
<b>CORRESPONDENCE COURSES .....</b>	<b>287</b>
<b>PATRIOTIC EXERCISES.....</b>	<b>288</b>
<b>POST-SECONDARY ENROLLMENT .....</b>	<b>289</b>
<b>DRIVERS EDUCATION.....</b>	<b>290</b>
<b>GRADE PROMOTION, RETENTION, &amp; ACCELERATION.....</b>	<b>291</b>
<b>CLASS RANKINGS .....</b>	<b>292</b>
<b>GRADING.....</b>	<b>293</b>
<b>STUDENT PROGRESS REPORTS TO PARENTS .....</b>	<b>294</b>
<b>PROTECTION OF PUPIL RIGHTS AMENDMENT &amp; THIRD-PARTY RESEARCH ON STUDENTS.....</b>	<b>295</b>
<b>OPTING OUT OF STATE AND FEDERAL ASSESSMENTS .....</b>	<b>297</b>
<b>EARLY GRADUATION .....</b>	<b>298</b>
<b>GRADUATION EXERCISES.....</b>	<b>299</b>
<b>H FISCAL MANAGEMENT.....</b>	<b>300</b>
<b>BUDGET PLANNING, PREPARATION, &amp; ADOPTION .....</b>	<b>300</b>
<b>FEDERAL FUNDING FOR SCHOOLS .....</b>	<b>301</b>
<b>BOND CAMPAIGNS .....</b>	<b>303</b>



<b>PUBLIC SCHOOLS FOUNDATION</b> .....	304
<b>BIDDING REQUIREMENTS &amp; PROCEDURES</b> .....	305
<b>LOCAL PURCHASING</b> .....	306
<b>DISBURSEMENT OF MONIES</b> .....	307
<b>VENDOR CONFLICT OF INTEREST DISCLOSURE</b> .....	308
<b>SALES CALLS &amp; DEMONSTRATIONS</b> .....	309
<b>FAIR EMPLOYMENT CLAUSE IN CONTRACTS</b> .....	310
<b>REVENUES FROM INVESTMENTS</b> .....	311
<b>REVENUES FROM SCHOOL-OWNED PROPERTIES</b> .....	312
<b>LINE ITEM TRANSFER AUTHORITY</b> .....	313
<b>MANAGEMENT OF STUDENT ACTIVITIES FUNDS</b> .....	314
<b>SYSTEM OF ACCOUNTS</b> .....	315
<b>CASH IN SCHOOL BUILDINGS</b> .....	316
<b>FRAUD PREVENTION &amp; INVESTIGATION</b> .....	317
<b>AUDITS</b> .....	319
<b>I GENERAL OPERATIONAL PROGRAMS</b> .....	320
<b>ASBESTOS MANAGEMENT</b> .....	320
<b>FOOD SERVICE PROGRAM</b> .....	321
<b>DISPOSAL OF SCHOOL EQUIPMENT AND SUPPLIES</b> .....	322
<b>BUS SAFETY</b> .....	323
<b>USE OF BUSES BY COMMUNITY GROUPS</b> .....	324
<b>EXTRACURRICULAR TRANSPORTATION</b> .....	325
<b>TRANSPORTATION OF STUDENTS BY STAFF IN PRIVATE VEHICLES</b>	326
<b>K PUBLIC RELATIONS</b> .....	327
<b>PARENTAL INVOLVEMENT</b> .....	327
<b>PATRON COMPLAINTS</b> .....	332
<b>COMPLAINTS ABOUT PERSONNEL</b> .....	333
<b>WEAPONS PROHIBITION ON SCHOOL PROPERTY—PUBLIC</b> .....	335

## A GENERAL OPERATIONS PHILOSOPHIES

**RECOMMENDED**

Descriptor Code: AAA

### **PHILOSOPHY OF PUBLIC SCHOOLS**

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

We Believe:

1. The purpose of education is to equip students with the knowledge and skills necessary to become active, informed, and productive members of society. Our public schools have a responsibility to foster the growth of intelligent and informed citizens.

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

**End of Hettinger Public School Policy AAA.....Adopted: June 15, 2015**



**DISTRICT GOALS & OBJECTIVES**

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

In addition to meeting these approval and accreditation requirements/standards, the Board has established goals and objectives, which are contained in the district's strategic plan and which shall be published in student and employee handbooks.

**End of Hettinger Public School District Policy AAB .....Adopted: June 15, 2015**

## NONDISCRIMINATION AND ANTI-HARASSMENT POLICY

### General Prohibitions

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

It is a violation of this policy for any district student, parent, guardian, employee, or third party to discriminate against or harass 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, or as required by law. Outcomes may include disciplinary measures such as termination of employment or student 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 regulations AAC-BR1 or AAC-BR2.
- *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, persistent, and/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, and/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.
- *North Dakota Human Rights Act (NDCC ch. 14-02.4)* provides protection from discrimination in the workplace on the basis of race, color, religion, sex, national origin, age, the presence of any mental or physical disability, status with regard to marriage or public assistance, or participation in lawful activity off the employer's premises during nonworking hours which is not in direct conflict with the essential business-related interests of the employer.
  - *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. It is defined under Title IX as unwelcome sexual advances, requests for sexual favors, and/or other verbal, written, or physical conduct or communication of a sexual nature, that:
    - a. Constitutes *quid pro quo* harassment, 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. Is so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the District's education program or activity; or
    - c. Constitutes sexual assault, dating violence, domestic violence, or stalking as those offenses are defined in the Clery Act, 20 U.S.C. § 1092(f) and the Violence Against Women Act, 34 U.S.C. § 12291(a).
  - *Sexual harassment* examples include, but are not limited to, the following:
    - 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 VI* is a federal law that provides protection from discrimination based on race, color, or national origin in employment and employment practices in programs or activities receiving federal financial assistance.
- *Title VII* is a federal law that provides protection from discrimination on the basis of race, color, religion, sex or national origin. Title VII applies to all public school districts with 15 or more employees.
- *Title IX* is a federal law that provides protection from discrimination, based on sex, in education programs or activities that receive federal financial assistance.

Other or different definitions may be set forth in board regulations AAC-BR1 or AAC-BR2.

### **Complaint Filing Procedure**

The Board shall create an informal and formal discrimination and harassment complaint filing procedure in board regulations coded AAC-BR. For Title IX sexual harassment complaints, grievance procedures shall be followed in accordance with federal regulations and board regulation AAC-BR2.

The procedure provides for an impartial investigation free of conflicts of interest and bias. Nothing in this policy or in the discrimination and harassment grievance procedure prevents an individual from pursuing redress available 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 promptly 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**

Districts must designate at least one employee to be their Title IX Coordinator and authorize such individual(s) to coordinate the district's efforts to comply with its responsibilities under the applicable regulations.

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. They may be contacted at 209 South Eighth Street, Hettinger, ND 58639 or (701)567-5315. Districts must notify students, parents or legal guardians, employees and unions of the name and specified contact information for the designated Title IX Coordinator(s). The notification must also state that inquiries about the application of Title IX and its regulations may be directed to the district's Title IX Coordinator or the Assistant Secretary of Education, or both. Districts must prominently display the Title IX Coordinator(s) contact information on their website, if any, and in each handbook it makes available to students, parents or legal guardians, employees and unions.

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 high school principal as the 504/Title II Coordinator. They may be contacted at 209 South Eighth Street, Hettinger, ND 58639 or (701)567-4502.

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 under applicable federal laws, but instead the other protected statuses or sex or disability based discrimination under state law. The Board designates the superintendent, as the Nondiscrimination Coordinator. They may be contacted at 209 South Eighth Street, Hettinger, ND 58639 or (701)567-5315.

**Training**

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.

In addition, the Title IX Coordinator(s), investigators, decision-makers, and those facilitating an informal resolution process, if applicable, under Title IX shall receive training in a number of areas specified in board regulation AAC-BR2.

**End of Hettinger Public School District Policy AAC .....Adopted: June 15, 2015**

**Amended: September 09, 2020**

## **DISCRIMINATION AND HARASSMENT GRIEVANCE PROCEDURE**

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.

**End of Hettinger Public School Board Reg. AAC-BR..... Approved: June 15, 2015**

**SECTION 504 DISPUTE RESOLUTION POLICY**

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

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

**End of Hettinger Public School District Policy AACA.....Adopted: June 25, 2018**

**SCHOOL DISTRICT ORGANIZATION PLAN**

In accordance with the Department of Public Instruction administrative rules, schools shall be classified as elementary, middle level/junior high, or secondary/high school. Elementary schools shall provide for grades K through 6; junior high shall provide for grades 7 & 8; and high schools shall encompass grades 9-12.

Kindergarten shall be conducted on a full year, full day schedule.

**End of Hettinger Public School District Policy ABAA.....Adopted: June 25, 2018**



**SCHOOL YEAR & CALENDAR**

A school calendar for the ensuing school year shall be prepared by the Superintendent and presented to the Board each year by a date designated by the Board. The Board may receive input from teachers, students, and the community before final adoption of the calendar. Any changes in the calendar after adoption shall be subject to board approval.

The school calendar shall:

4. List the opening and closing dates of the school year. A school year shall consist of the minimum number of hours required by state law.
5. List professional development days for teachers and administrators. The Board shall schedule professional development days in accordance with law and the negotiated agreement.
6. List the start and end of the fiscal year, which shall commence July 1 and end June 30.
7. Set forth days of attendance for students, holiday and vacation periods, parent-teacher conference days, and other schedules of importance to the staff and public.
8. List days that may be used for the rescheduling of instructional time lost as a result of severe weather or other emergency conditions in accordance with 15.1-27-23.
9. Upon approval of the calendar by the Board, the Superintendent will distribute copies of the calendar to staff, news media, and district patrons, including parents.

**Event Schedules**

The activities director shall develop separate practice and event schedules.

**End of Hettinger Public School District Policy .....Adopted: December, 18, 2019**

## NORTH DAKOTA'S COMPREHENSIVE MODEL SCHOOL POLICY FOR TOBACCO USE

### Definitions

For purposes of this policy:

- *Electronic smoking device* means any device that can be used to deliver aerosolized or vaporized nicotine to the person inhaling from the device, including, but not limited to, an e-cigarette, e-cigar, e-pipe, vape pen or e-hookah.
- *Possession of Tobacco Products means:*
  - a. Actual physical possession of the tobacco product while on school property;
  - b. Use or consumption of the tobacco product while on school property;
  - c. Tobacco product located in the student's locker, car, handbag, backpack, or other belongings while on school property; or
  - d. Appearance by a student on school property after having consumed or ingested the tobacco product that is noticeable by breath odor.
- *Smoking* means inhaling, exhaling, burning, or carrying any lighted or heated cigar, cigarette, or pipe, or any other lighted or heated tobacco, nicotine, or plant product intended for inhalation, including hookah and marijuana, whether natural or synthetic. "Smoking" also includes the use of an electronic smoking device. This excludes any FDA-approved nicotine replacement therapy.
- School property is defined in NDCC 15.1-19-10 (6)(b) as all land within the perimeter of the school site and all school buildings, structures, facilities, and school vehicles, whether owned or leased by a school district, and the site of any school-sponsored event or activity.
- *Smokeless tobacco* means any snuff or chewing tobacco.
- *Tobacco product* means any product that is made from or derived from tobacco, or that contains nicotine, that is intended for human consumption or is likely to be consumed, whether smoked, heated, chewed, absorbed, dissolved, inhaled or ingested by any other means, including, but not limited to, a cigarette, a cigar, pipe tobacco, chewing tobacco, snuff, or snus. Tobacco product also includes any electronic smoking device.
- *Tobacco use* means smoking and the heating, inhaling, chewing, absorbing, dissolving or ingesting any tobacco product.

### Rationale for Regulating Possession & Use

The health hazards of tobacco use have been well established. This policy is established to:

1. Reduce the high incidence of tobacco use in North Dakota.
2. Protect the health and safety of all students, employees, and the general public.

3. Set a non-tobacco-use example by adults.
4. Assist in complying with smoking restrictions in state and federal law (NDCC 23-12-10 and 20 U.S.C. 7973).

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

#### **Use & Possession Prohibitions**

1. **Students:** Possession and/or use of tobacco products by students on school property is prohibited at all times.
2. **Staff/Visitors:** The use of tobacco products by all school employees and visitors on school property is prohibited.  
  
This policy includes all events on school property that are not sponsored by, or associated with, the school at all times.
3. **Additional:** The District will not allow advertising of tobacco products on school property or in any school publications. This includes clothing that advertises tobacco products.

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

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

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

#### **Responsibility for Violations**

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

#### **Tobacco Cessation Services**

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

**End of Hettinger Public School District Policy ABBA.....Adopted: June 25, 2018**

**NON-CURRICULAR USE OF DISTRICT PROPERTY**

In accordance with the Equal Access Act and Boy Scouts of America Act, if and/or when the District grants non-curricular student-led groups use of school facilities during non-instructional time, it shall also grant use to:

1. Any group officially affiliated with the Boy Scouts of America
2. Any other youth group that is required to be granted access under federal law
3. Community groups

Before the District grants use of school facilities, each of the groups listed above shall complete and submit a Facility Use form to the Superintendent for approval and must agree to facility use regulations before use. The District shall check with its insurance carrier to ensure coverage and, if available, obtain written confirmation of this coverage prior to granting a facility use request OR the party using property shall provide proof of insurance with the District named as an additional insured.

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, and terms under which community groups must pay short-term rental fees.

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.

**End of Hettinger Public School District Policy ABBB.....Adopted: July 25, 1984**

- Amended: October 12, 1987
- Amended: January 11, 1995
- Amended: June 19, 2002
- Amended: June 18, 2003
- Amended: June 25, 2018

**DISPLAYS OF RELIGIOUS OBJECTS OR DOCUMENTS**

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

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

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

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

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

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

**End of Hettinger Public School District Policy ABBE.....Adopted: June 25, 2018**

**TICKET SALES FOR ACCESSIBLE SEATING**

The District shall comply with the Americans with Disabilities Act regulations concerning ticket sales for accessible seating whenever the District sells tickets for seating at district-sponsored programs and/or events.

**End of Hettinger Public School District Policy ABBF .....Adopted: June 25, 2018**

**COPYRIGHTED MATERIAL & INTELLECTUAL PROPERTY**

**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 library 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 Director of Media Services 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 in accordance with the district’s sale of school property policy.

**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.

**End of Hettinger Public School District Policy ABCA.....Adopted: July 25, 2018**

**SPORTSMANSHIP**

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(s), 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.

**End of Hettinger Public School District Policy ABCB..... Adopted: July 25, 2018**



## WELLNESS POLICY

### District Wellness Committee

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

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

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

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

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

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

Annually, the District shall disseminate the wellness policy to staff, students, parents, and the public by publication in student and staff handbooks, and publication in the district newsletter. The District shall also inform parents regarding improvements that have been made to school meals and compliance with school meal standards, the availability of child nutrition programs and how to apply; as well as the USDA [Smart Snacks in Schools](#) nutrition standards.

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

### Physical Activity

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

The goals of physical activity programs must be to:

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

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

### **Nutrition Education and Promotion**

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

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

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

---

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

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

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

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

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

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

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

### **Nutrition Standards**

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

Foods purchased to raise funds must meet the [USDA's Smart Snacks in Schools](#) nutrition standards<sup>4</sup>. The district may also encourage fundraising ideas that are non-food related.

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

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

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

### **Hydration Standards**

To promote hydration, unflavored drinking water that is free must be made available to all students throughout the school day and throughout every school.

---

<sup>4</sup> <http://www.actionforhealthykids.org/storage/documents/parent-toolkit/fundraisers-family-health-f1.pdf>  
Hettinger Public School Board Policy

The District shall make drinking water available where school meals are served during mealtimes.

**Marketing**

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

**Qualifications and Training**

The District must comply with any applicable hiring requirements under federal regulations for new hires in the food service program. They must also comply with the annual training requirements under federal regulations for all food service personnel (see ABCC-E).

**End of Hettinger Public School District 13 Policy ABCC.....Adopted: June 25, 2018**

## RECORDS RETENTION

### Definitions

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

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

### Development of a District Records Retention Schedule

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

### Role of Record Administrator

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

### Records Hold

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

Below are indicators that a records hold is required:

1. A formal complaint, subpoena, or notification of a lawsuit is received
2. Litigation is threatened
3. A regulatory or governmental body (e.g., OCR, Department of Justice, Department of Labor) begins an investigation
4. An attorney requests facts or documents related to an incident or dispute.
5. An injury occurs
6. An open records request is made
7. An employee or student/parent requests access to their records

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

**End of Hettinger Public School District Policy ABCD.....Adopted: June 25, 2018**

**PROHIBITION ON AIDING SEXUAL ABUSE****Definitions**

For the purpose of this policy:

- *Assisting* means to recommend, facilitate, aid, ease, expedite, promote, encourage, advance, stimulate, or accelerate.
- *Sexual misconduct* may include, but is not limited to the following:
  - l. Insults, disparaging remarks/names, and/or sarcasm, used to force compliance with a school employee's, contractor's, or agents' requirements or expectations.
  - m. Any conduct that would amount to sexual harassment, discrimination, or retaliation under Title IX of federal education amendments.
  - n. Any activity that may lead to a sexual relationship such as dating, sending intimate correspondence, and/or engaging in sexualized dialogue.
  - o. Any sexual relationship between a school employee, contractor, or agent and a current student, regardless of their age, or a former student under the age of 18.
  - p. Any conduct by a school employee, contractor, or agent that would constitute a sexual offense, sexual act, or sexual contact involving a minor or a student as defined in state law.
- *School property* is defined in NDCC 15.1-19-10(6)(b) as all land within the perimeter of the school site and all school buildings, structures, facilities, and school vehicles, whether owned or leased by a school district, and the site of any school-sponsored event or activity.

**Prohibited Action**

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

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

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

10. The information has been properly reported to a law enforcement agency with jurisdiction over the alleged misconduct, and any other authorities as required by federal, state, or local law; and

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

**Reporting and Investigation**

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

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

**Violation**

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

**Retaliation and Providing False Information Prohibited**

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

**End of Hettinger Public School District Policy ABCE.....Adopted: June 25, 2018**



**ACCESSIBILITY POLICY**

The Hettinger Public School District is committed to ensuring accessibility of its website for students with disabilities, parents with disabilities, and members of the public with disabilities. All pages on the District’s website will conform to the W3C WAI’s Web Content Accessibility Guidelines (WCAG) 2.0, Level AA conformance, or updated equivalents of these guidelines.

The Superintendent is directed to establish procedures whereby students, parents, and members of the public may present a complaint regarding a violation of the Americans with Disabilities Act (ADA), Section 504 and Title II related to the accessibility of any official District web presence that is developed by, maintained by, or offered through the District or third party vendors and open sources.

**End of Hettinger Public School District Policy ABDA.....Adopted: June 25, 2018**

**EMERGENCY CLOSINGS**

The Board authorizes the Superintendent to delay the opening of, dismiss early, or close district schools in the event of hazardous weather, an epidemic, or other 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.

**End of Hettinger Public School Policy ACAA .....Adopted: June 25, 2018**

**EMERGENCY & DISASTER PLANS & DRILLS**

**Emergency Plans**

The goal of an emergency/disaster response plan is to ensure an organized, efficient, and effective response to life-threatening occurrences. The Superintendent in conjunction with principals, relevant staff members, and emergency response personnel shall develop an emergency/disaster response plan based on a district-wide threat assessment. The plan shall contain procedures for responding to threats; medical emergencies; natural disasters; and manmade disasters, including, but not limited to, nuclear attacks, terrorism, and other acts of violence.

Creation of an emergency/disaster plan does not guarantee that a trained responder will be present, able to properly respond to the situation, and/or able to properly administer first aid.

**Dissemination**

Threat response and emergency evacuation plans are exempt under the North Dakota open records law and will only be disseminated to individuals with an actual need to know.

**Emergency Drills**

The emergency/disaster response plan shall contain a means for evaluating its effectiveness, including provisions for carrying out emergency drills. The Superintendent shall ensure all required emergency and disaster drills are conducted in accordance with applicable law, including but not limited to, state law and city ordinances.

**End of Hettinger Public School District Policy ACAB.....Adopted: June 25, 2018**

**ACCIDENT REPORTING**

All staff shall receive training in accident prevention and awareness. Staff shall be required to immediately report accidents to the building principal. All administrators shall receive training in accident report filing requirements to ensure compliance with insurance deadlines.

**End of Hettinger Public School District Policy ACAC.....Adopted: June 25, 2018**

**AUTOMATED EXTERNAL DEFIBRILLATORS (AED)**

The Superintendent shall develop regulations to maintain, test, and implement the use of AEDs in the District. 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.

**Limited Liability**

In accordance with NDCC 32-03.1-02.3, an individual who in good faith and without compensation provides training to use an automated external defibrillator, or emergency care or treatment by using an automated external defibrillator is immune from civil liability for any personal injury resulting from the training, emergency care, or emergency treatment and for any act or failure to act in providing or arranging further medical treatment if the individual providing the training, emergency care, or emergency treatment acted as an ordinary, reasonable, prudent person would act under the same or similar circumstances. Any person responsible for the site on which the automated external defibrillator is located is also immune from civil liability.

Immunity from civil liability does not apply if a personal injury results from the gross negligence or from the willful or wanton misconduct of the individual providing the training, emergency care, or emergency treatment. NDCC 32-03.1-02.3 does not limit civil liability protection provided by any other law.

**End of Hettinger Public School District Policy ACBA.....Adopted: June 25, 2018**

## SIGNIFICANT CONTAGIOUS DISEASES

The Hettinger 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.<sup>5</sup> The curriculum will be integrated into the health curriculum.

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

2. **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.

---

<sup>5</sup> State law requires that all students be educated concerning significant contagious disease. Specify the grades that are included in your district's enrollment.

3. **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.

**End of Hettinger Public School District Policy ACBB.....Adopted: June 25, 2018**



**USE OF ANIMALS IN DISTRICT SCHOOLS & IN CURRICULAR PROGRAMS**

The Hettinger Public 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.

**Definitions**

For purposes of this policy:

- *Disability* is defined in 28 CFR Part 35.108 with respect to an individual, as a physical or mental impairment that substantially limits one or more of the major life activities of such individual; a record of such an impairment; or being regarded as having such an impairment.
- *Service animal* is defined in [NDCC 25-13-01.1](#) as any guide dog, signal dog, or other animal trained to do work, perform tasks, or provide assistance for the benefit of an individual with a disability. The term includes an animal trained to provide assistance or protection services to an individual with a disability, pull a wheelchair, lend balance support, retrieve dropped objects, or provide assistance in a medical crisis
- *School property* means all land within the perimeter of the school site and all school buildings, structures, facilities, and school vehicles, whether owned or leased by a school district, and the site of any school-sponsored event or activity.

**Use of Animals for Educational Purposes**

Before a teacher may use an animal as part of the educational program or participate in an activity involving animals (e.g., a field trip), the teacher must 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**

A qualified individual with a disability may be granted use of a service animal on school property, provided the work or tasks performed by the service animal are directly related to the individual's disability. The Superintendent shall make such determinations on a case-by-case basis based on the following criteria:

Would the presence of the service animal:

1. Impose an undue financial or administrative burden on the District;
2. Require a fundamental alteration to an educational program;
3. Impact legally protectable rights of others.

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.

The individual with a disability or designated handler is responsible for the proper care and supervision of the service animal while on school property.

**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 not properly controlled;
3. The animal’s presence has fundamentally altered an educational program or activity.

The District may offer alternatives to using a service animal (such as employing an aide), provided the alternatives effectively meet the student’s needs.

**Animal Related Injuries**

The principal and parent/guardian (if a student is involved) must be notified as soon as possible if an animal bites an individual on school property or during a school-sponsored activity or if 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 must be filed with the principal in accordance with district policy and regulations (ACAC).

**End of Hettinger Public School District Policy ACBC.....Adopted: June 25, 2018**

## SCHOOL MEDICATION PROGRAM

The Hettinger Public School District has established a program for providing medication to students during the school day and when students are otherwise under the district's direct supervision (e.g., participating in a school activity, on a school-sponsored trip). This program is only available to students when the applicable requirements under this policy have been satisfied.

### Qualifications for Eligible School Medication Providers

In order to be eligible to provide medication under this policy, an individual must meet the following criteria and receive approval from the superintendent.

1. Received education and training in medication administration, including the following topics:
  - a. Individual's authority and role in providing medication;
  - b. Proper medication storage, inventory, and disposal;
  - c. Proper techniques for providing medication including, but not limited to, understanding pharmacy labels, standard precautions for infection control (e.g., hand washing), six rights of medication administration, and measuring and dispensing protocols;
  - d. Appropriate documentation of all medication provided and confidentiality requirements;
  - e. Basic medical terminology related to providing medication;
  - f. Appropriate action if unusual circumstances occur (e.g., medication error, adverse reactions, student refusal) and how and when to seek medical consultation or assistance;
2. Provided the superintendent with verification that the above training and education is complete;
3. Undergone a criminal history record check through the District and received satisfactory adjudication;
4. Agreed to perform the duty of providing medication for at least the duration of the school year;<sup>6</sup>
5. Received written consent of the student's parent or guardian;
6. Agreed to comply with this policy and any additional district rules on providing medication.

The District shall pay the cost of all district-authorized education and training for school medication providers.

### Requirements and Prohibitions for All School Personnel

All school employees and volunteers shall comply with the district's Drug and Alcohol Free Workplace policy, which prohibits illegal activities associated with prescription and over-the-counter medication. In addition, eligible school medication providers and all other school employees and volunteers with knowledge of a student's health condition and/or medication regimen shall comply with district policies and law on confidentiality of student education records—records that include student health records. Additional rules governing the school medication program are contained in administrative rules.

---

<sup>6</sup> This optional language is untested and may conflict with opt-out language under law.

All school employees and volunteers are required, as soon as possible, to report to building administration or his/her designee any observed or reported sign or symptom that a student may be having an adverse medication reaction or allergic reaction.

Any violation of this policy or other district rules governing medication may result in disciplinary action, including, but not limited to, discharge (in accordance with applicable law) and/or removal of medication provider duties, if applicable.

### **Types of Medication Provided**

The District may provide both prescription and over-the-counter medication to students covered by this policy so long as they are legal under state law and:

1. Recognized as drugs in the official U.S. Pharmacopoeia and national formulary, or
2. Recognized as drugs in the official Homeopathic Pharmacopoeia of the U.S., or
3. Recognized as drugs in any supplementary publication to the above references, and
4. Are authorized to be provided to the student by his/her parent/guardian and, when applicable, healthcare provider in accordance with this policy.

The District may consult a qualified healthcare provider (e.g., pharmacist) to determine if the above, applicable criteria have been met. The District shall maintain the student's confidentiality when making such an inquiry unless the student's parent/guardian has waived confidentiality rights.

The District and all school employees and volunteers are prohibited from purchasing over-the-counter medications to provide to students.

### **Routes of Medication Provided**

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

Except for students covered by an Individual Education Program (IEP) or 504 Plan, if a student's medication requires administration through the parenteral route, the District may deny a parent's/guardian's request to provide such medication or may require the parents/guardians to reimburse the District for the expense of hiring a healthcare provider who has authority under state law to administer such medication, if the District does not have a medically qualified and eligible school medication provider on staff who is willing to administer the medication. Eligible school medication providers shall not provide medication through parenteral routes unless they have the proper authority under state law, including certification or licensure, to perform such functions. The District shall retain verification of such authorization, certification, or licensure.

If a medically qualified and eligible school medication provider is requested to perform any invasive medication administration, the District first should contact its insurer to determine if additional liability coverage is necessary if the District has not previously made this inquiry.

### **Students Eligible for Participation**

The following students are eligible for participation in the medication program established by this policy:

1. Students who qualify for this service under their IEP or 504 Plan. The District shall pay the cost of these services.<sup>7</sup>
2. Students who are not covered by the Individuals with Disabilities Education Act (IDEA) or 504 but who require medication when under the direct supervision of the school and whose parents/guardians are unable to make arrangements to provide medication themselves. An exception to such a student's participation in the medication program may apply if the student requires medication through a parenteral route (see section on routes of medication provided).
3. Students who require emergency epinephrine treatment in accordance with ND Administrative Code Ch. 33-37-01 and/or students who require emergency medication under NDCC 15.1-19-16. This policy, ACBD, shall not supersede NDCC 15.1-19-16, which contains criteria for a school to authorize student self-administration of emergency medication.

The Superintendent is authorized to approve other circumstances under which a student is eligible to participate in the school's medication program. This administrator should contact legal counsel and should request permission from the student's parent/guardian to consult with the student's healthcare provider (to better understand the implications and scope of the request) before acting on such requests.

### **First Dose of Medication**

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

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

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

1. **For over-the-counter medication:** Must include instructions from the parent/guardian on how, when, and how long to provide medication. Requests to provide a dosage other than as recommended by the manufacturer shall require approval from an appropriate healthcare provider.
2. **For prescription drugs:** Requires written authorization and instructions from an appropriate healthcare provider on how, when, and how long to provide medication.
3. **For more than one medication (prescriptions, over-the-counter medications, or both):** Must include information from a healthcare provider certifying that the drugs are not known to adversely interact or information on how to avoid any known adverse drug interactions.

---

<sup>7</sup> If a physician's services are required, the District may not be responsible for paying this cost.

4. **For students with allergies:** If a student has any known allergies, the parent/guardian shall provide this list of allergies to the school with all medication requests and include certification from a healthcare provider that the student is not known to be allergic to medication that the school is requested to provide. This list must be accompanied with certification that the student has knowledge of all of his/her known allergies and has received education and training on signs and symptoms of allergic reactions and how to prevent them.
5. **For all requests for the school to provide medication:**
  - a. Contact numbers for the student's parents/guardians and healthcare provider(s).
  - b. Waiver of confidentiality allowing administration or the eligible school medication provider to contact the student's healthcare provider(s) with questions or concerns and allowing the District to share information about the student's health condition and/or medication regimen with any school employee/volunteer with a legitimate need to know.
  - c. Information on possible adverse reactions and side effects associated with each medication that the parent/guardian is requesting the school to provide and certification that students have been educated in possible side effects.

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

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

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

All medication must be hand delivered by a parent/guardian to the designated district official. This official shall ensure that the appropriate authorization form(s) is/are complete, that the medication has not expired, that the medication is appropriately labeled in accordance with above requirements, and that

parents/guardians have complied with all other applicable provisions of this policy before accepting the medication from the parent/guardian.

### **Student Self-Administration Requirements<sup>8</sup>**

A parent/guardian must sign a written form permitting his/her student to self-administer medication in school prior to the District authorizing this action. A new authorization form is required anytime the student has a change in his/her medication regimen, when a new medication is to be provided, and at the beginning of each school year. This form must include the following:

1. **For prescription medication:**
  - a. Authorization to self-administer medication from the student's healthcare provider. This authorization must indicate whether or not the student is authorized only to self-administer the medication or is authorized to carry and self-administer the medication.
  - b. Instructions from an appropriate healthcare provider on how, when, and how long the student will need to self-administer medication.
  - c. Certification from the healthcare provider that the student has received instruction in and is capable of self-administering the medication in a responsible and secure manner.
2. **For over-the-counter medication:**
  - a. Instructions from the parent/guardian on how, when, and how long the student will self-administer medication. If the student will take a dosage other than as recommended by the manufacturer, the District requires approval from an appropriate healthcare provider prior to authorizing the student to self-administer.
  - b. Certification from the parent/guardian that the student has received instruction in and is capable of self-administering the medication in a responsible and secure manner. This certification must indicate whether or not the student has parental consent only to self-administer the medication or has parental consent to carry and self-administer the medication.
3. **For more than one medication (prescriptions, over-the-counter medications, or both):** Must include all applicable information above and information from a healthcare provider certifying that the drugs are not known to adversely interact or information on how to avoid any known adverse drug interactions and certification from the student's parent/guardian that the student has been educated and trained in such preventative measures.
4. **For students with allergies:** If a student has any known allergies, the parent/guardian shall provide this list of allergies to the school with all medication requests and include certification from a healthcare provider that the student is not known to be allergic to medication that the student will self-administer. This list must be accompanied with certification that the student has knowledge of all of his/her known allergies and has received education and training on signs and symptoms of allergic reactions and how to prevent them.
5. **All student self-administration of medication requests must include:**

---

<sup>8</sup> NOTE: These requirements are not applicable to emergency medication governed by NDCC 15.1-19-16. See form ACBD-E4.

- a. Contact numbers for the student's parents/guardians and healthcare provider(s).
- b. Waiver of confidentiality allowing administration or an eligible school medication provider to contact the student's healthcare provider(s) with questions or concerns and allowing the District to share information about the student's health condition and/or medication regimen with any school employee/volunteer with a legitimate need to know.
- c. Information on possible adverse reactions and side effects associated with each medication that student will self-administer and certification that the student has received education on these reactions and side effects.

Students will be prohibited from carrying medication that has special storage requirements such as, but not limited to, medication that requires refrigeration. The District may require the student to comply with additional medication storage requirements for safety reasons. These requirements will be developed on a case-by-case basis.

### **Self-Administration Check-In Requirements<sup>9</sup>**

Before a student self-administers medication in schools, the following check-in procedures are required:

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

Prior to a student self-administering medication, the medication must be hand delivered by a parent/guardian to the designated district official. This official shall ensure that the appropriate authorization form(s) is/are complete, that the medication has not expired, that the medication is appropriately labeled in accordance with above requirements, and that the parent/guardian and student

---

<sup>9</sup> NOTE: These requirements are not applicable to emergency medication governed by NDCC 15.1-19-16. See form ACBD-E4.



has complied with all other applicable provisions of this policy before authorizing a student to self-administer the medication.

The student shall be issued a medication self-administration pass, which, at a minimum, must contain all information listed in ACBD-E5, including an authorization expiration date. This pass shall serve as verification that a student has received permission to self-administer medication. Students shall be required to return this pass to the school office once the pass expires. Failure to return the pass or continued self-administration of medication after the pass expires may result in disciplinary action.

### **Additional Prohibitions, Restrictions, and Requirements for Students**

All students are required to comply with the district's policy on drug and alcohol free schools, which contains prohibitions on illegal activities associated with prescription and over-the-counter medication. Students who violate the Drug and Alcohol Free Schools policy by engaging in a prohibited activity with medication originally authorized by this policy may be subject to disciplinary action. In addition, the District may refuse to provide medication to the violating student and/or may prohibit the violating student from self-administering medication as long as:

1. The student is **not** covered by an IEP or 504 Plan.
2. The medication is **not** covered by an emergency provision in law or needed on an emergency basis as determined by administration in consultation with the student's healthcare provider (i.e., an inhaler, epi-pen, or insulin).

Parents/guardians of violating students not subject to an exception above will be required to make arrangements to provide medication to their children during the school day.

Students who are covered by this policy and taking medication at school must agree to report any known sign or symptom of a side effect, adverse medication reaction, or allergic reaction to a school official when the student is in school or otherwise under the school's supervision. Students authorized to carry medication must agree not to leave the medication unattended or unsecured and accessible to other students.

### **Medication Off-Campus When Student is Under District Supervision**

Parents/guardians must make arrangements with the building principal for students who will require medication off-campus while under the district's supervision prior to the activity or event (e.g., students who participate in extracurricular events or field trips). At a minimum, parents/guardians making such a request shall be required to comply with the applicable authorization requirements contained in this policy. The District shall develop, on a case-by-case basis, check-in and storage requirements for all medication provided or self-administered in this context. The District may consult the student's healthcare provider(s) when developing these rules.

### **Liability Disclaimer**

It is not the intent of the District to expand or modify the district's potential liability exposure through the development of this medication program. The district's voluntary creation of this program shall not be construed to create or assume any potential liability under any local, state, or federal law or regulation. State law

provides liability protection for establishing and providing medication under a school medication program. This protection extends to all eligible school medication providers, the District, and the Board so long as each party is acting in good faith.

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

**End of Hettinger Public School District Policy ACBD.....Adopted: June 25, 2018**

## NALOXONE (NARCAN) ADMINISTRATION

As a means of enhancing the health and safety of its students, staff and visitors, the district may obtain, maintain, and administer doses of an opioid antagonist, specifically Naloxone, for emergency use to assist a student, staff member, or visitor believed or suspected to be experiencing an opioid overdose while on school property. The District shall store Naloxone at all schools.

### Definitions

For purposes of this policy:

- *Drug overdose* means an acute medical condition, including, but not limited to, severe physical illness, coma, mania, hysteria or death, which is the result of consumption or use of one or more controlled substances causing an adverse reaction. The signs of opioid overdose include unresponsiveness; nonconsciousness; shallow breathing with rate less than 10 breaths per minute or not breathing at all; blue or gray face, especially fingernails and lips; and loud, uneven snoring or gurgling noises.
- *Opioids* are illegal drugs such as heroin, as well as prescription medications used to treat pain such as morphine, codeine, methadone, oxycodone (OxyContin, Percodan, Percocet), hydrocodone (Vicodin), fentanyl, hydromorphone (Dilaudid), and buprenorphine.
- *Opioid antagonist* is defined in NDCC 23-01-42(1)(b) as a drug: (
  1. That is approved by the United States food and drug administration for the treatment of a drug overdose and is recognized by the state department of health for the treatment of a drug overdose; and
  2. That when administered negates or neutralizes, in whole or in part, the pharmacological effects of an opioid in the body.)
- *Naloxone (Narcana)* is an opioid antagonist and prescription medication that can temporarily reverse an overdose caused by an opioid drug.
- *School property* is defined in NDCC 15.1-19-10 (6)(b) as all land within the perimeter of the school site and all school buildings, structures, facilities, and school vehicles, whether owned or leased by a school district, and the site of any school-sponsored event or activity.

### Delegation of Responsibility

The Superintendent or designee shall establish appropriate internal procedures in accordance with the North Dakota Department of Health protocols for the acquisition, storing, and administration of Naloxone and related emergency response procedures.

The Superintendent may designate one individual per school building to provide oversight to monitor these internal procedures. The name of each coordinator must be listed in administrative regulations (see ACBE-AR).

The Superintendent may authorize district employees to be trained in the administration of Naloxone by a licensed or certified health care professional. Only trained personnel shall administer the Naloxone.

Administration of Naloxone shall not be required in circumstances of unavailability of Naloxone, unavailability of a trained Naloxone employee, and/or uncertainty as to whether an opioid overdose is occurring, among other reasons. This policy shall not create a duty on the part of the District and/or its personnel to administer Naloxone.

### **Education**

The District shall develop a plan for annually informing all parents/guardians, students, and staff about this policy and specifically:

1. The availability of Naloxone to treat opioid drug overdoses and what it does;
2. The symptoms of opioid drug overdoses;
3. How students and staff should report suspected overdoses;
4. The protection from criminal prosecution provided by law for persons who report a suspected overdose using their real name and remain with the overdosing person until emergency medical services (EMS) or law enforcement arrive, as well as for the person whose overdose they report; and]
5. The protection from civil liability provided by law for persons who report overdoses or administer Naloxone in overdose emergencies.

### **Parental Notification and Referral**

The Superintendent or designee shall notify the parent/guardian as soon as practicable when a student is involved in an incident using a controlled substance.

The District shall provide substance abuse prevention resources to any student or employee using a controlled substance and shall take disciplinary action for district policy violation.

### **Immunity from Liability**

An individual who receives, possesses, or administers an opioid antagonist in accordance with law is immune from civil and criminal liability for such action. Immunity from liability or discipline does not apply if the individual's actions constitute recklessness, gross negligence, or intentional misconduct.

### **Indemnification**

The District shall indemnify and hold harmless any employee who administers Naloxone pursuant to this policy, in accordance with law, and in good faith to another individual experiencing a suspected drug overdose, if all of these conditions apply:

1. The employee did not act with the intent to harm or with reckless indifference to a substantial risk of harm in administering Naloxone to that individual;
2. The employee successfully completed the training contemplated by this policy;
3. The employee promptly sought additional medical assistance before or immediately after administering Naloxone; and,

4. The employee is administering Naloxone pursuant to this policy.

**End of Hettinger Public School District Policy ACBE.....Adopted: June 25, 2018**

## SEXUAL OFFENDERS ON SCHOOL PROPERTY

### Definitions

For the purpose of this policy:

- A *sexual offender* is defined in NDCC 12.1-20-25.
- A *parent sexual offender* is an individual who meets this policy's definition of sexual offender and who has either parental or legal guardianship rights to a child attending a district school.
- A *nonparent sexual offender* is an individual who meets this policy's definition sexual offender and who has no parental rights or legal guardianship rights to a child attending a district school.
- *School property* includes all land within the perimeter of the school site and all school buildings, structures, facilities, computer networks and systems, and school vehicles, whether owned or leased by the school district, and the site of any school-sponsored activity.

### 1. Nonparent Sexual Offenders

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

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

A nonparent sex offender who attempts to communicate electronically with a student while the student is on school property will be considered on school property without permission and will be in violation of this policy.

### 2. Parent Sex Offenders

Parent sexual offenders are prohibited from entering school property except for purposes outlined in section one parts a and b of this policy and with the superintendent's prior written approval in the following instances:

- a. To transport his/her child to and/or from school. The parent sex offender will only be permitted to transport his/her own child.
- b. To attend a conference to discuss his/her student's progress, placement, or individual education program (IEP).
- c. Under other circumstances on a case-by-case basis, as determined by the Superintendent.

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

### 3. Student Sex Offenders

The Superintendent shall determine the appropriate educational placement for student sex offenders except those identified as having a disability. When determining educational placement, the Superintendent shall consider such factors as the safety and health of the student population. The Superintendent shall develop guidelines for managing each student

sexual offender in district schools. If the Superintendent determines that, in the best interest of district schools, the student sexual offender should be placed in an alternative educational setting, the District shall pay for the costs associated with this placement.

An IEP team shall determine the educational placement of a student sexual offender with a disability. The student with a disability is entitled to all the due process procedures available to a student with a disability under the Individuals with Disabilities Education Act. The IEP team shall develop procedures for managing each student sexual offender with a disability that attends a district school. If the IEP team determines that the student sexual offender should be placed in an alternative educational setting, the District shall pay for the costs associated with this placement.

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

**4. General Provisions**

The Superintendent will inform the appropriate principal and other relevant district staff of the scope of the permission granted to each sexual offender.

Sexual offenders who receive permission to enter school property must immediately report to the individual or location designated in the superintendent’s written permission statement. The building principal shall assign a chaperone to accompany the sexual offender while s/he is on district property. The only exceptions to these requirements are when the Superintendent grants permission to a parent sex offender to transport his/her child and when a student sex offender receives permission to attend a district school in which case the guidelines developed for this individual shall apply.

The Superintendent may establish a system for identifying sexual offenders and may inform known sexual offenders of this policy. It is not the intent of the District to expand or modify the district's potential liability exposure through the implementation of this notification system. The district's voluntary creation of this safety precaution shall not be construed to create or assume any potential liability under any local, state, or federal law or regulation. Lack of notification does not excuse sexual offenders from abiding by the requirements and prohibitions in this policy.

The Superintendent will contact law enforcement anytime a sexual offender violates this policy and will immediately revoke any privileges granted to the sexual offender under this policy.

**End of Hettinger Public School District Policy ACCA.....Adopted: June 25, 2018**

**CRITERIA FOR GRANTING PARENT OFFENDERS  
PRIVILEGES TO ENTER SCHOOL PROPERTY**

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

1. The risk level assigned to the parent offender by the Bureau of Criminal Investigation. High risk and lifetime offenders will generally not be granted privileges to enter school property in excess of those provided in law. When the Superintendent deems it necessary to grant a high risk or lifetime offender privileges, the privileges will be limited in scope.
2. When available, the circumstances surrounding the crime/offense.
3. The age of the offender's victim. Parent offenders who have committed a crime/offense against a minor will generally not be granted privileges in excess of those provided in law. When the Superintendent deems it appropriate to grant these offenders privileges, the privileges may be limited in scope.
4. The age at which the offender committed the crime/offense.
5. The duration of time that has passed since the parent offender committed the crime/offense.
6. The nature of the activity, event, or purpose for which the parent offender has requested entry on to school property. The Superintendent shall take into account the level of supervision provided to district students and the level of supervision that the District will be able to provide, if any, to the parent offender during the time the offender has requested to be on school property.

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

**End of Hettinger Public School Board Reg. ACCA-BR .....Approved: July 13, 2015**



**ACCEPTABLE USE**

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

**Education**

The District shall provide education to students and staff about appropriate online behavior, including interacting with other individuals on social networking websites, as well as, cyberbullying awareness and response.

**Monitoring Use**

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

**Prohibitions**

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

1. Accessing, downloading, or publishing inappropriate Internet material;
2. Sending or posting threatening, harassing, insulting, annoying or alarming content;
3. Sending, posting, or using obscene language;
4. Violating the privacy rights of students and employees of the District;
5. Vandalizing and/or tampering with district computers, and/or networks;
6. Hacking or any other form of unauthorized access to accounts, computer systems, or files;
7. Attempting to breach network security or transmit viruses;
8. Violating copyright, trademark, trade secret, or other intellectual property laws;
9. Using the network for political purposes as defined by state law, financial gain, and/or commercial purposes;
10. Accessing social networking or other Internet sites for non-curricular purposes;

11. Other actions deemed inappropriate or is not in the best interest of the District, its employees, and students.

**Violations**

Violations of this policy, or any federal/state law, rule or regulation, may result in loss of network privileges, as well as further disciplinary action up to and including suspension or expulsion for students or termination of employment for staff, as determined by the Superintendent or designee.

**Consent**

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

**End of Hettinger Public School District Policy ACDA.....Adopted: June 25, 2018**

**VIDEO SURVEILLANCE & RECORDING IN SCHOOLS****1. Purpose & Scope of Use**

The Hettinger Public School District uses electronic surveillance systems in order to help ensure that school premises and individuals on school premises are safe and secure. Any person entering a school facility, on school property, [or] at a school function, [or riding a school bus] is subject to being videotaped.

Cameras may be used for the following purposes:

- a. To protect the school premises from property damage;
- b. To deter property damage;
- c. To ensure the safety and security of individuals who are on the school premises;
- d. To monitor and deter criminal activity from occurring.

Cameras may be used to monitor school staff for job performance purposes.

Cameras will have no audio capabilities and will be installed on a closed circuit network.

**2. Camera Locations**

- a. Subject to the provisions below, cameras may be placed both in and outside school building(s). Areas chosen for surveillance should be where surveillance serves the purposes outlined in section one of this policy.
- b. All cameras must be unconcealed and clearly visible.
- c. Cameras shall not be placed in changing rooms, washrooms, and areas where students, staff, and others have a reasonable expectation of privacy.
- d. Cameras located internally shall not be directed to look through windows to areas outside the building, unless necessary to protect external assets.
- e. Cameras shall not be directed in adjacent, non-district buildings.

**3. Notification**

Signs advising use of the presence of video surveillance practices will notify individuals of:

- a. The area in which surveillance is conducted;
- b. The purpose for the surveillance;
- c. Hours during which surveillance may be conducted;
- d. Who is responsible for conducting surveillance in the department; and
- e. The contact person who can answer questions about the cameras, including an address or telephone number for contact purposes.

**4. Use of Recorded Information**

The Superintendent and designee(s) may only use recorded information for purposes as outlined in this policy or for purposes expressly stated under state and federal law.

**5. Access to & Disclosure of Recorded Information**

- a. Only the Superintendent or his or her designate shall have access to the electronic surveillance system while it is in operation.
- b. Video monitors will be placed in locations free from public viewing.
- c. The district shall comply with all applicable state and federal laws related to access, review, and release of video recordings that are part of the student's educational record under the Family Educational Rights and Privacy Act.
- d. Recordings not subject to part "c" of this section will be released in accordance with state open record laws. Individuals requesting surveillance footage will be required to view it at the school or pay for the cost of creating a copy.

**6. Audits**

The Superintendent or his/her designate shall be responsible for auditing use and security of surveillance cameras, including recorded information.

**7. Retention & Disposal of Recordings**

- a. All recorded information not in use shall be securely stored in a locked receptacle or area.
- b. Recorded information may never be sold, publicly viewed, or distributed in any other fashion except as provided for by this policy and applicable laws.
- c. All recorded information used for the purpose of this policy shall be numbered and dated by camera site.
- d. All recorded information shall be retained and destroyed in accordance with applicable laws.

**Non-applicable Provision**

This policy does not apply to covert or overt surveillance cameras being used by or on behalf of the District as a case specific investigation tool for law enforcement purposes where there is statutory authority and/or the authority of a search warrant to conduct the surveillance.

**End of Hettinger Public School District Policy ACDB.....Adopted: June 25, 2018**

## VIOLENT & THREATENING BEHAVIOR

### 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 promptly 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 promptly contact the Superintendent. The Superintendent shall contact the threat assessment team. The team 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 team 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 team 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 team 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 team 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 threat assessment team, 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, threats, 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.

**End of Hettinger Public School of District Policy ACE .....Adopted: June 25, 2018**

## BULLYING POLICY

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

### Definitions

For the purposes of this policy:

- *Bullying* is defined in NDCC 15.1-19-17 as:
  1. Conduct that occurs in a public school, on school district premises, in a district owned or leased school bus or school vehicle, or at any public school or school district sanctioned or sponsored activity or event and which:
    - i. Is so severe, pervasive, or objectively offensive that it substantially interferes with the student's educational opportunities;
    - ii. Places the student in actual and reasonable fear of harm;
    - iii. Places the student in actual and reasonable fear of damage to property of the student; or
    - iv. Substantially disrupts the orderly operation of the public school; or
  2. Conduct received by a student while the student is in a public school, on school district premises, in a district owned or leased school bus or school vehicle, or at any public school or school district sanctioned or sponsored activity or event and which:
    - i. Is so severe, pervasive, or objectively offensive that it substantially interferes with the student's educational opportunities;
    - ii. Places the student in actual and reasonable fear of harm;
    - iii. Places the student in actual and reasonable fear of damage to property of the student; or
    - iv. Substantially disrupts the orderly operation of the public school.
  3. Conduct received or sent by a student through the use of an electronic device while the student is outside a public school, off school district premises, and off school district owned or leased property and which:
    - i. Places the student in actual and reasonable fear of:
      1. Harm; or
      2. Damage to property of the student;
    - ii. Is so severe, pervasive, or objectively offensive the conduct substantially interferes with the student's educational opportunities or substantially disrupts the orderly operation of the public school.

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

- *Electronic communication* is defined in NDCC 12.1-17-07(5) as a transfer of signs, signals, writing, images, sounds, data, or intelligence of any nature transmitted in whole or in part by a wire, radio, electromagnetic, photo-electronic, or photo-optical system.
- *Protected status* are classifications/characteristics protected from discrimination by NDCC 14-02.4-01 and federal law. The following statuses are protected: race, color, religion, sex, national origin, age, disability (physical or mental), and status with regard to marriage or public assistance.
- *School property* is defined in NDCC 15.1-19-10(6)(b) as all land within the perimeter of the school site and all school buildings, structures, facilities, and school vehicles, whether owned or leased by a school district, and the site of any school-sponsored event or activity.
- *School-sanctioned activity* is defined as an activity that:
  - a. Is not part of the district's curricular or extracurricular program; and
  - b. Is established by a sponsor to serve in the absence of a district program; and
  - c. Receives district support in multiple ways (i.e., not school facility use alone); and
  - d. Sponsors of the activity have agreed to comply with this policy; and
  - e. The District has officially recognized through board action as a school-sanctioned activity.
- *School-sponsored activity* is an activity that the District has approved through policy or other board action for inclusion in the district's extracurricular program and is controlled and funded primarily by the District.
- *School staff* include all employees of the Hettinger Public School District, school volunteers, and sponsors of school-sanctioned activities.
- *True threat* is a statement that, in light of the circumstances, a reasonable person would perceive as a serious expression of an intent to inflict harm.

### **Prohibitions**

While on school property a student or school staff member may not:

1. Engage in bullying.
2. Engage in reprisal or retaliation against:
  - a. A victim of bullying;
  - b. An individual who witnesses an alleged act of bullying;
  - c. An individual who reports an alleged act of bullying; or
  - d. An individual who provides information/participates in an investigation about an alleged act of bullying.
3. Knowingly file a false bullying report with the District.

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

1. **Reporting requirements for school staff:** Any school staff member with knowledge or suspicion of a violation of this policy or who has received an



oral or written report of a violation of this policy from a student, community member, or anonymously shall contact the building principal to inform them as soon as possible. If the alleged violation implicates the building principal, the school staff member shall report it to the Superintendent. If the alleged violation implicates the Superintendent, the school staff member shall report it to the Board President.

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

2. **Reporting options for students and community members:** Students and community members (including parents) may report known or suspected violations of this policy using any of the following methods:
  - a. Completing a written complaint form (ACEA-E4). A complainant will have the option of including their name on this form or filing it anonymously. The District will place the form in a variety of locations throughout the school and should inform students and staff of these locations. The form may be returned to any school staff member, filed in a school building's main office, or placed in a designated drop box located in each school.
  - b. Complete and submit an online complaint form. A complainant will have the option of including their name on the form or submitting it anonymously.
  - c. File an oral report with any school staff member.

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

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

### **Documentation & Retention**

The District shall develop a form to report alleged violations of this policy (ACEA-E3). The form should be completed by school staff when they:

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

The form should be completed by an administrator when they:

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

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

Report forms and all other documentation related to an investigation of an alleged violation of this policy shall be retained by the District for six years after a student turns 18 years old or graduates from high school, whichever is later. .

### **Investigation Procedures**

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

Upon receipt of a report of an alleged policy violation, the designated administrator shall first determine if the alleged policy violation is based on a protected status—whether actual or perceived. Reports involving a protected status shall be investigated in accordance with the district’s harassment/discrimination policy, including the timelines contained therein.

In all other cases, administration shall determine the level of investigation necessary based on the nature of the alleged violation of this policy after considering factors such as, but not limited to: the identity of the reporter and their relationship to the victim/alleged perpetrator; the ages of the parties involved; the detail, content, and context of the report; and whether or not this report is the first of its type filed against the alleged perpetrator. Based on the level of investigation the administrator deems necessary, investigations may include any or all of the following steps or any other investigatory steps that the administrator deems necessary:

1. Identification and collection of necessary and obtainable physical evidence (*NOTE: In some cases physical evidence may be unobtainable, e.g., a private social networking profile*).
2. Interviews with the complainant, the victim, and/or the alleged perpetrator. At no time during an investigation under this policy shall the victim/complainant be required to meet with the alleged perpetrator.
3. Interviews with any identified witnesses.
4. A review of any mitigating or extenuating circumstances.
5. Final analysis and issuance of findings in writing to the victim and bully and, if applicable, implementation of victim protection measures and disciplinary measures under this or other applicable policies.

Investigations shall be completed within 60 days unless the administrator documents good cause for extending this deadline. Such documentation should be sent to the victim and alleged perpetrator during the investigation.

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

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

## **Disciplinary & Corrective Measures**

Students who the District has found to have violated this policy shall be subject to disciplinary consequences and/or corrective measures. When determining the appropriate response to violations of this policy, administration shall take into account the totality of circumstances surrounding the violation. Measures that may be imposed include, but are not limited to:

1. Require the student to attend detention.
2. Impose in- or out-of-school suspension or recommend expulsion. Due process procedures contained in the district's suspension and expulsion policy shall be followed.
3. Recommend alternative placement. This recommendation shall be submitted to the Superintendent for approval or denial. The Superintendent may approve such recommendations only if the student has been given notice of the charges against him/her and an opportunity to respond. Alternative placement of special education students will be handled in accordance with applicable policy.
4. Create a behavioral adjustment plan.
5. Refer the student to a school counselor.
6. Hold a conference with the student's parent/guardian and classroom teacher(s), and other applicable school staff.
7. Modify the perpetrator's schedule and take other appropriate measures (e.g., moving locker) to minimize contact with the victim.
8. If applicable, contact the administrator of the website or social media platform on which the bullying occurred to report it.

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

If the perpetrator is a school staff member, the District shall take appropriate disciplinary action including, but not limited to: a reprimand, modification of duties (only if allowed by applicable policy, the negotiated agreement, and/or the individual's contract), suspension, or a recommendation for termination/discharge in accordance with applicable law and/or policy.

## **Victim Protection Strategies**

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

11. Additional training for all students and applicable staff on implementation of this policy and/or bullying prevention.
12. 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.
13. Assignment of district staff to monitor, more frequently, areas in the school where bullying has occurred.

14. Referral to counseling services for the victim and perpetrator.
15. Modification of the perpetrator's schedule and other appropriate measures imposed on the perpetrator (not the victim) to minimize the perpetrator's contact with the victim.

**Dissemination & Education**

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

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

**End of Hettinger Public School District Policy ACEA .....Adopted: June 25, 2018**

## HAZING

### 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.

**End of Hettinger Public School District Policy ACEB .....Adopted: June 25, 2018**

**VANDALISM**

**Definition**

For the purposes of this policy, vandalism includes, but is not limited to, wantonly defacing or damaging school property, including items entrusted to students such as, but not limited to, textbooks and lockers.

**Remedies & Repercussions**

The Board may offer a reward as authorized by North Dakota law to any person furnishing information leading to the apprehension and conviction of any person(s) who vandalized property belonging to the District. The Board may also accept private donations to establish a reward fund to encourage the furnishing of such information.

It is the policy of the Board to seek all legal redress against persons found to have committed vandalism. Full restitution for the damage caused will be sought from the responsible persons, or in the case of minors, from the minors and their parents, under state law. In addition, disciplinary action will be taken in accordance with board policy and law when district students and/or employees have been found to have committed vandalism of school property.

**End of Hettinger Public School District Policy ACEC .....Adopted: June 25, 2018**

**WHISTLEBLOWER PROTECTIONS POLICY:  
PROHIBITION AGAINST RETALIATION**

**Protections: Employees**

The Hettinger Public 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 Hettinger Public School District 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. If the grievance concerns the entire school board, it should be filed with the County Superintendent for investigation.

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.<sup>10</sup> 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<sup>11</sup>, 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**

Each employee, contractor, volunteer, school board member, and student should receive a copy of this policy and should sign a statement verifying his/her receipt and understanding of this policy.

**End of Hettinger Public School District Policy ACF.....Adopted: June 25, 2018**

---

<sup>10</sup> FCA has a three year statute of limitations.

<sup>11</sup> State and federal agencies may have reporting deadlines in place after which the grievance may be denied.

**RECOMMENDED  
AdvancED**

Descriptor Code: BA

**SCHOOL BOARD ETHICS**

School board members are to be:

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

**End of Hettinger Public School District Policy BA.....Adopted: June 25, 2018**

**EMPLOYING BOARD MEMBERS**

It shall be the policy of the District to respect and adhere to the case law and Attorney General opinions that restricts the ability of board members from being/becoming employees of a school district in which they serve on the board. District employees who run for seats on the Board and are elected, must choose between employment and board service.

The Board recognizes that there are circumstances that may require allowing a current board member to fill an open classified position with the District when such position is not incompatible with the individual’s board service. Whether a particular classified position is incompatible with board service depends on specific circumstances and shall be determined by the board. The Board further recognizes that such circumstances are limited and should be avoided to the extent reasonably possible. Under no circumstances, may the board hire a board member to be employed as a teacher, administrator, or other contracted/certified position.

Administration shall use every means available to fill open classified positions from other sources, but when unable to do so, administration must seek approval from the Board to fill the position with a qualified board member. The remaining members of the Board shall determine if the position is compatible with board service and if so, must approve any such hiring by unanimous vote.

A board member who is employed in accordance with this policy must adhere to all conflict of interest laws. In the event a board member’s employment with the District becomes incompatible with board service during the scope of employment, the board member must choose between continued employment and board service. If administration notifies the Board that they have identified another individual who is qualified for an employment position being occupied by a board member, the board member must, at the request of the Board, choose between continued employment and board service.

**End of Hettinger Public School District Policy BAA .....Adopted: June 25, 2018**

**BOARD CONFLICT OF INTEREST**

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

**Investigations**

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

**End of Hettinger Public School District Policy BAB .....Adopted: August 10, 2015**

**SCHOOL BOARD ELECTIONS & TERMS OF OFFICE**

**Terms of Office**

Terms of office for school board members are 3 years and are staggered.

**Date of Election**

The annual election shall be held in accordance with deadlines in law. The election shall be held on the first Tuesday in June unless otherwise scheduled by the Board to fill any vacancies.

**End of Hettinger Public School District Policy BBA .....Adopted: June 15, 2015**

## OFFICERS OF THE BOARD

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

### President's Duties

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

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

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

### Vice President's Duties

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

### Absence

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

### Removal From Office

When a board-elected officer exhibits behavior that reflects negatively on the Board, the Board may remove the officer from the elected office through an affirmative vote. Negative behavior includes, but is not limited to, misconduct, malfeasance, crime in office, habitual drunkenness, gross incompetence or failure

to discharge the duties as an officer of the Board. The removal from the elected office does not remove the individual from board

**End of Hettinger Public School District Policy BBBA.....Adopted: August 10, 2015**

**SCHOOL BOARD COMMITTEES**

The purpose of committees will be to provide recommendations to the Board, unless a committee is expressly delegated prior authority by the Board to act upon an issue, and this authority is delegated using the procedure below.

**Standing & Special Committees**

The following shall be standing committees of the Hettinger Public School Board:

1. Personnel, including extracurricular.
2. Transportation.
3. Facilities, equipment, and food service (Non-Instructional operations).
4. Curriculum, including texts, teaching supplies, and Special Education.
5. Finance and Insurance.

The Board may create additional standing and special committees through a majority vote without notice so long as the committee serves only an informational purpose. Committees that serve additional functions shall be formed only upon a 2/3rds majority vote of the Board with notice.

**Membership**

Committee members shall serve for one year, commencing at the annual meeting. Committee members will be selected through appointment by the Board President subject to approval by the Board. The Board President shall announce the names of appointees to the Board and receive board approval through a 2/3rds majority vote before the committee(s) commence duties.

If a committee member is unable to fulfill the term of his/her committee assignment, s/he must request a release from the Board President. The Board President may grant the release only if s/he determines that release is appropriate and is able to find a replacement. If the board member has extenuating circumstances such as, but not limited to, illness that prevents the board member from serving, the Board President may recommend that the board member consider resignation from the Board. If the Board President denies the request for release, the board member will be expected to continue to serve on the committee. Failure to perform committee duties for 60 consecutive days may be grounds for declaring a vacancy. The Board President shall contact legal counsel to determine if this declaration is advisable prior to the Board declaring such a vacancy.

**End of Hettinger Public School District Policy BBBB.....Adopted: August 10, 2015**



**SCHOOL BOARD MEMBER ASSIGNMENTS**

The Board President shall assign portfolios to each member of the Board and appoint one other member to assist with each portfolio. Portfolios shall be in the following categories:

1. Personnel, including extracurricular
2. Transportation
3. Facilities, equipment, and food service (Non-Instructional Operations)
4. Curriculum, including texts, teaching supplies, and special education
5. Finance and insurance/collective bargaining or negotiations.

The function of the portfolios and of any appointed committees will be advisory only. The board member assigned a portfolio will assist the Superintendent, upon request, with research into a problem or about a topic.

**End of Hettinger Public School District Policy BBBC.....Adopted: August 10, 2015**

**METHOD OF FILLING A BOARD VACANCY**

The Hettinger Public School Board must fill by appointment or special election any vacant seat on the board. A vacancy may be declared for any reason set forth in NDCC § 44-02-01 and must be filled within 60 days from the time the vacancy occurs. Upon receiving notice that a vacancy exists, the Business Manager shall notify the County Superintendent.

The Board may fill the vacancy through the selection process outlined herein. If the Board chooses not to utilize this selection process, it must either appoint an individual to fill the vacancy by taking action at a regular or special meeting with a 2/3rds majority vote or call for a special election to fill the vacancy. The Business Manager shall certify any appointment made by the Board to the County Superintendent of Schools.

**Notice**

If the Board chooses to fill the vacancy through a selection process, the Superintendent shall publish notice of the vacancy and information on the application process as directed by the Board. The Board shall establish an application period, which shall not be less than two weeks nor more than four weeks and shall have clearly stated beginning and closing dates. The Board shall select a committee to review applications and make recommendations to the Board at the next regular or special meeting called for that purpose.

Interested individuals shall be required to complete an Application for Board Position. This application is subject to North Dakota open records laws and will be supplied to each board member.

Should the Board fail to receive any qualified applications for the board vacancy by the application deadline, the Board President shall identify a candidate or candidates for board appointment, and the Board shall convene at an open meeting to select the finalist using the procedure below.

**Selection Process**

At the next regular meeting of the Board or at a special meeting called for that purpose, the Business Manager shall report all candidates by name. The Board shall narrow the pool of applicants to 2 through a roll call vote, if necessary. The Board shall vote on the final pool of candidates through a signed ballot process. The Business Manager shall read ballots aloud during the board meeting. The candidate receiving the simple majority of votes shall fill the board vacancy.

In the event of a tie, the Board will recast their votes through signed ballots, voting only on the candidates who were tied. Should a stalemate exist after the Board has voted 3 times, the Board shall table the appointment process until the next regular or special meeting called for that purpose. Should a stalemate exist after 30 days, the Board shall initiate the proceedings for holding a special election to fill the board vacancy.

**Commencement of Duties**

The newly appointed/elected board member shall be seated at the next meeting of the Board following their appointment/election. The appointed/elected board member shall execute the Oath of Office in accordance with the deadline in law. A board member thus appointed/elected shall serve until the next regular election of the Board and until a successor is elected and qualified.

The same orientation procedures shall apply for any appointed member as for a regularly elected member.

**End of Hettinger Public School District Policy BBCAdopted: August 10, 2015, Amended June 25, 2018**

**MEETINGS OF THE BOARD**

**Regular Meetings**

Regularly scheduled meetings of the Hettinger Public School Board shall be held monthly on the 3<sup>rd</sup> Wednesday of the month unless rescheduling is necessary as determined by the Board President. All board meetings shall be properly noticed in accordance with law.

**Work Sessions and Retreats**

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

**End of Hettinger Public School District Policy BC ..... Adopted: June 15, 2015**

**BOARD MEETING AGENDA & PRE-MEETING PREPARATION**

**Agenda**

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

**Regular Meeting Agenda**

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

**End of Hettinger Public School District Policy BCAA.....Adopted: August 10, 2015**

**BOARD MEETING PROCEDURES**

All meetings will be conducted in an orderly and businesslike manner, using Robert's Rules of Order as a guide except when such rules are superseded by board policies, state, and/or federal law.

All votes of the Board on other than procedural matters shall be roll call votes.

**End of Hettinger Public School District Policy BCAB.....Adopted: August 10, 2015**

**PROCEDURE FOR SEATING NEW BOARD AT THE ANNUAL MEETING**

The annual meeting in July shall be called to order by the most senior board member remaining on the Board. This individual shall serve as chair pro-tem until a new president is elected. The chair pro-tem shall acknowledge all new board members, who shall be seated after the call to order. The chair pro-tem will then follow the order of business delineated in the agenda. Election of officers shall be considered a special order and acted upon before addressing unfinished business and new business.

**End of Hettinger Public School District Board Reg. BCAB-BR.....Approved: July 13, 2013**

**MINUTES**

The Business Manager shall keep a complete record of the meetings of the Board. The minutes should be as brief as possible but record all action taken by the Board. The Business Manager may record meetings electronically, using either audio or videotape. The tapes shall be used for the purpose of ensuring accuracy of the written minutes. Except in the case of executive sessions where tapes are required, the tapes will not be considered the official record of the meeting and may be reused after the written minutes have been transcribed and approved.

The minutes shall be kept in an official minute book and, in addition to the items required by law, shall include:

1. Whether it is a regular or special meeting;
2. Approval of the minutes of the preceding meeting or meetings;
3. The names of all persons who speak before the Board and the topic of their remarks.

The format and style of the minutes should follow the pattern of the agenda for the meeting. The Board President and the Business Manager shall sign the minutes following approval.

School board minutes shall be retained permanently.

**End of Hettinger Public School District Policy BCAC.....Adopted: August 10, 2015**



**EXECUTIVE SESSION**

The Board shall hold executive sessions only for reasons contained in law. Authorized subcommittees of the Board may hold executive sessions when permitted by law.

When conducting an executive session, the Board and authorized subcommittees of the Board must comply with the following.

**Attendance at an Executive Session**

Only members of the Board, any person permitted to be present by law, and any person the governing body determines to be necessary to carry out or further the purpose of the meeting may be in attendance at the executive session.

**Location of Recordings and Documents**

All recordings and documents resulting from an executive session must be sealed in an envelope. The date of the executive session, purpose of the session, and word “confidential” should be written on the outside of the envelope. Envelopes must be secured in a locked area in the business office or superintendent’s office.

When an executive session is held for the purpose of non-renewal, discharge, or discussion of a student’s educational record, the Business Manager should complete the applicable form (DI-E2 or FGA-E4) and place it in the appropriate personnel or student file.

**Retention of Recordings and Documents**

The District must retain all recordings and documents resulting from an executive session for a minimum of six months. If the executive session is related to contract negotiations, nonrenewal, discharge or expulsion, the District must retain all recordings and documents for at least six years.

**Access to Recordings and Documents**

In accordance with law, recordings and documents resulting from an executive session may be disclosed upon a majority vote of the Board, unless the executive session was required to be confidential. The recordings and documents must be disclosed pursuant to court order or to the Attorney General for the purpose of administrative review. The recording and documents of an executive session remain closed even if the underlying statutory basis for the executive session no longer applies.

Unauthorized disclosure of the recordings and documents by a public servant is a Class C felony.

**End of Hettinger Public School District Policy BCAD.....Adopted: August 10, 2015**

## PUBLIC PARTICIPATION AT BOARD MEETINGS

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

### Public Participation

Only items on the published board agenda will be discussed at any meeting of the Board, unless the Superintendent or a board member requests an addition to the agenda 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.

**End of Hettinger Public School District Policy BCBA..... Adopted: July 13, 2015**

**RULES OF DECORUM AT BOARD MEETINGS**

Public participation at board meetings is allowed in accordance with policy BCBA. The privileges granted under this policy may be revoked under at least the following circumstances.

The speaker's remarks:

1. Attack an individual's ethnicity, race, religion, or other class protected by law;
2. Promote violence, terrorism, or other illegal activities;
3. Are obscene or pornographic as defined by community standards;
4. Are reasonably forecasted to materially or substantially disrupt the board meeting, school district operations, or the educational environment;
5. Pose a direct threat to the physical safety of the school population;
6. Infringe on the rights of others, such as (but not limited to) speech that is potentially slanderous or invades an individual's privacy;
7. Are 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;
8. Concern a topic that is prohibited by law from disclosure to the public.

If the presiding board officer declares an individual out of order, the speaker may be requested to relinquish the podium. If the person does not do so, the board meeting may be recessed, and the speaker may be subject to removal from the meeting room or school building. Policy BCBA allows removal from the board meeting if an individual is persistently disruptive. Law enforcement may be contacted to assist in this process.

**Rules of Decorum for Audience Members**

Clapping, applauding, heckling or verbal outbursts in support or opposition to a speaker are discouraged, and the presiding officer has authority to recess the board meeting when such behavior becomes disruptive to the order of the meeting.

Persons entering and exiting the board meeting room must do so quietly.

Signs, placards, banners, or items used to display an audience member's message shall not disrupt the meeting or interfere with others' visual rights.

Audience members shall be prohibited from approaching the board table unless directed to do so by the presiding officer.

**End of Hettinger Public School District Board Reg. BCBA-BR.....Approved: July 13, 2015**

**NEWS COVERAGE OF BOARD MEETINGS**

In its dealings with news media, the Board will be frank and open, recognizing the privilege of the press to publish newsworthy information. In return, the news media is asked to exercise courtesy and respect when covering meetings of the Board.

In order that the Board may transact its business with dispatch, questions from the press will not be entertained while meetings are in progress.

The press will be asked to operate with courtesy and decorum when the Board is in session so as not to disrupt the business of the Board. The Board reserves the right to prohibit the press from recording board proceedings in a manner that is disruptive. The Board shall formulate reasonable guidelines for videotaping and recording its proceedings, which shall be delineated in regulations and disseminated to the press.

When individual board members receive requests from news media representatives for information about board issues, members are requested to refer them to the Board President who shall be the public spokesperson for the Board except as the Board specifically delegates this responsibility to others.

**End of Hettinger Public School District Policy BCBB.....Adopted: February 15, 2016**

**NEWS COVERAGE OF BOARD MEETINGS REGULATIONS**

Radio and television stations desiring to report proceedings of regular public meetings of the Board from the floor of the meeting room, either live or delayed and including regular newscasts, are requested to notify the Board President at least 24 hours before the meeting is held. This request will enable the Board to render assistance to the news media and help the Board ensure that the scheduled meeting room is an adequate size and suitably equipped for media coverage. Should the venue for a meeting need to change as a result of a media request to broadcast, the Business Manager shall provide notice of this change as required by law.

The Board President shall attempt to notify board members when the media will broadcast a board meeting.

At the meeting, radio and television personnel will be asked to remain at least five feet away from the board table when the Board is in session so as not to obstruct the view between the Superintendent, Board President, and board members. Reporters shall not approach the table with microphones during the meeting. These rules are meant to help ensure that the board meeting is not unduly disrupted.

**End of Hettinger Public School District Board Reg. BCBB-BR.....Approved: July 13, 2015**

## **PROCEDURE FOR ADOPTING BOARD POLICY**

The Board is the policy-making body for the School District. The policies of the Board shall be within the framework of state and federal laws and regulations.

It is the board's intention that the written policies serve as guides for the discretionary action of those to whom it delegates authority and as a source of information and guidance for all persons who are interested in, and affected by, the district schools.

### **Development**

Proposals regarding policies may originate with any person who perceives a need for a policy statement in a particular area, including a member of the Board, the Superintendent, a staff member, a parent, student, consultant, civic group, or any resident of the District.

When a policy is proposed, the Board shall determine if a need exists and shall direct the Superintendent or policy committee (composed of board members) to draft a policy statement for presentation to the Board. The policy committee will be responsible for drafting policies that pertain to the Superintendent. Both the Superintendent and policy committee are authorized to seek expert assistance with policy development within financial parameters as directed by the Board.

### **Adoption**

All revisions and drafts of policies shall be submitted to all members of the Board and to the Superintendent in writing prior to the properly scheduled meeting in which the revision/draft shall be read and discussed. Adoption of any policy or substantive amendment to a policy shall require two readings unless otherwise waived by a majority of the Board when an expedited process is deemed necessary, in which case the policy shall require one reading to adopt and the procedure below shall not apply.

Substantive amendments and new policies cannot undergo more than one reading at any meeting of the Board. During the second reading of a new policy or substantive amendment, board action on the proposal shall be final if the proposal is approved in an identical form as passed at the previous meeting. If a revised form of the proposal is approved, or if approval includes an amendment, the proposal shall be resubmitted for action at a future board meeting. Action shall be by majority vote of those board members present.

### **Board Regulations & Policy Exhibits**

The Board may develop regulations to implement policy when the Board determines that this task is not appropriate to delegate to administration, when regulations are created on a highly litigious matter, or when law requires board approval on regulations. Board regulations shall require one reading.

Policy exhibits shall be developed when needed to help implement policy but shall not be adopted by the Board. Policy exhibits include, but are not limited to, summaries of law, forms, and other informational material.

**Policy Implementation**

Administrators are responsible for informing subordinates of existing policies and regulations and for seeing that they are implemented in the spirit intended. Continuous disregard for board policy and regulations may be interpreted as insubordination and/or willful neglect of duty.

**Policy Review and Revision**

The Superintendent, on a continuing basis, shall call the board's attention to policies that are out of date or in need of revision.

If school policy has been either purposely or inadvertently ignored, that action will not be considered as having changed the policy. Where undue harm to persons would result from rescinding the action taken that was in violation of policy, the Board may choose to honor the earlier agreement.

**Suspension of Policy**

Only those policies not established by law or negotiated agreement may be temporarily suspended and then only by a two-thirds vote of board members present at a regular or special meeting.

**Policy Manuals**

All policy manuals distributed shall remain the property of the Hettinger Public School District and shall be considered as "on loan" to anyone, or any organization, in whose possession they might be at any time. They are subject to recall at any time deemed necessary by the Superintendent or Board, whether for updating or other good cause.

Because the board policy manual is a matter of public record, it shall be open for inspection at the school district office.

**End of Hettinger Public School District Policy BDA .....Adopted: August 10, 2015**



**CONTRACTS SUPERSEDE POLICY AND REGULATIONS**

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.

**End of Hettinger Public School District Policy BDAA.....Adopted: August 10, 2015**

**SAVINGS CLAUSE**

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 Hettinger Public School Board.

**End of Hettinger Public School District Policy BDAB.....Adopted: August 10, 2015**

**CONSULTANTS TO THE BOARD**

In order to pursue its educational mission and also to protect the public's financial investment in the schools, the Board will from time to time engage the services of qualified professional consultants to provide special services which present staff is unable to provide.

Before engaging any consultant, the Board will require submission of a written proposal that can be incorporated into a contract or purchase order if it satisfies the wishes of the Board. Proposals will detail:

1. The specific objectives to be accomplished by the consultant;
2. The specific tasks to be performed;
3. The procedures to be used in carrying out the task(s);
4. The target dates for the completion of the task(s);
5. The method to be used to report results to the Board and/or to deliver any "product" to the Board;
6. The cost to the District.

Board approval and the consultant's approval of this proposal is required prior to its execution.

The Superintendent will establish procedures necessary to aid in ensuring an efficient working relationship between the consultant and the Board and/or staff members.

**End of Hettinger Public School District Policy BDBA.....Adopted: August 10, 2015**

**RETAINING AN ATTORNEY**

As a member of the North Dakota School Boards Association, the District has access to the Legal Services program. The Board directs the administration to utilize this program to its fullest extent, employing an attorney only as required by the unique or extensive nature of the problem.

When the Board determines legal counsel is necessary it may employ an attorney licensed to practice law in the state of North Dakota. A decision to seek legal advice or assistance on behalf of the District shall normally be made by the Superintendent or Board President, or by persons specifically authorized by the Superintendent or President, but the Board may also formally direct the Superintendent to seek such counsel. The superintendent's decision shall be consistent with approved district policy or standard practice. However, when the Superintendent concludes that unusual types or amounts of professional legal service may be required, the Superintendent shall seek board authorization prior to obtaining legal counsel.

**End of Hettinger Public School District Policy BDBB.....Adopted: August 10, 2015**

**CITIZENS' ADVISORY COMMITTEES**

The Board recognizes that the public has vast resources and experience useful to schools.

Residents of the District who are especially qualified because of training, experience, or personal characteristics shall be encouraged to take an active part in school affairs. Such persons shall be invited to serve on advisory committees as the need for such committees arises. In general, individual members of such committees shall not be requested to perform specific services for the Board. Unique talents of members can best be utilized on a consultative basis. Advisory committees shall not be used to avoid paying for professional advice.

The following three principles should be followed when the Board enlists the counsel of advisory committees:

1. Advisory committees should be broadly representative.
2. Recommendations should be based on research and facts.
3. Recommendations should be submitted to the Board, which alone has the authority and responsibility to act upon them.

Advisory committees should be appointed only when there is a definite function to be performed, and this function should be indicated to the committee in writing when it is appointed. Committees may be short-term for a specific task or may be ongoing to serve a particular need of the District.

Advisory committees should not be appointed to advise on matters requiring a decision by the Board unless adequate time is available for a thorough study by the committee.

The Board and staff shall give substantial weight to the advice which they receive from individuals and community groups interested in the schools, especially those individuals and groups which they have invited or created to advise them regarding selected problems, but the ultimate responsibility for decision making rests with the Board.

**End of Hettinger Public School District Policy BDBC.....Adopted: February 15, 2016**

**COMPENSATION AND EXPENSES FOR BOARD MEMBERS**

Board members will be paid a maximum of \$1000.00 with the exception of the Board President who will receive the maximum of \$1500.00 annually. Compensation per meeting would be pro-rated based on the number of regular and special meetings.

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

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

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

**End of Hettinger Public School District Policy BDD .....Adopted: June 15, 2015**

**MEMBERSHIP IN ASSOCIATIONS**

The Board shall hold membership in the North Dakota School Boards Association and in any such county or regional association as may exist. The dues shall be paid by the District. The Board may hold membership in such other organizations as the Board deems beneficial to the District.

The Board will annually review the proposed resolutions of the NDSBA and send delegates to the convention prepared to discuss and vote on same.

**End of Hettinger Public School District Policy BDE .....Adopted: February 15, 2016**

**CANDIDATE ORIENTATION**

All candidates shall be urged to attend public meetings of the Board during the period of their candidacy. All public information about the school system shall be made available to them.

Additionally, the Board, the Superintendent, and the staff shall seek to be impartial as they cooperate in the orientation of board candidates. The Board directs the Superintendent to provide candidates with information about school governance, board operations, and school programs upon request.

The Board expects the candidates to recognize that until and unless elected to the Board their official status is that of members of the public, and thus they are not entitled to privileged information such as is rightfully discussed only in executive session.

**End of Hettinger Public School District Policy BEA .....Adopted: June 25, 2018**



**NEW MEMBER ORIENTATION**

A new member is to be afforded the fullest measures of courtesy and cooperation by the Board and the school district staff. In the interim between election and actually assuming office, the Board President will invite the new member to attend all meetings and functions of the Board, and the Superintendent should provide the new member with all reports and communications normally sent to board members.

The Board will encourage the new board member to attend the North Dakota School Boards Association New Board Members Seminar as required by law. The Business Manager shall maintain a record of attendance and report to the Board when each new member has fulfilled this obligation.

The Board President shall provide the new member with a copy of or access to the board policy manual and the latest copy of the North Dakota Century School Code. The Board should identify other material pertinent to board service and particularly useful to new members. The Board President should provide this material to the new member.

**End of Hettinger Public School District Policy BEB .....Adopted: February 15, 2016**

**SCHOOL BOARD EVALUATION**

The Hettinger Public School Board recognizes the importance of regular periodic assessments of priorities, goals and objectives. Therefore, it shall be the policy of this board to conduct an annual self-evaluation based on the stated priority objectives for the year as well as on the goals of the Board.

Consistent with the understanding that the Board acts only as a whole and that individual board members have no authority or power, the evaluation will focus on how the Board functions, not how each individual functions. Individual board members are encouraged, however, to conduct a personal self-examination in conjunction with the board evaluation to gain insight and understanding into the quality of their own board service.

Annually, the President will distribute a self-evaluation instrument to all board members, the Superintendent and other administrators. Other personnel and selected community representatives may be asked to participate in this evaluation.

The evaluation instrument shall include the following areas:

1. Board meetings
2. Policy development
3. Fiscal management
4. Board’s role in educational program development
5. New board member orientation
6. Board member in-service and development
7. Board-superintendent relations
8. Board-staff relations
9. Board-community relations
10. Understanding of mission
11. Working harmony of Board
12. Legislative and governmental relations
13. Educational leadership.

Following the evaluation, the Board will meet to establish the priority objectives for the coming year.

**End of Hettinger Public School District Policy BEC .....Adopted: August 10, 2015**

**BOARD-SUPERINTENDENT RELATIONS**

The Board assumes that the Superintendent is professionally able and possesses outstanding qualities of leadership, vision, and administrative skill. The Superintendent can assume that the Board will respect the superintendent's professional competence and extend to him or her full responsibility for duties enumerated in law, contained in the job description, and delineated below.

**School Operations**

The Superintendent shall be responsible for all aspects of school operation. The Superintendent may delegate responsibility and the authority as necessary and shall develop such procedures and regulations as necessary to ensure efficient operation of the schools. The Superintendent shall keep the Board informed about school operations and shall report all significant developments and actions to the Board at the earliest opportunity.

In addition, the Superintendent shall be the liaison between the Board and the staff.

**Policy Implementation**

The Board believes that the creation of policies is an important function of a school board and that the execution of the policies should be the function of the Superintendent. The Board holds the Superintendent responsible for carrying out its policies in good faith within established requirements.

**End of Hettinger Public School District Policy BFA.....Adopted: February 15, 2016**

**BOARD-STAFF RELATIONS**

**Board-Staff Communications**

All official communications, policies, and directives of staff interest and concern will be communicated to staff members through the Superintendent, and the Superintendent will employ all such media as are appropriate to keep staff fully informed of the board's problems, concerns, and actions.

All communication or reports to the Board or any board committee from principals, supervisors, teachers, or other staff members shall be submitted through the Superintendent.

All employee grievances shall be handled in accordance with board policy.

In the absence of board policy governing the grievance, employees shall submit their grievance to the Superintendent who shall investigate, and his/her decision shall be final. The Superintendent may bring recommendations to the Board as a result of such an investigation. Nothing in this procedure shall be construed to create an expectancy of continued employment, nor shall this procedure be used as a means of seeking a review of a termination decision.

**End of Hettinger Public School District Policy BFB.....Adopted: February 15, 2016**

**RETIRING BOARD MEMBERS**

Retiring members of the Board shall be appropriately recognized and thanked for their service to the schools and community.

In addition, the Board will extend continuing privileges to retired board members, which include, but are not limited to the following:

1. Regular issues of news bulletins of the school system;
2. Annual reports;
3. Selected special reports;
4. Complimentary passes to athletic and other school activities;
5. Personal invitations to special public functions of the Board.

**End of Hettinger Public School District Policy BFC.....Adopted: June 25, 2018**

**BOARD MEMBER VISITS TO SCHOOLS**

School board members are encouraged to visit schools. Such visits should be scheduled with the building principal or department supervisor. A supervisor, principal, or another staff member will accompany the board member on the visit. Such visits are for the purpose of becoming acquainted with school programs, personnel, operation, and facilities. Board members will not give directions, or make suggestions to personnel during their visit. If a school visit leaves a board member with a concern, this concern should be discussed with the Superintendent.

Board members may also have children in the schools and therefore have parental opportunities to converse with their child's teacher, counselor, or administrator. In those instances, the board member should make it clear that s/he is visiting as a parent and not as a member of the Board. Board members with concerns as parents or community members shall file grievances in accordance with the district's grievance policies.

**End of Hettinger Public School District Policy BFD.....Adopted: February 15, 2016**

**BOARD COMMUNICATION WITH THE PUBLIC**

As members of the Hettinger 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, Hettinger 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 Hettinger School Board or for which the Board has not established a policy, the matter shall be referred to the Hettinger School Board President.

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

**End of Hettinger Public School District Policy BGA .....Adopted: August 10, 2015**

**SUPERINTENDENT RECRUITMENT AND APPOINTMENT**

**Recruitment**

The Board shall develop a list of qualifications and a job description for the new superintendent. The Board will establish a salary range for the position and determine the method of advertising the vacancy. The Board may actively seek qualified applicants from within and outside of the District. The Board may appoint a screening committee or hire a consultant to assist in the search. However, the final selection will rest with the Board.

**Advertising**

When advertising externally for a superintendent vacancy, the advertisement should include a statement that applicants are eligible for Veterans' Preference and shall include a statement that the District is an Equal Opportunity Employer. The advertisement should include a closing date, minimum qualification requirements, and instructions regarding access to the job description and other application material.

**Qualification Screening**

The Board shall make available to each applicant the job description and list of qualifications. As part of the qualifications screening, candidates are required to consent to a criminal history record check. The Board President or designee shall be charged with reviewing the criminal history record of superintendent candidates and shall report to the Board on whether or not a candidate is eligible based on the criminal history record check, without revealing the details of this confidential record.

The Board shall narrow the pool of candidates based on an assessment of each candidate's qualifications. The Board shall schedule an interview with final candidates for the superintendent's position. A procedure for the interview will be established that attempts to give every candidate an equal opportunity to answer similar questions.

**Interviews at Open Meetings**

Interviews with superintendent candidates will be conducted at an open meeting with the Board or its designated screening committee.

**Selection**

The Board shall select for hire the most qualified superintendent applicant remaining after all screening steps are complete.

**Voting Requirements for Selection**

A simple majority vote of the board members at a meeting is required for the employment of a superintendent.

**End of Hettinger Public School District Policy CAAA.....Adopted: August 10, 2015**



**SUPERINTENDENT EVALUATION PROCEDURE**

**Format of Evaluation Instrument**

The Board shall approve a superintendent evaluation instrument that is reasonably related to the superintendent’s job description and the goals and objectives of the District. The evaluation instrument shall require board members to rate the superintendent’s performance as either satisfactory or unsatisfactory in each area of performance identified in the job description. If a board member rates the Superintendent as unsatisfactory in any area, they shall provide an explanation and recommendations for improvement in the evaluation. The Board shall not assign an overall performance rating to the superintendent’s evaluation.

**Evaluation Process**

The Board shall evaluate and assess the performance of the Superintendent according to state law.

Twice a year, the Board President shall schedule a board meeting to discuss and approve the superintendent’s evaluations on or before the deadlines for evaluation completion established by law. The Board President shall disseminate the evaluation instrument to individual board members prior to such meetings, set a deadline for their return, and collect and combine the completed evaluations prior to the meeting.

The Board President shall tally and combine all ratings and comments contained on individual board member’s evaluations onto one document and should provide a copy of this document to all board members prior to the meeting in which the superintendent’s evaluation will be discussed and approved. Any discrepancies among board members about the superintendent’s rating in any of the performance areas evaluated must be discussed and a decision reached through a roll call vote of a simple majority of the Board, at the open meeting, when the evaluation is discussed. For any performance area rated as unsatisfactory, the Board, through a roll call vote, shall approve all comments explaining this rating and all recommendations for improvement. All board-approved comments and recommendations must be included on the evaluation that the Board provides to the Superintendent.

**Post-Approval Procedures**

Upon approval of the evaluation, the Board shall discuss the evaluation with the Superintendent. The Board President shall present a copy of the approved evaluation to the Superintendent and place a copy of the approved evaluation in the superintendent’s personnel file. Superintendent evaluations must be retained for six years after the Superintendent separates from district employment.

**End of Hettinger Public School District Policy CAAB.....Adopted: August 10, 2015**

**ADMINISTRATIVE REGULATIONS**

The Superintendent shall prepare and disseminate administrative rules necessary to implement board policy and shall review such rules periodically to determine their effectiveness in carrying out policies. These rules shall constitute the school district's administrative regulations.

The Board shall not approve administrative regulations. However, the Board reserves the right to review and veto any administrative regulation should it, in the board's judgment, be inconsistent with the policies adopted by the Board.

**End of Hettinger Public School District Policy CBAA.....Adopted: August 10, 2015**

**ADMINISTRATION IN POLICY ABSENCE**

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.

**End of Hettinger Public School District Policy CBAB.....Adopted: February 15, 2016**

**SUPERINTENDENT'S CONSULTING ACTIVITIES**

The Board expects the Superintendent to devote his or her undiminished attention and energy to the concerns of the District. The Superintendent shall not be engaged in any other employment or in long-term consulting assignments. However, the Board recognizes the superintendent's obligation to contribute to the profession of school administration and to the cause of public education generally. The Board, therefore, does not prohibit the Superintendent from undertaking occasional consulting which does not conflict with obligations to the District.

**Preconditions**

Any such task that requires the superintendent's absence for two or more days must have prior approval of the Board. If the Superintendent will receive a stipend for the consulting it shall be done outside of school hours or the Superintendent shall reimburse the District for the amount of school time spent on the task.

**End of Hettinger Public School District Policy CBB .....Adopted: February 15, 2016**

**SUPERINTENDENT'S ROLE IN NEGOTIATIONS**

The Superintendent shall serve as a resource person and shall serve as advisor to the Board in both budgetary and philosophical considerations during negotiations.

**End of Hettinger Public School District Policy CBD .....Adopted: February 15, 2016**

## **SUPERINTENDENT & OTHER ADMINISTRATIVE PROFESSIONAL DEVELOPMENT<sup>12</sup>**

The Superintendent and administrators shall comply with all professional development requirements contained in law and established by the district along with licensure and credential renewal requirements established by the Department of Public of Instruction and the Education Standards and Practices Board.

### **Superintendent Professional Development**

The Board shall pay for the superintendent's membership in the following associations: North Dakota Council for Educational Leadership state and national superintendent affiliations.

The Superintendent is authorized to take 3 days for professional development each school year<sup>13</sup>. However, the Superintendent shall avoid absences that will be detrimental to district operations. The Superintendent shall notify the Board and receive approval prior to attending any professional development training lasting more than 2 sequential business days. The Superintendent shall request board approval for participation in professional development activities that will incur costs of \$3000.00 or more. The District shall reimburse the Superintendent for registration/participation fees and travel, lodging, and meals at state reimbursement rates, provided participation was approved by the Board through policy or board action.

### **Professional Development for Other Administrative Staff**

The Board shall pay for the administrative staff's membership in the following associations: NDCEL state and national principal affiliations. For the purposes of this policy, "administrative staff" means school principals.

Administrative staff may take 3 days for professional development each school year<sup>14</sup>. However, administrative staff shall avoid absences that will be detrimental to district operations. Administrative staff shall notify the Superintendent and receive approval prior to attending any professional development training lasting more than 2 sequential business days. The Superintendent shall request board approval for administrative staff participation in professional development activities that will incur costs of \$2,500.00 or more. The District shall reimburse administrative staff for registration/participation fees and travel, lodging, and meals at state reimbursement rates, provided participation was approved by the Board through policy or board action.

### **Long-Term Professional Development Leave**

The Board may grant unpaid long-term professional development leave to the Superintendent or administrative staff for graduate study. The granting or denial of

---

<sup>12</sup> Boards should review the superintendent and administrators' contract prior to adopting this policy. Do not adopt any portion of this policy covered by these contracts.

<sup>13</sup> For purposes of this section, "school year" means the period beginning July 1 and ending June 30.

<sup>14</sup> For purposes of this section, "school year" means the period beginning July 1 and ending June 30.

a request for professional development leave and determination that it be with or without pay is at the sole discretion of the Board.

The Board shall make this determination based on the following criteria:

1. Needs of the District (e.g., whether the training will assist the District with achieving its goals, the degree to which the individual's service is needed during the requested period of leave, etc.)
2. Appropriateness of the course of study;
3. Number of past leave requests made by the individual and the number that have been granted by the Board;
4. Number of years the individual has been employed by the District;
5. Length of the leave request and the time of year the employee will be absent;
6. Whether or not the individual has unused vacation, personal, or other applicable paid leave available.

Requests for leave must occur 2 months prior to the commencement date of the requested leave. The request must state the leave dates and specify programs to be pursued.

If the Board grants long-term professional leave to a member of the administrative staff during the school year, the individual must be notified that they have a right to return to a similar position but there is no guarantee of returning to the same school or the same position. The individual shall agree to this stipulation as a condition of receiving approval.

**End of Hettinger Public School District Policy CCA .....Adopted: June 25, 2018**

## SUPERINTENDENT GRIEVANCE PROCEDURE

The purpose of this policy is to provide a step-by-step procedure that guarantees the right of the Superintendent to administrative "due process" to assure fairness and equity. The Board shall not discriminate against, coerce, or interfere with the Superintendent, witness, or representative for his/her/their 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 the Superintendent that s/he has been subject to a personal loss or injury because of a violation, misinterpretation, or misapplication of a specific article, section, or paragraph of the superintendent's contract.
- *Day* as used herein shall be considered a school day and the time limits set shall be considered a maximum.

### Time Limit

A grievance must be initiated within 30 days after the Superintendent 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 Superintendent to meet any of the deadlines contained in this procedure shall terminate the grievance. Failure of the Board President to respond to the grievance within specified deadlines shall be deemed a denial of the grievance and shall allow the Superintendent 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 and governing body to whom the grievance is presented shall issue a decision.

### Informal Process

The Board encourages the resolution of grievances as near the point of origin as possible. Therefore, the Superintendent shall first discuss a grievance with the Board President. However, should such informal process fail to satisfy the Superintendent, then a grievance may be processed as follows:



### **Formal Process**

The Superintendent may be represented and accompanied by a representative of his/her choosing at any step in this process. The Superintendent must be present at each step in this procedure.

1. The Superintendent shall prepare a written statement containing his/her name, the specific contract provision being grieved and why, and the requested remedy. The written grievance must be signed and dated by the Superintendent.
2. The Superintendent shall present the written grievance to the Board President by the deadline contained in the "Time Limit" section of this procedure. The Board President shall make every effort to resolve the grievance and shall, within ten days of the filing of the grievance, render a written answer on the grievance.
3. If no agreement is reached or the time limit outlined above elapses without answer, the Superintendent may present the written grievance to the Board. This step must be initiated within four days of the board president's written decision, or within 14 days of the filing of the grievance in the event the Board President fails to provide a written answer. The Board shall consider the grievance at a board meeting held in accordance with law. The board's decision is final, subject to court review if the Superintendent files suit.

**End of Hettinger Public School District Policy CCB .....Adopted: August, 10, 2015**

**PERSONNEL POLICIES REQUIREMENTS & IMPLEMENTATION**

All parts of the school system exist for one purpose--to facilitate the educational development of youth. The excellence of teachers, administrative and professional staff, as well as all support personnel, will, in the long run, determine the success of the instructional program.

It will therefore be the policy of the Board to seek and to hold qualified personnel for all licensed, paraprofessional, and classified positions.

The Board will also seek to establish those personnel policies that will enable each staff member to make his/her fullest contribution to the programs and services of the school system. The Superintendent will administer the personnel program consistent with board policies. The Superintendent will develop all necessary and appropriate forms and procedures for the program including a systematic employee evaluation procedure.

**End of Hettinger Public School District Policy DA .....Adopted: August 10, 2015**

**RECOMMENDED**

Descriptor Code: DAA

**ROLE OF POLICY & REGULATIONS  
FOR NON-CONTRACTED EMPLOYEES**

Policies and regulations that govern non-contracted employees are established in order to delineate district rules and expectations and outline employee benefits but shall not be construed to form a contract or create an expectancy of continued employment with the District.

**End of Hettinger Public School District Policy DAA .....Adopted; August 10, 2015**

**DEFINITIONS FOR PERSONNEL POLICIES**

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.
- *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, and Business Managers.
- *Full-time employee* is defined as a staff member working an average of 30 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, and counselors.

**End of Hettinger Public School District Policy DAB .....Adopted: February 15, 2015**

**RECRUITMENT, HIRING, & BACKGROUND CHECKS FOR NEW CLASSIFIED PERSONNEL**

The Hettinger Public School Board is committed to hiring individuals who will best meet the needs of the District consistent with budget limitations, with its goal to ensure student and staff safety, and in compliance with state and federal law.

**Definitions**

For the purposes of this policy:

- *Applicant* is defined as any individual applying for a classified position.
- *Classified employees/personnel* are defined as district staff working in positions that do not require licensure from the Educational Standards and Practices Board or an administrative credential from the Department of Public Instruction.
- *Competitive personnel system* is defined in accordance with NDCC 37-19.1-01.
- *Crime* is defined as a felony offense, misdemeanor, a violation of an ordinance, and charges that result from non-sufficient funds or “no account.”
- *Immediate family* is defined as the employee's spouse, brother, sister, parents, children, stepchildren, father-in-law, mother-in-law, brother-in-law, sister-in-law, daughter-in-law, son-in-law, and any member of the employee's household.<sup>15</sup>
- *Sexual offender* is an individual meeting the criteria in NDCC 12.1-32-15 and/or is required to register under NDCC 12.1-32-15.
- *Unsupervised contact* is defined in accordance with NDCC 12-60-24 as being in proximity to one or more students, on school grounds, or at school functions.

**Recruitment and Hiring Authority**

The Board authorizes the Superintendent to hire classified staff. No action of the Board shall be necessary so long as the Board previously established the position and hiring is within budget limitations; however, any decision to hire a board member to fill a vacant classified staff positions must be made in accordance with BAA Policy and requires board approval as outlined in said policy.

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

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

**Qualifications Screening Process**

---

<sup>15</sup> Adopt this option if adopting paragraph five under the screening heading.  
Hettinger Public School Board Policy

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

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

Job announcements for positions requiring satisfactory driving and/or credit records (as determined by the hiring authority prior to advertising) must list such requirement(s).

An applicant shall be deemed unqualified for employment if their employment with the District would create a direct supervisor-subordinate relationship with an immediate family member who is also an employee.

#### Qualifications Screening: Criminal Background Checks

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

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

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

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

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

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

#### Applicant Rights

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

Records obtained by the District for background and other record checks shall be used solely for purposes that they were requested and shall only be disseminated and retained in accordance with the personnel records policy. The Superintendent shall advise applicants that the procedure for obtaining, correcting, or updating federal records is contained in 28 CFR 16.34. Before making a hiring determination, the Superintendent shall give the applicant a reasonable time to correct and/or complete their criminal history record or decline to do so. The Superintendent shall follow the requirements under the Fair Credit Reporting Act if using credit reports to make employment decisions.

#### Competitive Personnel System

The District may use a competitive personnel system after conducting the qualifications screening. The system shall be an exam administered in compliance with the point system and other requirements contained in NDCC 37-19.1-02(4).

#### Final Selection

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

#### Orientation

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

**End of Hettinger Public School District Policy DBAA.....Adopted: June 15, 2015**

## RECRUITING & HIRING TEACHERS

The Hettinger School District School Board is committed to hiring teachers who will best meet the needs of the District consistent with budget limitations, with district policy, with its goal to ensure student and staff safety, and in compliance with state and federal law. Nothing contained in this policy requires the District to fill a teaching vacancy. The Superintendent is authorized to end the advertising and screening processes in this policy at any time based on the needs of the District; however, once the District offers a teaching contract, it cannot retract this offer without the consent of the teacher receiving the job offer.

### Definitions

For the purposes of this policy:

- *Crime against a child* is defined in accordance with NDCC 15.1-13-26.
- *Immediate family* is defined as the employee's spouse, brother, sister, parents, children, stepchildren, father-in-law, mother-in-law, brother-in-law, sister-in-law, daughter-in-law, son-in-law, and any member of the employee's household.
- *Teaching positions* are jobs held by individuals licensed to teach in North Dakota who are employed primarily as classroom teachers.
- *Sexual offense* is defined in accordance with NDCC 15.1-13-26.

### Advertising Protocol

When the District seeks to fill a teaching position, the Superintendent or designee:

1. Shall develop an announcement with the following components:
  - a. Minimum qualifications including, but not limited to, required education, licensure, competencies, and successfully passing any required background or criminal history record checks;
  - b. Instructions on where to access the position's job description, this policy, and any other application material;
  - c. An Equal Employment Opportunity statement.
2. May post the announcement internally; internal teaching announcements shall contain all items listed under #1, a statement that internal applicants are ineligible for Veterans' Preference, and the deadline for internal applicants to exclusively submit applications.
3. May post the announcement externally using methods deemed reasonable, effective, and within budget parameters; external teaching announcements shall contain all items listed under #1, a statement that external applicants are eligible for Veterans' Preference if meeting requirements in state law, and a closing date.

### Screening Protocol

The Superintendent or designee should develop regulations, including adjudication standards, for conducting background and criminal history record checks on teachers.



Teaching applicants must meet minimum qualification requirements contained in the job announcement and job description. Teaching applicants are disqualified from employment if meeting the disqualifying factors listed in this policy. If no applicant is qualified, the Superintendent or designee may revise the announcement and shall repost the opening in accordance with this policy's advertising protocol.

The Superintendent or designee shall verify that any applicant claiming Veterans' Preference has satisfied eligibility requirements in law, including submission of required documentation.

The District uses a competitive personnel system to screen all qualified teaching applicants with the exception of substitute teachers and teachers hired after January 1. This system consists of the following components: phone interviews and face-to-face interviews. Under this system, the Superintendent or designee(s) scores applicants eligible for Veterans' Preference in accordance with NDCC 37-19.1-02. The competitive personnel system is tiered, and applicants must receive a passing score at each stage of the screening process to advance to the next stage. The Superintendent or designee shall develop a rubric for scoring teaching applicants under the competitive personnel system and for defining the threshold for a passing score.

The District may further investigate the qualifications of applicants who received a passing score under the competitive personnel system by conducting secondary interviews and checking sources such as, but not limited to, references, employment history, and background check databases.

The Superintendent may recommend to the Board for hire the most qualified teaching applicant remaining after all screening steps are complete.

Applicants eligible for Veterans' Preference who are not recommended for hire shall receive notice in accordance with NDCC 37-19.1-02.

### **Disqualifying Factors**

Factors that may exclude an applicant from employment as a teacher include, but are not limited to, the following:

1. The applicant has been charged with a felony, sexual offense, crime against a child, any other offense involving a child victim, or any other crime that the Superintendent or designee has reason to believe poses a safety risk to district students, staff, or operations or could substantially disrupt district operations.
2. The employment would create a direct supervisor-subordinate relationship with an immediate family member who is also an employee. Employees who marry or become members of the same household may continue employment; however, a direct supervisor-subordinate relationship between the employees shall be avoided.
3. Knowing falsification or omission of any information given to the District by an applicant or made by an applicant during the applicant screening process including, but not limited to, information concerning criminal convictions or pending criminal charges.

4. The individual has not met ESPB's standards for teaching licensure and/or will not have obtained a teaching license by the start of the school year.
5. The individual was non-renewed for cause or discharged from a previous teaching position.

### **Hiring Authority**

The Superintendent or designee(s) shall screen and make recommendations to the Board about offering an applicant a teaching position.<sup>16</sup>

### **Final Applicant Rights**

Records obtained by the District for background checks, criminal history record checks, and other record checks will be used solely for purposes that they were requested and will only be disseminated and retained in accordance with the district's personnel records policy. Applicant rights related to criminal history records are contained in DBAC-E2.

### **Issuing Contracts**

If the Board approves hiring a new teaching staff member contingent upon satisfactory adjudication of criminal history records or obtaining a teaching license, the individual's teaching contract shall be issued with language notifying him/her of this contingency.

### **Orientation**

Each teacher shall be provided with a personnel handbook. The Superintendent or designee shall provide an orientation program for new teaching staff members to acquaint them with the district's policies and procedures, the school's rules and regulations, and the responsibilities of their position.

**End of Hettinger Public School District Policy DBAC.....Adopted: August 10, 2015  
Amended: June 25, 2018.**

---

<sup>16</sup> This is only one option. The Board may screen candidates or designate an interview committee to conduct candidate screening.

## DRUG AND ALCOHOL TESTING PROGRAM FOR EMPLOYEES

### Definitions

For the purpose of this policy:

- *Alcohol* means any alcoholic beverage as defined in 23 U.S.C. 158 and NDCC 5-01-01.
- *Drugs or controlled substances* 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 Hettinger Public School District is committed to the establishment of a drug and alcohol testing program that meets all applicable requirements of the Omnibus Transportation Employee Testing Act and other applicable federal and state law. 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 their 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**

All covered and safety sensitive 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 or as allowed by applicable law. Pre-employment controlled substance and alcohol testing may be administered to an applicant offered a covered or safety-sensitive position in the District prior to the first time the employee performs any safety-sensitive duties for the District unless the applicant meets exemption criteria contained in federal regulations. Employment with the District is conditional upon the applicant receiving negative test results.

An individual applying for, transferring to, or being promoted to any covered or 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 covered or 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.

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 associated regulations and will actively enforce the requirements of this policy and regulations as well as federal requirements. An independent contractor who drives their own bus/vehicle is subject to the same requirements as the district's own employees.

### **Testing Procedures**

Testing shall 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/or alcohol test has been conducted. Employees who refuse required testing shall, at a minimum, be prohibited from performing covered and 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 covered and 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. An employee who is prohibited from performing covered or safety-

sensitive duties may be assigned to non-covered or nonsafety-sensitive duties until such time as the employee complies with the requirements for returning to duty. 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 covered and 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 their 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 the Superintendent to serve as the contact person for questions concerning the drug and alcohol testing program and this policy. This designee may be reached at (701)567-5315 or 209 8<sup>th</sup> Street South, Hettinger, ND.

### **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 they have 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**

The counselor's office 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.

**End of Hettinger Public School District Policy DBBA.....Adopted: June 15, 2015**

**CLASSIFIED STAFF INTENT TO REHIRE**

All classified personnel eligible for rehire will receive an annual intent to rehire notice from the District at the end of the school year. Classified personnel must indicate their intent to return to district employment on this form and must return this form on or before the due date and time listed therein. The notice must be received by the Superintendent by this deadline.

Failure by any classified employee to return the notice by this deadline or an indication on the form that the employee has chosen not to return will be deemed to be a resignation from district employment.

The intent to rehire notices are for planning purposes only and not a contract prescribing a duration of employment. All classified employees remain at will. The District may choose to terminate at-will employees at any time with or without cause, and the employee may resign from employment at any time, with or without cause.

**End of Hettinger Public School District Policy DBD .....Adopted: August 10, 2015**

**FRINGE BENEFITS**

All employee benefits, other than those established by negotiated agreements, will be subject to board policy. The Superintendent will provide for the interpretation and application of the board's policies and decisions regarding benefits.

**Classified Staff**

The Board shall extend to regular full-time classified personnel benefits designed to promote their economic security including a comprehensive health insurance program. Benefits may also include various types of insurance protection and tax-sheltered annuity programs, retirement benefits, and severance pay. Classified employees who are employed nine or more months per year for at least 20 hours per week will be eligible to receive fringe benefits as detailed for each area of fringe benefit.

Positions in which the work time is flexible and which may at times be more than 20 hours per week and at other times less than 20 hours per week will not be eligible for fringe benefits unless determination is made prior to the start of the school year (or at the commencement of the position) that the position is intended to be at least a 20 hours per week position.

**End of Hettinger Public School District Policy DCAB.....Adopted: June 25, 2018**



**DEFINITION OF WORKWEEK AND OVERTIME AND COMPENSATORY TIME**

All classified employees shall be considered subject to the minimum wage and overtime provisions of state and federal law unless specifically shown to be exempt.

**Workweek**

For the purposes of calculating overtime, the District defines the workweek as beginning on Monday and ending on Sunday. *Note: Under state law, a workweek is a seven-day period.*

**Overtime Restrictions**

Non-exempt employees are restricted from working more than 40 hours a week without prior written permission from the immediate supervisor. Non-exempt employees who work more than 40 hours a week without authorization are subject to disciplinary action up to and including discharge.

The immediate supervisor shall determine if it is necessary for non-exempt employees to work overtime hours. Non-exempt employees shall be required to perform all overtime hours assigned to them.<sup>17</sup> Supervisors are charged with ensuring that employees do not work overtime hours except as assigned. Failure to enforce this requirement may result in discipline of the supervisor.

**Recordkeeping**

Accurate records shall be kept of hours worked by all classified employees. The Business Manager shall institute a system of recordkeeping.

**Compensation**

Overtime hours will be compensated in accordance with the Fair Labor Standards Act and the North Dakota Department of Labor Regulations.

Employees will be reimbursed with overtime compensation in accordance with law for all overtime worked unless the District and employee agree to compensatory time off in lieu of overtime pay<sup>18</sup>. Employees shall be notified of this arrangement before performance of overtime work.

If an employee is employed for two or more different positions which have different rates of pay, the District will pay the employee overtime compensation based upon the weighted hourly rate or may enter into an agreement with the employee before the work is performed to pay overtime at the overtime rate of pay for the actual work performed after the first forty hours of work in that work week.<sup>19</sup>

**End of Hettinger Public School District Policy DCB .....Adopted: August 10, 2015**

<sup>17</sup>You have the right to assign overtime hours unless the overtime hours assigned are excessive.

<sup>18</sup>Certain restrictions apply if an employer and employee agree to compensatory time off in lieu of overtime pay. Please refer to exhibit DCBB-E.

<sup>19</sup>This agreement would be beneficial to the District only if the overtime hours could be controlled so that they were always at the lower rate.

**SICK LEAVE**

Full time classified employees shall receive 10 days of paid sick leave per year, cumulative to 80 days. This leave may be used for any personal illness or disability.

**Requesting Sick Leave**

Requests for sick leave must include the nature of the illness, injury, or disability. The Superintendent has the right at his or her discretion to request medical certification as a prerequisite for the awarding of sick leave and the response to the request shall be made in accordance with board regulations. In the event a second medical opinion is requested by the Superintendent, the Board shall pay the expense.

**Disability Resulting from Pregnancy Leave**

Disability or physical limitations resulting from pregnancy shall be treated the same as any other illness, injury, or disability for the purpose of sick leave and is subject to the limitations of this policy. The employee is free to determine when she will commence her leave in accordance with her healthcare provider's recommendations. The District will not mandate that pregnancy leave be taken for a prescribed duration of time. Requests for sick leave resulting from a disability or physical limitation related to pregnancy, child birth, or a post-pregnancy condition shall be made in accordance with board regulations on sick leave documentation requirements and may, at the employee's discretion, occur earlier than timeframes contained in regulations in order to allow the District ample time to locate a replacement.

**Long-Term Sick Leave**

**Leave for a serious health condition and health restoration will be granted in accordance with District's FMLA and health restoration policy.**

*NOTE: To the extent sick leave is governed by a negotiated agreement, this policy should either be modified accordingly, deleted, or amended by a clause which states: "Subject only to the provisions of any negotiated agreement."*

**End of Hettinger Public School District Policy DDA .....Adopted: August 10, 2015**

**Amended: June 25, 2018**

## FAMILY & MEDICAL LEAVE

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 defined by the district's insurance calendar year.<sup>20</sup>

### 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.<sup>21</sup>

### Medical & Qualifying Exigency Certification

The Superintendent may request medical certification for an employee's or his/her spouse's, parent's, child's, or, when applicable, next of kin's serious health condition and shall do so in accordance with federal law and district regulations. The Superintendent may also request qualifying exigency certification when an employee requests such leave.<sup>22</sup>

### Notice of Leave

An employee shall provide notice in accordance with regulations. If deemed necessary, the Superintendent may waive notice requirements.<sup>23</sup>

### 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.<sup>24</sup> Instructional employees may be required to wait to return to work until the next academic term in certain situations as provided by law.<sup>25</sup>

### Implementing Procedures

---

<sup>20</sup>29 U.S.C. 2612, 29 C.F.R. 825.200. The Family and Medical Leave Act (FMLA) permits employers to choose among 4 methods for determining a 12-month period in which the 12-week entitlement occurs. A district may wish to define a year based on its insurance contribution calendar rather than the fiscal year to avoid having to pay health insurance contributions twice to employees who are on a leave for just one school year.

<sup>21</sup>This paragraph presents only one of many alternatives available under the FMLA. The FMLA and its implementing regulations permit an employee to choose to substitute paid leave for FMLA leave and an employer to require an employee to substitute paid leave for FMLA leave 29 U.S.C. 2612(d), 29 C.F.R. 825.207. The sample policy, in the interests of clarity and limiting absences, requires this substitution.

<sup>22</sup> This paragraph is optional. Medical certification is allowed by 29 C.F.R. 825.208, 825.302, 825.305, and 825.311.

<sup>23</sup> 29 C.F.R. 825.304. Districts may waive the notice requirements.

<sup>24</sup> 29 C.F.R. 825.214 and 825.604. See definition of equivalent position in FMLA exhibit.

<sup>25</sup> 29 C.F.R. 825.602. See regulations for guidelines.

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

**End of Hettinger Pubic School District Policy DDAA.....Adopted: August 10, 2015**

**EMPLOYEE LEAVE GIFTING PROGRAM**

A voluntary gifting of leave program shall be established by the Hettinger School District and be made available to all employees of the Hettinger School. The Hettinger School District realizes that there may be medical and/or immediate family emergencies that require employees to be absent from work. In these situations, the employee would be required to use their personal leave, sick leave and/or emergency leave. If the emergency exists beyond the employee's accrued leave hours, the employee would then be required to take leave without pay with approval from the administration.

**PURPOSE:** The Hettinger School District may allow, in certain instances with prior approval of the administration, employees to voluntarily donate accrued leave hours to fellow employees who are taking leave without pay. The intent of the program is to provide employees with income during periods of extreme hardship.

**ELIGIBILITY REQUIREMENTS:**

An employee who qualifies for sick leave and personal leave, and has exhausted all available means of paid leave, may submit a written request for access to the Employee Leave Gifting Program (ELGP)

**PROCEDURE:**

1. An Employee Leave Gifting Program Committee shall be established each contract year by the Administrative Staff to include one administrative member and two full-time employees. The employees shall be selected on a volunteer basis and rotated as determined by the administration. The purpose of the committee shall be to review all applications, accept or reject applications, oversee the maintenance of the program, and to provide reasonable assurance that the Leave Gifting Program is not abused.
2. The employee in need of access to the Leave Gifting Program will submit a written request to their immediate supervisor. The request will be forwarded to the Committee. The written request will include a medical doctor's certificate of illness, or, if the emergency is other than illness, an explanation of the situation.
3. If the employee's request is accepted, the Hettinger School District, at the Administration's discretion, may grant up to five days emergency leave to be used along with the leave donated by fellow employees.
4. If the employee's request is accepted, the Business Manager will provide a written notice to all qualified employees in order to solicit additional voluntarily donated leave days. The notice may, at the Business Manager's discretion include a deadline for giving.

**LIMITATIONS PLACED ON FACULTY DONATIONS:**

1. Employees willing to donate leave days must contact the Business Office to complete the appropriate form.
2. Employees must donate in full-day increments and may donate no more than 50% of the faculty member's accrued leave days. Employees must keep a minimum balance of at least 2 leave days which are ineligible to be gifted.

**GUIDELINES FOR RECEIVING DONATED LEAVE DAYS:**

1. Transfers of donated leave days will be made during the payroll period of the donation.
2. For full-time employees, full-time status will be compensated using available leave days per pay period. Part-time employee status will be compensated at part-time status using available leave days per pay period.
3. The gifted leave days will be paid at the recipient's rate of pay. Gifted leave days will be considered wages and the recipient will be liable for appropriate taxation of the wages
4. The Hettinger School District will continue to pay the TFFR contribution, if applicable, as determined by the negotiated contract agreement, during the period of the donated leave days.
5. If the recipient employee is able to return to work and/or is able to work a portion of the schedule thereof and the emergency has not ended, the usage of the donated leave days may be supplemented to fulfill the recipient's normal full-time status per pay period. The supplement shall be determined as part-day or full-day at the discretion of the administrative staff.
6. An employee may be unable to receive donated leave days if such would result in an employee becoming ineligible to receive workers compensation or long term disability benefits.

**End of Hettinger Pubic School District Policy DDAA.....Adopted: June 16, 2004  
Amended: April 15, 2019**

**SICK LEAVE REGULATIONS**

**Requests for Leave**

Foreseeable sick leave (e.g., leave for an operation) shall be requested 30 days in advance. If an employee is unsure when leave will commence or requests unforeseeable sick leave, notice shall be given as soon as practicable. Requests for leave shall be made to building principal.

**Requests for Medical Certification**

When medical certification is requested as a pre-requisite for granting sick leave, the employee shall have 15 calendar days to fulfill this request unless this deadline is not practicable despite the employee's good faith effort. Failure to provide medical certification may result in delaying or denying the employee's leave request until certification is received. Medical certification shall contain information indicating the nature of the disabling condition, the exact period of disability, whether the employee will need intermittent leave or a reduced schedule, and a statement from a licensed health care provider verifying that the employee is unable to carry out his/her duties.

**End of Hettinger Public School Board Reg. DDA-BR..... Approved: June 25, 2018**

**FAMILY AND MEDICAL LEAVE REGULATIONS****Procedure to Request Leave**

Foreseeable FMLA leave shall be requested 30 days in advance.<sup>26</sup> 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 building principal. Requests for foreseeable FMLA leave should be made in writing and include the reason for the leave, anticipated duration, and anticipated commencement date.

**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 or provided to employees. (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)

**End of Hettinger Public School District Board Reg. DDAA-BR.....Approved: July 13, 2015**

---

<sup>26</sup> See 29 CFR 825.302



**VACATIONS**

The District provides vacation benefits in order that employees receive time for rest and renewal.

**Ancillary Employees**

All full-time ancillary employees shall be eligible for paid vacation benefits as delineated in board regulations. Vacation shall not be carried over from one year to the next. The Board shall not pay down accumulated vacation days while an individual is employed with the District.

**Licensed Employees**

Vacation is subject to the negotiated agreement for licensed staff.

**Separation**

Upon separation from district employment, any employee granted paid vacation time shall be entitled to prorated monetary reimbursement for unused vacation days as required by law.

**End of Hettinger Public School District Policy DDBA.....Adopted: June 25, 2018**

**HOLIDAYS**

Twelve-month employees shall be granted pay for holidays as established by state law (NDCC 15.1-06-02) that fall on a day(s) that they would otherwise be scheduled to work. All other personnel will be paid for the holidays set by state law that fall within the time of their work year and that fall on a day(s) that they would otherwise be scheduled to work.

**End of Hettinger Public School District Policy DDBB.....Adopted: August 10, 2015**

**MILITARY LEAVE**

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).

**End of Hettinger Public School District Policy DDBD.....Adopted: June 25, 2018**

**UNPAID LEAVE**

No leaves shall be granted other than those specified in board policy or the negotiated agreement without specific approval of the Board. Such approval shall be at the sole discretion of the Board.

**End of Hettinger Public School District Policy DDC .....Adopted: August 10, 2015**

**POLITICAL LEAVE**

Political leave may be granted in accordance with board regulations. Any licensed employee who has been granted political leave shall be subject to district reduction-in-force policy the same as if the employee were not on leave.

**End of Hettinger Public School District Policy DDCA.....Adopted: June 25, 2018**

**JURY & WITNESS DUTY**

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, but shall remit any compensation for jury duty to the District. In addition, non-exempt employees shall remit any compensation for witness duty to the District when the District and employee or employee association are opposing parties.

**Exempt Employees**

Exempt employees shall be paid regular wages but shall remit any compensation for jury duty to the District. In addition, exempt employees shall remit any compensation for subpoenaed witness duty when the District and employee or employee association are opposing parties.

**Expert Testimony**

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

**End of Hettinger Public School District Policy DDEA.....Adopted: June 25, 2018**

**STAFF CODE OF CONDUCT**

**Purpose**

The Board has adopted this policy with the intent of fostering learning and working environments that operate efficiently; are safe, ethical, and equitable for students and staff; and meet community expectations.

**Application of Policy**

All school district employees, including teachers, administrators, other contracted staff, and ancillary staff, are required to adhere to this policy.

**Code of Conduct**

All staff members are responsible for becoming familiar with and abiding by the laws of the state as they affect their work, professional codes of ethics associated with their licensure if applicable, the school district’s policies, and the regulations designed to implement them.

The Board has adopted the following policies on staff conduct, which are considered part of this code of conduct and to which all district staff are required to adhere<sup>27</sup>:

- |   |   |   |
|---|---|---|
| 1. Acceptable Technology Use                      | 10. Gifts to District Personnel           | 20. Student Conduct and Discipline                      |
| 2. Accident Reporting                             | 11. Hazing                                | 21. Student Education Records and Data Privacy          |
| 3. Bullying                                       | 12. Nondiscrimination and Anti-harassment | 22. Unauthorized Purchases                              |
| 4. Complaints about Personnel                     | 13. Occupational Safety                   | 23. Vandalism   |
| 5. Confidentiality                                | 14. Outside Employment                    | 24. Violent and Threatening Behavior                    |
| 6. Copyrighted Material and Intellectual Property | 15. Records Retention                     | 25. Weapons Prohibitions on District Property—Employees |
| 7. Drug and Alcohol Free Workplace                | 16. Restraint or Seclusion                | 26. Whistleblower Protections                           |
| 8. Employee Relations with Vendors                | 17. Sportsmanship                         |   |
| 9. Employee Speech                                | 18. Staff Attendance                      |   |
|   | 19. Staff Dress Code                      |   |

The Board may have adopted or may adopt additional conduct policies applicable to specific categories of employees (e.g., academic freedom standards for teachers). Such policies are also considered part of this code of conduct, and the Superintendent is charged with disseminating such policies using the policy dissemination procedure contained in this policy.

In addition to district policies governing staff conduct, each staff member is required to:

---

<sup>27</sup> This is a suggested list of staff conduct polices. Please customize this list to reflect only staff conduct policies adopted by your board.

1. Conduct oneself professionally whenever serving in his/her official capacity as a school district employee including maintaining professional decorum and professional boundaries in all interactions with students.
2. Exercise honesty and integrity when executing all duties.
3. Comply with confidentiality laws (e.g., student education records are protected by FERPA).
4. Be faithful and prompt in attendance at work.
5. Support and enforce policies and regulations of the District.
6. Diligently execute all duties as assigned by supervisors and as set forth in job descriptions, district policies, or the negotiated agreement; staff members are also required to fulfill the terms of their contracts if applicable.
7. Demonstrate care and conservation of school property and resources.
8. Make job-related decisions in a manner that is fair and consistent with district policy and the district's mission.
9. Not use his/her position with the District for private gain.
10. Treat all staff, students, and community members with dignity and respect.
11. Report suspected violations of this code of conduct, district policy, or workplace violations of law to an immediate supervisor or individual/entity designated by law/policy to receive such reports.

### **Dissemination of Staff Conduct Standards**

The Superintendent or designee shall develop a procedure to ensure that this code of conduct and other policies governing staff conduct are provided to all staff annually. The Board further directs the Superintendent or designee to compile a list of state laws related to staff conduct and disseminate this information to staff annually. The Superintendent or designee also shall provide a copy of the Education Standards and Practices Board Code of Professional Conduct for Educators to teachers and administrators annually. Administration should require staff to acknowledge, in writing, receipt and understanding of all documents provided to them under this policy.

If a staff conduct policy contains specific policy dissemination procedures that are more comprehensive than the policy dissemination requirements contained herein, the more comprehensive policy dissemination procedures should be followed.

### **Reporting and Investigation**

Any staff member who has reason to believe that this policy may have been violated is required to report the alleged violation to an immediate supervisor or individual/entity designated by law/policy to receive such reports as soon as possible. Students and community members who have reason to believe this policy has been violated are encouraged to report this to a building principal.

The reporter may submit a written or oral report of the alleged violation. The supervisor or administrator receiving the report should document the date and time that the report is received, nature of the alleged violation, name of the reporter (if choosing to identify him/herself), and names of any witnesses to the alleged violation if this information is not submitted by the reporter in writing.



The supervisor shall refer the report to the Superintendent as soon as possible for investigation and resolution. The Superintendent shall investigate the alleged violation in a timely manner not to exceed 60 days unless the Superintendent determines additional time is needed. The Superintendent shall issue a summary of the investigation's findings to the employee who is the subject of the investigation.

At any time during the investigation process, the Superintendent or designated investigator may refer the alleged violation to law enforcement if a violation of law is reasonably believed to have occurred and/or ESPB if a violation of the Code of Professional Conduct for Educators is reasonably believed to have occurred. Such referrals do not relieve the District of its responsibility to complete an internal investigation of the alleged violation.

If a staff conduct policy contains an investigation procedure that is in conflict with the investigation procedure contained herein, the most comprehensive investigation protocol of the two in conflict must be used to conduct the investigation.

**Alleged Violations by the Superintendent**

If the Superintendent is believed to have violated this policy, the alleged violation shall be reported to the Board President who is responsible for conducting the investigation and rendering a final decision on the outcome of the investigation in accordance with this policy. The Board President may retain an attorney or consultant to assist with the investigation process.

**Violations**

Violations of this policy shall result in appropriate disciplinary action as determined by the Superintendent. The superintendent's decision is final. If the violation is covered by another district policy on staff conduct (e.g., discrimination or harassment), any specific disciplinary consequences contained in that policy shall apply.

**Retaliation and Providing False Information Prohibited**

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

**End of Hettinger Public School District Policy DE .....Adopted: August 10, 2015  
Amended: June 25, 2018.**

**DRUG & ALCOHOL FREE WORKPLACE****Definitions**

For purposes of this policy:

- Alcohol means any alcoholic beverage as defined in 23 U.S.C. 158 and NDCC 5-01-01.
- Drug means any controlled substance as defined in NDCC Sections 19-03.1-05 through 19-03.1-13 and 19-03.1-26 (paraphernalia); schedules I through V of the Controlled Substances Act (21 U.S.C. 812), and as further defined by regulation 21 CFR 1308.11 through 1308.
- Possession shall mean:
  - a. Actual physical possession of the drug or alcohol while on school property;
  - b. Use or consumption of the drug or alcohol while on school property;
  - c. Drugs or alcohol in the employee's car, handbag, backpack, or other belongings while on school property; or
  - d. Appearance by an employee on school property after having consumed or ingested the drug or alcohol that is noticeable by breath odor, speech alterations, unsteadiness of gait or posture, or like symptoms of chemical intoxication.
- Reasonable suspicion means a good faith suspicion by a trained district administrator and/or supervisor that an employee, based on objective facts and articulable observations, that an employee has violated the Drug and Alcohol Free Workplace policy and is using, or appears to presently be under the influence of drugs or alcohol.
- School property is defined in NDCC 15.1-19-10(6)(b) as all land within the perimeter of the school site, all school buildings, structures, facilities, and school vehicles, whether owned or leased by a school district, and the site of any school-sponsored event or activity.
- Use means that an employee is reasonably suspected to have ingested, injected, inhaled or otherwise taken into their body drugs or alcohol, or is reasonably found to be under the influence of drugs or alcohol.

The Hettinger Public School District is committed to a safe, healthy working and learning environment for its employees and students. Therefore, the District enforces the Drug and Alcohol Free Workplace Act by prohibiting employees from the use, manufacturing, possession, distribution, or dispensing of drugs or alcohol while on school property, unless use is at the instruction of a physician, and the physician has advised that use shall not affect the employee's ability to perform duties. Employees are also prohibited from knowingly or intentionally aiding or abetting in any of the above activities.

An employee must inform their immediate supervisor when the employee's ability to perform job duties is impaired due to on- or off-duty drug or alcohol use.

**Awareness Program**

The Superintendent shall create an Employee Drug-free Awareness Program in accordance with federal law. Information on the effects of drug and alcohol misuse, signs and symptoms of a drug and/or alcohol problem, and available

methods of intervention when a misuse problem is detected can be found [List location in District].

### **Policy Dissemination**

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

### **Reasonable Suspicion Testing**

Employees may be subject to drug and/or alcohol testing when there is reasonable suspicion by the district administrator and/or supervisor that indicates the employee may have violated district policy and is using or appears to presently be under the influence of drugs and/or alcohol in violation of the policy.

Reasonable suspicion testing shall be based on objective facts and articulable observations that are consistent with the signs and symptoms of drug and alcohol abuse; including, but not limited to, appearance, behavior, motor skills, attendance and/or work performance by the employee. The circumstances, under which drug and alcohol testing shall be considered, as outlined above, are strictly limited to time and place of employee conduct while on duty, during work hours, and/or on school property.

The District shall take steps to ensure that district administrators and supervisors receive proper training to recognize the signs and symptoms of drug and alcohol misuse prior to making determinations for reasonable suspicion testing.

Reasonable suspicion testing shall be performed in accordance with federal law on Transportation Workplace Drug Testing and testing procedures outlined in administrative regulation. The District shall designate collection sites where employees may provide specimens. This language in no way authorizes the District to conduct pre-employment, random, post-accident, return-to-duty, or follow-up drug testing on employees not subject to the Omnibus Transportation Testing Act or positions not defined by the Board as safety sensitive.

The District shall pay all costs of the employee drug and alcohol testing, unless the test is a retest requested by the employee. District employees will be compensated at their regular rate of pay for the time during which they are undergoing any drug or alcohol testing, including transportation time.]

### **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 applicable law, shall notify the appropriate federal and/or state agency after receiving any notice of a conviction for a violation occurring in the workplace. Failure of the employee to report the conviction within the time prescribed may lead to disciplinary action up to and including discharge.

### **Violations**

Violations of this policy may result in the following:

1. Mandatory participation in the Employee Assistance Program (EAP) and/or a rehabilitation program. Chemical dependency leave shall be granted in accordance with the chemical dependency leave policy;
2. Unpaid leave or suspension;
3. Termination of employment; due process procedures shall be followed prior to termination, if required; or
4. Notification of proper law enforcement authorities.

**Assistance**

The Board recognizes that drug and/or alcohol addiction is a treatable disease and that early intervention and support improve the success of rehabilitation. Treatment for drug and/or alcohol 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 or upon written consent of the employee.

**End of Hettinger Public School District Policy DEAA.....Adopted: June 25, 2018**

**STAFF ATTENDANCE**

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.

**End of Hettinger Public School District Policy DEAB.....Adopted: August 10, 2015**

**STAFF DRESS CODE**

As role models, staff should always be conscious of how their dress and grooming affects students. All staff shall wear attire appropriate to their profession and the occasion, which provides protection and safety as necessary.

**End of Hettinger Public School District Policy DEAC.....Adopted: June 25, 2018**

**OCCUPATIONAL SAFETY**

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.
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. In-service 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.

**End of Hettinger Public School District Policy DEAE .....Adopted: August 10, 2015**

**WEAPONS PROHIBITION ON SCHOOL PROPERTY—EMPLOYEES**

**Definitions**

This policy defines the following:

- Armed first responder as defined by NDCC 62.1-02.
- Dangerous weapon as defined by NDCC 62.1-01-01(1).
- Firearm as defined by 18 U.S.C. 921 and NDCC 62.1-01-01(3).
- School property is defined in NDCC 15.1-19-10 (6)(b) as all land within the perimeter of the school site and all school buildings, structures, facilities, and school vehicles, whether owned or leased by the District, and the site of any school-sponsored event or activity.

**Prohibitions**

District employees, district contractors and/or their employees, and district volunteers are prohibited from knowingly possessing or transmitting on school property a firearm, dangerous weapon, or any object that is used, attempted to be used, or threatened to be used, to intimidate or cause bodily harm, including those individuals who may otherwise be permitted by law to carry such weapons.

**Firearms and/or Dangerous Weapons Stored in Vehicles**

Employees are prohibited from possessing firearms and/or dangerous weapons in their vehicles while on school property, except as permitted by law. Permitted employees must ensure that all firearms are secured in or on their vehicle while 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 any object that can reasonably be considered a dangerous 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; or
4. Firearms or dangerous weapons stored in residences of employees living in district-owned housing.

**Notice**

The Superintendent shall ensure notice of this policy is provided to district employees, district contractors, and district volunteers.

**Violations**

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

**End of Hettinger Public School District Policy DEAG.....Adopted: June 25, 2018**



**CONFIDENTIALITY**

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

**Federal Requirements**

District employees and service providers must follow confidentiality requirements under the Family Education Rights and Privacy Act (FERPA), 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 and the negotiated agreement.

**End of Hettinger Public School District Policy DEBA.....Adopted: August 10, 2015**

**CONFLICT OF INTEREST**

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.

**End of Hettinger Public School District Policy DEBB.....Adopted: August 10, 2015**

**GIFTS TO DISTRICT PERSONNEL**

District employees shall not accept anything of value from individuals or companies attempting to sell/lease or selling/leasing equipment or materials to the District.

**End of Hettinger Public School District Policy DEBC .....Adopted: August 10, 2015**

**STAFF-STUDENT RELATIONS (NON-FRATERNIZATION POLICY)**

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.

**End of Hettinger Public School District Policy DEBD .....Adopted: June 25, 2018**

**EMPLOYEE RELATIONS WITH VENDORS**

Employees are prohibited from endorsing a product on behalf of the District. Employees are prohibited from making purchases on behalf of the District unless authorized by policy or board approval.

Employees are authorized to make purchasing recommendations in accordance with the district's requisition procedure. Employees making such recommendations shall not:

1. Indicate district preference to suppliers/contractors for any product or service.
2. Perform any work or service for remuneration for a supplier/contractor except as disclosures of conflict of interest are properly made.
3. Give preferential treatment to friends, relatives, or former district employees.
4. Disclose information about bids or confidential matters not approved for general release.
5. Take any other action in relation to suppliers and contractors that will impair an employee's ability to make purchasing decisions in the best interests of the District or that will give one supplier/contractor an unfair advantage over another.

The district's purchasing activity is designed solely to serve the school system. Purchases will not be made for individuals through the District or through the schools. All employees are required to adhere to state law and district policy prohibiting vendor gifts to school employees.

**End of Hettinger Public School District Policy DEBE .....Adopted: August 10, 2015**

## EMPLOYEE SPEECH

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

### **Speech Made as an Employee**

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

Speech made pursuant to official district responsibilities that is knowingly false or inaccurate; made with reckless disregard for the truth; that violates the district's mission statement; that causes or leads to substantial disruption of the educational environment; poses a safety threat to district students, staff, or operations; violates district policies; or impedes on the school district's interest, including, but not limited to, delivery of public services, may be grounds for disciplinary action in accordance with law, district policy, and, if applicable, the negotiated agreement.

### **Speech Made as a Private Citizen**

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

When school district employees make statements as a private citizen about matters that are not of public concern, the District may take disciplinary action for reasons such as, but not limited to, the speech substantially disrupts the educational environment; poses a safety threat to district students, staff, or operations; 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] [Board]. Failure to obtain such permission may result in disciplinary action in accordance with the district's copyright policy.



**ELECTRONIC COMMUNICATIONS WITH STUDENTS**

*Definitions*

For the purposes of this policy

- Electronic communication includes, but is not limited to, use of social networking sites (e.g., Facebook, Twitter, Instagram), instant messaging, private email accounts (e.g., Gmail, Yahoo), chatting (including, but not limited to, video and voice chat), online forums, online games, short messaging services (including, but not limited to, texting), and blogs/web feeds.
- Student is defined as any individual currently enrolled in district schools or any individual formerly enrolled in district schools who is under the age of 18.

**Restrictions Contained in Other District Policies**

The District has created policies governing student-staff relations, confidentiality, and employee speech. These policies govern on-duty and off-duty conduct, including when engaged in electronic communications. The District has also established policies governing staff’s on-duty use of the Internet. In addition, teachers are governed by the ND Code of Professional Conduct for Educators.

**Purpose of this Policy**

The Board believes that staff access to students in an unmonitored environment has a detrimental impact on the professional relationship between students and staff. The District strives to preserve the privacy of students; however, electronic correspondence of district employees may be subject to open records laws and/or district record retention requirements.

**Restrictions**

The District prohibits staff from corresponding electronically with students except through use of district email accounts, on Blackboard, through a district-administered social network, and/or through other school-sponsored applications. A violation of this policy may result in disciplinary action up to and including dismissal in accordance with district policy, law, and, if applicable, the negotiated agreement. The District should consult with its legal counsel before making a dismissal decision under this policy.

This policy does not apply to electronic communication with a student who is an employee’s family member.

**Enforcement**

The District shall investigate any suspected or alleged violation of this policy and may, but is not required to, actively monitor websites to ensure employee compliance with this policy.

**End of Hettinger Public School District Policy DEBG.....Adopted: June 25, 2018**



**UNAUTHORIZED PURCHASES**

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.

**End of Hettinger Public School District Policy DEBJ .....Adopted: June 25, 2018**

**OUTSIDE EMPLOYMENT**

Staff shall not engage in any private business or undertaking during school time or which affects the quality of their work.

**End of Hettinger Public School District Policy DECA.....Adopted: June 25, 2018**

**ADMINISTRATIVE LEAVE & SUSPENSION**

**Administrative Leave**

The Hettinger Public 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 Hettinger Public 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 retains the authority to contracted district employees. The Superintendent is authorized to suspend all at-will employees.<sup>28</sup>

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.

**End of Hettinger Public School District Policy DED .....Adopted: August 10, 2015**

---

<sup>28</sup> Review your policy on at-will employee dismissal. The individual/group authorized by that policy to dismiss at-will employees should also have authorization to suspend them.

**TEACHER EVALUATION**

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.

**End of Hettinger Public School District Policy DFAA .....Adopted: August 10, 2015**

**PROMOTION**

Whenever new jobs are created or vacancies occur in a higher ranked position, present employees shall be eligible for consideration. Existing personnel shall be subject to the same hiring requirements placed on external applicants.

The Superintendent shall make all promotion recommendations for instructional staff to the Board, which will approve or disapprove the recommendation. The Superintendent is authorized to promote classified staff. The Board shall not make promotion decisions without the Superintendent's input. Promotion decisions shall be based on the same criteria used to hire external applicants.

**End of Hettinger Public School District Policy DFB.....Adopted: August 10, 2015**

## TEACHER GRIEVANCE PROCEDURE

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.

**End of Hettinger Public School District Policy DGAA .....Adopted: August 10, 2015**

**EMPLOYEE ASSISTANCE PROGRAM PROCEDURES**

**Identification and Initiation**

When a troubled (e.g., physical or mental illness, alcohol/drug addiction) employee is identified, the supervisor may:

1. Arrange for a meeting with the employee regarding his/her job performance.
2. If applicable, suggest that the employee consider utilizing the Employee Assistance Program. If the employee has violated the Drug and Alcohol Free Workplace policy, the District may require use of the EAP as a condition of employment.

Except when the District requires use of the EAP as a condition of employment, the employee may **choose** to accept or reject the suggestion to use the Employee Assistance Program. If the employee:

Accepts the suggestion:

- The supervisor will refer the employee to the counselor designated to counsel employees or proper medical or other qualified counseling or diagnostic center.

Rejects the suggestion:

- If job performance improves, the matter is closed
- If poor job performance continues, the District may impose disciplinary action.

Whether or not the employee takes advantage of the Employee Assistance Program, continued feedback should be given to the employee regarding job performance. If work related problems recur after treatment, the employee may be requested to sign a release of information allowing the Superintendent to seek information concerning treatment progress.

**Treatment**

Problems that require medical or psychiatric treatment may be considered as a disability, and the employee shall be granted the same rights as any other employee on medical disability leave.

**Record Confidentiality & Retention**

Information relating to the recommendation or use of the Employee Assistance Program will remain confidential and will be kept in a sealed file in the Superintendent's office. The confidential nature of the medical treatment of the employee with alcoholism will be maintained in the same manner as all other medical treatment records.

**End of Hettinger Public School District Board Reg. DGB-BR ..... Approved: June 25, 2018**



**PROFESSIONAL DEVELOPMENT PLAN**

The Board requires all licensed and ancillary personnel to participate in professional development contained in law and required by the district.

**Professional Development Plan**

The Superintendent shall develop a professional development plan that is based on professional development requirements and a district needs assessment, which will be conducted through methods such as, but not limited to, review of performance evaluations, surveys and/or input from instructional staff. The Superintendent shall establish professional development goals based on the professional development requirements and findings of the needs assessment. Professional development activities will be aligned with these goals and may include in-service workshops, a professional library, short-term professional leave, and assistance from consultants. All professional development activities shall be within district budgetary parameters.

The professional development plan shall be evaluated based on specific plan evaluation criteria developed by the Superintendent. Student achievement and performance shall be one factor used in evaluating the plan.

**End of Hettinger Public School District Policy DGGGA .....Adopted: August 10, 2015**

**LICENSURE**

Every licensed employee shall hold a valid license, issued by the Education Standards and Practices Board, or a valid temporary or provisional license.

All licensed personnel shall have their teaching license duly recorded with the Business Manager who will record the number and kind of license and date of expiration in the teacher's individual file.

**Renewal**

Employees are required to meet licensure renewal requirements, renew before the date of expiration, and file renewal with the Business Manager.

**End of Hettinger Public School District Policy DHA .....Adopted: August 10, 2015**

**TITLE I QUALIFICATIONS NOTIFICATION REQUIREMENT**

In accordance with federal law, the Superintendent or designee shall annually notify parents of each student attending a school that receives these funds that they may request and the District shall provide the professional qualifications of their child's classroom teacher and/or teachers and the qualifications of paraprofessionals providing services to their child.

**End of Hettinger Public School District Policy DHAB.....Adopted: August 10, 2015**

**PERSONNEL RECORDS**

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

**Location**

Personnel records shall be maintained in the following areas:

1. The Business Manager shall maintain records:
  - a. Required for payroll purposes, for record keeping under the Fair Labor Standards Act and the Family Medical Leave Act, and any other laws pertaining to payroll or leave 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 as 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 secure 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. The Superintendent shall maintain each building principal's personnel record.

Only employees who have a need to know in order to perform their duties shall 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, for at least six years following separation of employment.

**Pre-Employment Records**

Employment references should be returned to the author immediately following employment.

An attempt will be made to contact authors of confidential pre-employment references to inform them of the North Dakota open records law. Reference materials shall be returned only upon request of the author.

Transcripts used in the process of hiring maybe returned to the employee. Licensed staff may 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 by such requests.

**End of Hettinger Public School District Policy DI .....Adopted: June 15, 2015**

**DISTRIBUTION OF PERSONNEL DIRECTORY**

The district personnel directory shall include each employee's name, address, telephone number, and school assignment. The District will honor any request of any employee that does not want personal information published. This includes home address and telephone number.

**Dissemination**

The directory shall be distributed to all district employees, the members of the Board, and to each school and district office. It shall not be sold and shall not be distributed in any manner that would be detrimental to the District. The Superintendent may make the directory available to colleges and universities desiring to send literature to faculty members concerning summer sessions, evening school courses, and such other information as may be of value to staff members. In making the decision to make the directory available, the Superintendent should be aware of an obligation to protect district employees from harassment.

**End of Hettinger Public School District Policy DIA.....Adopted: August 10, 2015**

**REVIEW OF MATERIAL IN TEACHER PERSONNEL FILES**

Teachers may, upon written request to a district administrator, review any material in their personnel files. Teachers may be required to pay any copying costs in accordance with state law.

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 dissatisfied with the initial review, the teacher may have the file reviewed, upon written request, by the Superintendent. If the teacher is dissatisfied with the outcome of the Superintendent's review, the teacher may have the file reviewed, by the school board. This review shall be conducted at an open public meeting of the board.

A teacher may provide the Superintendent with a written response to any document in their personnel. The Superintendent receiving a written response shall attach the written response to the appropriate document and return both the teacher's file.

**End of Hettinger Public School District Policy DIB .....Adopted: August 10, 2015**

**SUBSTITUTE TEACHERS**

**Definition**

This policy defines the following:

- A *substitute teacher* is defined as a temporary fill-in for a teacher absent from school. Substitute teachers are subject to all applicable district policies governing staff conduct and teaching requirements, and are excluded from any continuing contract and nonrenewal rights for a teacher as outlined in state law.

**Qualifications**

Substitute teachers must 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 and/or designee shall maintain a list of qualified substitutes and develop protocols for contacting and securing substitute’s services.

**Salary**

The Board shall determine the rate of pay for substitute teachers annually. Substitute teachers may 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 must be made from substitute pay in accordance with law. Substitute teachers shall refer to state statute and the North Dakota Retirement and Investment Office for pension eligibility.

**Supervision and Evaluation**

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

**End of Hettinger Public School District Policy DJA .....Adopted: June 25, 2018**



**PART-TIME TEACHERS**

Part-time teachers who are employed by contract on an annual basis, such as home and hospital teachers, special education teachers, and supplementary instructional personnel, shall be subject to the same personnel policies and regulations of the school system as full-time teachers.

**Salaries and Fringe Benefits**

Salaries shall be pro-rated according to the proportion of full-time load.

Sick leave will be pro-rated for part-time teachers on the basis of the number of sick days given to full time teachers per year multiplied by the percentage of a full-time contract that their employment represents. Other fringe benefits shall only be granted to those teachers who are employed half-time or more. Those employed 50% or more but less than 75% will receive 50% of any insurance benefits if allowed by the insurance carrier. Those employed 75% or more but less than full time will receive 75% of such benefits. Benefits not allowed will not be compensated.

Part-time employees are not eligible for any fringe benefits or leaves not specifically included in this policy except as may be required by law.

**End of Hettinger Public School District Policy DJB .....Adopted: August 10, 2015**

**TEACHERS' AIDES**

**Definitions**

For the purposes of this policy:

- *Teacher's aide* means an adult school employee, working under the direction of licensed administrative and teaching staff.
- *Non-instructional duties* include, but are not limited to: performing clerical tasks, attending to physical needs of children, acting as a translator, coordinating parental involvement events, and supervising the playground and/or lunchroom.

**Hiring**

The Board shall approve all teachers' aide positions in the District. The Superintendent shall have the authority to hire teachers' aides for supplementary instructional and non-instructional duties in accordance with applicable district hiring policies.

**Qualifications**

Teachers' aides with instructional duties in Title I schools shall meet all educational and other requirements contained in federal laws. The Superintendent shall not hire instructional teachers' aides who do not meet these standards. These requirements shall not apply to those aides serving in a non-instructional capacity.

The Superintendent shall develop, and each aide shall receive, a job description with duties limited to the scope of the individual's competencies.

**Supervision and Evaluation**

Teachers' aides shall be under the direct supervision of licensed teachers. The Superintendent shall develop and implement procedures for periodic evaluations of teachers' aides.

**End of Hettinger Public School District Policy DJC .....Adopted: August 10, 2015**

**REDUCTION-IN-FORCE POLICY**

The Board shall have the sole right to determine the necessity for and scope of a reduction in force for reasons including, but not limited to, lack of funds, uncertainty of funds, declining enrollment, or other reasons of necessity.

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.

**Recall Rights**

Any teacher who is non-renewed under the provisions of this policy may request and shall be given consideration for teaching vacancies for which said teacher is qualified and which occur within 30 days after receipt of written notice of the nonrenewal decision. It shall be the sole responsibility of said teacher to provide the District with a current address. Any teacher who is offered re-employment hereunder and fails to accept the same within fifteen (15) days after it is offered shall be deemed to have rejected said offer and shall forfeit all future recall rights if an offer of equal employment is rejected.

**End of Hettinger Public School District Policy DKA .....Adopted: June 25, 2018**

**SEPARATION OF AT-WILL EMPLOYEES<sup>29</sup>**

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.<sup>30</sup> 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.

**End of Hettinger Public School District Policy DKBA.....Adopted: August 10, 2015**

---

<sup>29</sup> Do not adopt this policy if you issue contracts to classified staff.

<sup>30</sup> This is only one option. The Board can also designate itself as the body responsible for terminating the employment of classified staff.

**CONTRACTED STAFF RESIGNATIONS & REQUEST  
FOR RELEASE FROM CONTRACT**

All staff under contract with the District are expected to fulfill the entire term of the contract.

**Request for Release from Contract**

When a member of the staff requests a release from contract, the Board may exercise one of three options:

1. Grant an unconditional release from contract.
2. Deny temporarily or table the request with the understanding that the administration will be directed to facilitate the granting of the request by seeking an adequately qualified replacement.
3. Deny the request.

No release from contract shall be deemed granted until the Board has unconditionally approved it.

Any teacher or administrator who has not been granted a release by the Board and who fails to fulfill a teaching or administrative contract with the District will be reported to the Education Standards and Practices Board.

**Resignation**

Contracted staff members who decide to leave the employment of the District at the end of their current contract are requested to submit a written resignation to the Superintendent immediately upon making the decision. The resignation shall indicate clearly the date upon which it is intended to be effective. No resignation shall be deemed effective until the Board has approved it except as follows. District staff subject to continuing contract law who fail to return their contracts within the statutory timeframe shall be deemed to have resigned. Board approval of such resignations is unnecessary.

While this policy requests that contracted personnel submit notice of resignation, it in no way requires the Board to renew contracts for positions not covered by continuing contract law (e.g., coaching).

**End of Hettinger Public School District Policy DKBB.....Adopted: August 10, 2015**

## TEACHER DISCHARGE FOR CAUSE

### Definitions

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

### Substantiating the Need for Discharge

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

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

### Meeting to Contemplate Discharge

At the board meeting, the Board will vote on a motion to contemplate discharge. This motion must be made in an open meeting, and in order to guard against a final determination prior to the hearing with the teacher, the Board must limit discussion to the single issue of whether or not the causes for discharge given by the Superintendent conform to NDCC 15.1-15-07. Questions or discussion of the substance or substantiation of the stated causes for discharge must be reserved for the actual discharge hearing.

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

### Prehearing and Hearing Procedure

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

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

deliberations portion of the hearing and shall base such comments on only evidence presented during the hearing—not outside information.

**End of Hettinger Public School District Policy DKBD.....Adopted: August 10, 2015**

**SERVICE CREDIT PURCHASE**

Employees who have not met the Teacher’s Fund for Retirement (TFFR) early retirement criteria may apply for the District to purchase TFFR credits on the employee’s behalf. Retirement/resignation is voluntary, and no employee shall be required or coerced to apply for a service credit purchase.

The District will pay no more than the maximum service credit purchase amount established annually by the Board. Service credit purchases shall be awarded and purchased in accordance with criteria contained in law (NDCC 15-39.1-33).

The Board shall establish a deadline for receiving service credit purchase requests in accordance with the District’s early retirement policy. *(Note: When establishing this deadline, a board should take into account state deadlines for issuing contemplated nonrenewal notices (NDCC 15.1-15-05).)*

**End of Hettinger Public School District Policy DKDB.....Adopted: June 25, 2018**



**REQUIRED**

Descriptor Code: FAAA

**OPEN ENROLLMENT**

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

Criteria for acceptance or rejection shall be based upon the capacity of a program, class, grade level or school building.<sup>31</sup> The Board will not deny an application on the basis of previous academic achievement, participation in extracurricular activities, disabilities, English language proficiency or previous disciplinary proceedings.

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

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

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

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

**End of Hettinger Public School District Policy FAAA .....Adopted: June 15, 2015**

---

<sup>31</sup> Local policy may define the above criteria more specifically but cannot include additional criteria.

**EARLY ENTRANCE REQUIREMENTS**

A parent/guardian may apply for early admission of his/her child to the Hettinger Public School if the child meets early entrance age requirements established by law. The Superintendent shall develop a procedure for testing and evaluating early entrance applicants in accordance with law. The procedure shall, at a minimum:

1. Require that applicants be evaluated using developmental and readiness tools developed by the Superintendent of Public Instruction.
2. Contain a prohibition disallowing an applicant from applying for early admission more than once during a 12-month period.
3. Require a mandatory nine-week probationary period for all approved applicants at the end of which reassessment shall be made.
4. Contain a notice that application denial decisions are binding for a 12-month period.

**Fees**

The Board will assess the costs of early admission evaluations for students residing in the District. Out-of-district applicants will be charged a fee as determined by the Board and such monies will revert to the District.

**Transfer Students**

The District will honor early admission evaluation decisions made by other North Dakota school districts. The District shall also honor early admission decisions made by other U.S. school districts for military children governed by 15.1-04.1-01 and worldwide for military children governed by 15.1-04.1-01. Despite these exceptions, the District will still require a nine-week probationary period for any student who transfers into the District and is younger than the state minimum age of attendance for kindergarten or first grade.

**End of Hettinger Public School District Policy FAAB .....Adopted: August 10, 2015**

**ENROLLMENT OF SUSPENDED OR EXPELLED STUDENTS**

Any student who has been suspended or expelled from a school of this district is not eligible to attend any other school within the District until eligible to return to his or her regular school.

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

**End of Hettinger Public School District Policy FAAC .....Adopted: August 10, 2015**

**TUITION AGREEMENTS**

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

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

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

**End of Hettinger Public School District Policy FAAD .....Adopted: March 9, 2016**

**SCHOOL ASSIGNMENT**

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

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

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

The Board reserves the authority to transfer students from the assigned school to a different school when enrollment must be balanced because of classroom space requirements or class size. Transfer decisions shall comply with 20 U.S.C. 1703.

**Extracurricular Eligibility**

The District shall comply with all North Dakota High School Activities Association (NDHSAA) regulations regarding transfer student's eligibility for NDHSAA sponsored programs and events.

**End of Hettinger Public School District Policy FAB.....Adopted: June 15, 2015**

**PLACEMENT & ADJUSTMENT OF TRANSFER STUDENTS**

Students new to the District shall be required to produce records required of students for admission in accordance with state law. Students who are unable to produce transcripts within a reasonable time shall be subject to testing for placement purposes. Students whose transcripts or educational records do not indicate proper placement shall also be subject to testing. The Superintendent shall develop testing procedures and standards for determining placement.

The Superintendent may also adjust a transfer student's placement and shall develop procedures and standards for making adjustment determinations.

Students believed to have a disability which impairs their learning shall be tested and placed in accordance with law and applicable policy.

The Compact on Educational Opportunity for Military Children, which contains requirements related to the enrollment and placement of qualifying military children, supersedes this policy; however, this law does not preclude the District from performing subsequent placement evaluations after initially honoring a sending school's placement decision.

Parents of students enrolling in the District for the first time will be asked to complete a Home Language Survey (HLS). Staff responsible for enrolling students shall be required to refer students for language proficiency testing should the results of the HLS indicate a need for this testing or should such staff members otherwise have a reason to believe a student should undergo such testing. Registration and ELL identification procedures for English Language Learners (ELLs) shall comply with the district's ELL policy (GABAA) and regulations.

**End of Hettinger Public School District Policy FACA .....Adopted: August 10, 2015**

**STUDENT TRANSFER & WITHDRAWAL RECORDS**

To ensure uniformity, the Superintendent shall establish procedures for student transfers and withdrawals and for requesting and forwarding student records.

1. The procedures must be consistent with district policy regarding student records and must conform to all applicable state and federal laws, including the Federal Education Rights and Privacy Act, the Individuals with Disabilities Education Act, and the Compact on Educational Opportunity for Military Children.
2. If a student transfers or withdraws from this district, the student's parents may not be provided with official educational records.

Student transfers and withdrawals must be handled through the principal's office.

A student's entire record or a copy thereof shall be transferred upon request to the school in which the student intends to enroll when:

1. A student transfers from one school to another school within the District,
2. A student transfers from one school district to another school district within the system,
3. A student transfers between a public and private school within the District, or.
4. A student is re-entering from outside the system and has at one time attended a school within the system. Previously enrolled records shall be combined with the records from the school in which the student intends to enroll.

If the parent of a student transferring into the District is unable to produce identifying information, as required by law for enrollment and if the District is unable to obtain appropriate records from the district in which the student was previously enrolled, by the deadline in law, the District shall notify the Bureau of Criminal Investigation and local law enforcement that proof of identity has not been presented.

**End of Hettinger Public School District Policy FACB .....Adopted: March 9, 2016**

**STUDENT FEES**

The Board will establish and reassess student fees in accordance with law on an as needed basis at least annually. The Superintendent shall establish school fine amounts as permitted by law.

When a parent/guardian is unable to pay a fee in full, the Superintendent is authorized to waive or reduce this fee.

The Board has adopted the following specific policies with relation to student fees:

1. Students will be prohibited from charging hot lunch over \$35.00 per family.
2. Fees for driver's education and for courses that generate products that become the personal property of the student must be paid prior to the start of the course.

The District will vigorously pursue the collection of any outstanding bills, including use of a collections agency and/or filing a claim in small claims court. The Superintendent, in accordance with law, may impose further penalties on students for failure to pay fees/fines.

**End of Hettinger Public School District Policy FBA.....Adopted: June 25, 2018**



**TOILET INDEPENDENCE**

## Definition

- *Accidents* by definition are unusual incidents and should only happen infrequently.
- *Toilet independence* means a student who can do the following:
  - q. Be able to tell the teacher they have to go to the bathroom when they have to relieve themselves.
  - r. Be able to pull down their underwear and pants and get them back up without assistance.
  - s. Be able to wipe themselves after using the toilet.
  - t. Be able to get off the toilet by themselves.
  - u. Be able to wash and dry hands.
  - v. Be able to go directly back to the classroom without directions.
  - w. Be able to postpone using the toilet if they must wait for someone who is in the bathroom or the student is outside and away from the bathroom.

Upon entering preschool, the District expects students to be toilet independent, unless the student has a documented disability. The District shall not deny admission to non-disabled students based on their ability or inability to use bathroom facilities independently and/or control bodily functions associated with toileting. Administrators shall develop privacy, hygiene, and staff supervision requirements for students who have toileting needs. Parents of a disabled student who requires toileting assistance shall ensure that an agreed toileting plan for their child is developed with the school.

Teachers shall encourage student independence as much as possible and avoid any unnecessary physical contact in the event of an accident. Parents/guardians of students who are not disabled, but have accidents, shall be contacted to arrange the cleaning and changing of their child. Students who exhibit repeated inability to use bathroom facilities independently and/or control bodily functions associated with toileting that do not already have a plan that addresses toileting needs shall be referred to the building administrator to begin the process for determining the category of need (e.g., special education, medical, mental health, etc.).

Students having a confirmed contagious disease, which could be contracted by others through student's urine or feces, may be excluded from school for a reasonable amount of time to allow for medical intervention and for the school to develop and implement a hygiene plan for both student and employees.

**End of Hettinger Public School District Policy FBB.....Adopted: June 25, 2018**

**STUDENT SAFETY & SUPERVISION**

The Superintendent is responsible for the district’s overall safety program. As part of this program and within the constraints of the adopted budget, the Superintendent shall develop a procedure for integrating safety education into the curriculum and for ensuring adequate supervision of students during the school day. The District will notify parents when supervision is available before and after school.

Staff will receive appropriate training on student safety measures and will be required to follow student safety precautions subject to disciplinary consequences for willful disregard of these rules.

In accordance with NDCC Ch. 14-09, any classified or support staff member directly responsible for a student’s supervision (i.e., a student under 18) shall inform the building principal or his/her designee as soon as possible if the employee knows or has reasonable cause to believe that the student:

1. Has/is believed to been missing for 24 hours if the student is under 13 years of age.
2. Has/is believed to been missing for 48 hours if the student is ages 13 through 17.

If the employee is uncertain of the student’s age, s/he should inform administration as soon as possible 24 hours after the employee knows or believes a student is missing.

As soon as possible, the principal/designee shall attempt to contact the student’s parents/guardians to verify the student’s whereabouts and should document this attempt and findings. If the principal/designee is unable to verify the student’s whereabouts, s/he shall assist the district employee with reporting the missing student to law enforcement. Staff members required to comply with this policy provision include, but are not limited to, bus drivers, paraprofessionals, coaches, and after-school care providers employed by the District. Teachers and administrators are not covered by this provision but must report a child in violation of compulsory attendance laws.

**End of Hettinger Public School District Policy FC .....Adopted: August 10, 2015**

**ACCOMMODATING STUDENTS WITH ALLERGIES  
& SPECIAL DIETARY NEEDS**

Each building principal shall implement procedures for identifying students with life-threatening allergies and shall develop general exposure avoidance measures.

The Board recognizes that students with medically documented life-threatening allergies are considered disabled and are covered by the Americans with Disabilities Act and Section 504 of the Rehabilitation Act. A clearly defined 504 Accommodation Plan will be developed and implemented for all such identified students. Appropriate staff, the parent/guardian of the student, and the student's physician shall sign these plans.

Relevant staff shall be made aware of 504 plans, the measures needed to implement them, methods to reduce risk of exposure, and emergency response procedures in the event of exposure.

**End of Hettinger Public School District Policy FCAA .....Adopted: August 10, 2015**

**HEAD LICE**

School district personnel may not prohibit a student infected with head lice from attending school.

School district personnel shall make an effort to assist in the prevention and management of head lice.

1. Annually, the Superintendent shall issue guidance to parents on the prevention, diagnosis and treatment of head lice.
2. The Superintendent shall develop material and a protocol for informing the parent of a student infected with lice of the infestation and available treatment methods.
3. The Superintendent shall develop a procedure for alerting the parents of students who were exposed to the infected student. This procedure shall prohibit release of the infected student's personally identifiable information unless an exception applies under FERPA (e.g., release to educational officials with a legitimate need to know.)

**Management of Head Lice**

School district personnel may perform a head lice screening on any student exhibiting symptoms of a lice infestation and on any student who has had head-to-head contact with a student believed to have head lice.

1. A student found to be infected with head lice must be reported to the building principal immediately.
2. The building principal shall work with teachers and other personnel to implement a plan to reduce head-to-head contact among students.
3. School district personnel shall notify the student's parent of a suspected infestation.

Nothing in this policy prohibits school district personnel from reporting the suspected abuse or neglect of a student as required by law.

**End of Hettinger Public School District Policy FCAC .....Adopted: March 9, 2016**

**STUDENT ACCIDENTS**

The District shall follow its medical emergency response procedure if a student is injured while at school or during a school-sponsored event. The District shall develop a protocol for notifying a student's parent/guardian in the event of an injury. This protocol shall contain notification procedures for injuries that occur on school property during school hours, on school-sponsored trips, and during extracurricular activities.

In the event of a severe injury, an ambulance shall be called. When an ambulance is unavailable, a medical or school official will transport the student to a medical facility.

**Exception to this Policy**

The district's policy and regulations on concussion management shall supersede any district emergency response policies/regulations when the concussion management policy/regulations are applicable.

**End of Hettinger Public School District Policy FCAD .....Adopted: March 9, 2016**

## SUICIDE PREVENTION

### Definitions

This policy defines the following:

- *At risk* means a student who has made a suicide attempt, has the intent to die by suicide, or has displayed a significant change in behavior suggesting the onset or deterioration of a mental health condition. The student may have thought about suicide including potential means of death and may have a plan. In addition, the student may exhibit feelings of isolation, hopelessness, helplessness, and the inability to tolerate any more pain.
- *Mental health* means a state of mental and emotional being that can impact choices and actions that affect wellness. Mental health problems include mental and substance use disorders.
- *Postvention* means a crisis intervention strategy designed to reduce the risk of suicide and suicide contagion, provide the support needed to help survivors cope with a suicide death, address the social stigma associated with suicide, and disseminate factual information after the suicide death of a member of the school community.
- *Risk assessment* means an evaluation of a student who may be at risk for suicide, conducted by the appropriate school staff (e.g., school psychologist, school counselor, or school social worker). This assessment is designed to elicit information regarding the student's intent to die by suicide, previous history of suicide attempts, presence of a suicide plan and its level of lethality and availability, presence of support systems, and level of hopelessness and helplessness, mental status, and other relevant risk factors.
- *Risk factors for suicide* means characteristics or conditions that increase the chance that a person may try to take his or her life. Suicide risk tends to be highest when someone has several risk factors at the same time. Risk factors may encompass biological, psychological, and or social factors in the individual, family, and environment.
- *Suicide Death* means death caused by self-directed injurious behavior with any intent to die as a result of the behavior. [Note: *The coroner's or medical examiner's office must first confirm that the death was a suicide before any school official may state this as the cause of death.*]
- *Suicide attempt* means a self-injurious behavior for which there is evidence that the person had at least some intent to kill themselves. A suicide attempt may result in death, injuries, or no injuries. A mixture of ambivalent feelings such as wish to die and desire to live is a common experience with most suicide attempts. Therefore, ambivalence is not a sign of a less serious or less dangerous suicide attempt.
- *Suicidal behavior* means suicide attempts, intentional injury to self-associated with at least some level of intent, developing a plan or strategy for suicide, gathering the means for a suicide plan, or any other overt action or thought indicating intent to end one's life.
- *Suicide contagion* means the process by which suicidal behavior or a suicide influences an increase in the suicidal behaviors of others. Guilt,

identification, and modeling are each thought to play a role in contagion. Although rare, suicide contagion can result in a cluster of suicides.

- *School property* is defined in NDCC 15.1-19-10(6)(b) is all land within the perimeter of the school site and all school buildings, structures, facilities, and school vehicles, whether owned or leased by a school district, and the site of any school-sponsored event or activity.

### **Purpose**

The purpose of this policy is to protect the health and well-being of all district students while on school property by having procedures in place to prevent, assess the risk of, intervene in, and respond to suicide. The District:

1. Recognizes that physical, behavioral, and emotional health is an integral component of a student's educational outcomes;
2. Further recognizes that suicide is a leading cause of death among young people;
3. Has an ethical responsibility to take a proactive approach in preventing deaths by suicide; and
4. Acknowledges the school's role in providing an environment which is sensitive to individual and societal factors that place youth at greater risk for suicide, and one which helps to foster positive youth development.

### **Prevention**

#### **District Policy Implementation**

A District Suicide Prevention Coordinator shall be designated by the Superintendent. This may be an existing staff person. The District Suicide Prevention Coordinator shall be responsible for planning and coordinating implementation of this policy for the school district. Each school principal shall designate a school Suicide Prevention Coordinator to act as a point of contact in each school for issues relating to suicide prevention and policy implementation. This may be an existing staff person. All staff members must report students they believe to be at elevated risk for suicide to the school Suicide Prevention Coordinator.

#### **Staff Professional Development**

All staff shall receive **[annual] [biennial]** professional development on risk factors, warning signs, protective factors, response procedures, referrals, postvention, and resources regarding youth suicide prevention.

The professional development may include additional information regarding groups of students at elevated risk for suicide, including those living with mental and/ or substance use disorders, those who engage in self-harm or have attempted suicide, those in out-of-home settings, those experiencing homelessness, American Indian/Alaska Native students, LGBTQ (lesbian, gay, bisexual, transgender, and questioning) students, students bereaved by suicide, and those with medical conditions or certain types of disabilities.

Additional professional development in risk assessment and crisis intervention may be provided to school-employee mental health professionals and school nurses.

### **Youth Suicide Prevention Programming**

Developmentally-appropriate, student-centered education materials shall be integrated into the curriculum of all K-12 health classes. The content of these age-appropriate materials may include:

1. the importance of safe and healthy choices and coping strategies;
2. how to recognize risk factors and warning signs of mental disorders and suicide in oneself and others;
3. help-seeking strategies for oneself or others, including how to engage school resources and refer friends for help. In addition, schools may provide supplemental small group suicide prevention programming for students.

### **Publication and Distribution**

This policy must be distributed annually and included in all student and employee handbooks, and on the school website.

**Hettinger Public School District Policy FCAE .....Adopted: June 25, 2018**



## CONCUSSION MANAGEMENT

The District shall comply with the concussion management program requirements contained in law (NDCC 15.1-18.2). 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).

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

### Definitions

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

- *School-sanctioned athletic activity* is a sport that:
  - a. Is not part of the district's curricular or extracurricular program;
  - b. Is established by a sponsor to serve in the absence of a district program;
  - c. Receives district support in multiple ways (i.e., not school facility use alone);
  - d. Requires participating students to regularly practice or train and compete.
  - e. The District has officially recognized through board action as a school-sanctioned activity.

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

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

### Removal Decisions

Under the concussion management law, the District is authorized to designate removal-from-play authority to individuals who have direct responsibility for student athletes during practice, training, and/or games if a student reports or exhibits a

sign or symptom of a concussion. The Athletic Director shall make this determination, and the Athletic Director shall ensure that such designees are aware of this responsibility and have undergone appropriate training in accordance with law before commencing duties.

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

High school students and minors who serve as coaches or officials are encouraged to work with an adult who has removal from play authority prior to removing a student from play.

If two or more individuals with removal-from-play authority disagree on whether or not a student must be removed, the determination must be made in the interest of the student's safety, meaning that the student shall be required to sit out and comply with return-to-play requirements contained in law.

### **Return to Play**

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

**End of Hettinger Public School District Policy FCAF .....Adopted: June 25, 2018**

**STUDENT DISMISSAL PRECAUTIONS**

To assure that children are released only for proper reasons and into proper hands, each school shall set up procedures for dismissal, entering and exiting schools during the school day and at lunchtime, and establish procedures to approve requests for early dismissal. No staff member shall excuse any student from school prior to the end of the school day without a request for the early dismissal by the student's parents or without contacting the parents prior to releasing the child.

**Dismissal Precautions for Children of Separated/Divorced Parents**

Dismissal of students governed by a legally binding custody order shall be handled in accordance with policy FCBD.

**End of Hettinger Public School District Policy FCBA .....Adopted: August 10, 2015**

**STUDENT TRANSPORTATION SAFETY & SUPERVISION**

Although the District provides transportation to and from school, parents are responsible for supervision of their children until students board the bus and after students leave the bus at the end of the school day. The responsibility for district supervision of a student begins upon a student boarding a district vehicle at the beginning of the school day and ends when the student exits the vehicle.

**End of Hettinger Public School District Policy FCBB .....Adopted: August 10, 2015**

## STUDENT CUSTODY

### **Section I: Parent's/Legal Guardian's Rights at School**

The Hettinger Public School District assumes that both of a student's biological or adopted parents and all other legal guardians (hereafter parents) have equal access to their child at school, play an equal role in educational decisions related to their child, and have equal access to their child's educational record restricted only by limitations delineated in district policies and regulations that are applicable to all parents/guardians and when access/participation is reasonably predicted by the Superintendent or principal to disrupt the educational environment. Exceptions to these assumptions exist when criteria in Section II of this policy have been satisfied.

### **Section II: Restricting Parent/Guardian Access and Rights**

A parent is responsible for providing the District with legally binding documentation (e.g., court order) restricting parent rights. Such documentation must be current and a parent is responsible for ensuring that the documentation remains up-to-date. District personnel shall not initiate a request for or otherwise actively seek information pertaining to student custody.

The District will act in good faith to comply with the terms and restrictions of any current legally binding document pertaining to student custody that is provided to one of its schools. However, it shall not be responsible for validating the authenticity of such documentation or interpreting and implementing any provision that is unclear.

If a parent makes a student access request that is not addressed clearly by the legal documentation on file, the District shall notify both parents that the documentation on file is unclear, that the District needs further clarification from the court on this matter, and that the District will consult with its attorney on how to respond to the request in the interim while additional documentation is being sought by the parent(s).

### **Section III: Student Visitation and Release**

A request by a parent to visit or otherwise access his/her child at school shall be handled in accordance with applicable district policy and rules (e.g., rules on visitors in schools, parent visits to school, phone calls at school, etc.). The District shall deny any request that the Superintendent or principal reasonably predicts will disrupt the educational environment or any request that is prohibited by current legally binding custody documentation on file with the school.

A request by a parent to have a designee pick up or drop off his/her child shall be handled in accordance with district policies and rules governing this matter; however, the District shall deny any request that the Superintendent or principal reasonably predicts will disrupt the educational environment or any request that is prohibited by current legally binding custody documentation on file with the school.

The District prohibits on school property exchange of children for visitation purposes (i.e., exchanges that are condition of a custody order).

#### **Section IV: Release of Student Educational Records**

In accordance with the Federal Educational Rights and Privacy Act (FERPA), the District shall assume that both parents have equal rights to student educational records (as established by FERPA), including the right to authorize a designee access, unless:

1. Restricted by current legally binding custody documentation on file with the school, or
2. The District is aware that a student or his/her parent is participating in domestic violence or sexual assault program. In such cases, the District should contact its legal counsel to determine if any information from the student's educational record should be released to the requesting parent/designee.

#### **Section V: Responding to Parent/Guardian Disagreements**

In the event that parents engage in a custody or visitation dispute on school property, a school official, if possible, shall remove the student from the dispute to ensure the child's safety (e.g., escort the child inside the school building, move the child to the school office) and contact law enforcement.

Parent requests related to his/her child's education shall be handled in accordance with applicable district policy except when the parent does not have authority to make such requests as stipulated in current legally binding custody documentation on file with the school. Neither parent has a fundamental right generally to direct how a public school teaches their child.

The consent of both parents is required before the District places a student on an Individual Education Program if:

1. The student's parents are divorced or separated, and
2. Both have the right to make educational decisions on behalf of their child as stipulated in legally binding custody documentation on file with the school.

**End of Hettinger Public School District Policy FCBD .....Adopted: August 10, 2015**

**RECOMMENDED**

Descriptor Code: FCC

**RESTRAINT OR SECLUSION POLICY**

Restraint and seclusion shall be implemented as prescribed by West River Student Services (WRSS) Restraint or Seclusion Policy.

**End of Hettinger Public School District Policy FCC.....Adopted: August 21, 2019**

**EDUCATION OF HOME SCHOOLED STUDENTS**

The Hettinger Public School acknowledges the right of a parent to provide their own child's education in a home-based setting. The Superintendent will accept as correct the information on the statement of intent filed with the District in accordance with North Dakota law.

Homeschooled students are eligible to transfer into Hettinger Public Schools and/or participate in individual district classes and/or extracurricular activities on the same basis as students already enrolled.

**Transfers**

Homeschooled students transferring into district schools will be required to produce documentation containing a list of courses taken, grades earned, and the results of standardized achievement tests unless the student is exempt from such testing under law. Placement will be determined in accordance with district placement standards.

Students without records or whose records do not indicate proper placement shall be subject to placement testing.

Students believed to have a disability impairing learning shall be tested and placed in accordance with law and applicable policy.

**Diplomas**

Hettinger Public Schools shall not award diplomas to homeschooled students. Students must enroll full-time in the regular Hettinger Public School District educational program and complete all the necessary requirements to be eligible for a diploma.

**End of Hettinger Public School District Policy FDA.....Adopted: August 10, 2015**



## EDUCATION OF THE HOMELESS STUDENT

### Definitions

This policy defines the following:

- *Enrollment* means attending classes and full participation in school activities.
- *Full participation* means student participation in extracurricular activities, which offers additional opportunities for student engagement and greater motivation for retention. Further, extracurricular participation can open doors to higher education opportunities and scholarships, and build skills and relationships that carry over into students' adult lives.
- *Homeless student or unaccompanied youth* means an individual who lacks a fixed, regular, and adequate nighttime residence due to loss of housing, economic hardship, or similar reason. It includes students and youths (preschool-grade 12) who are:
  - Living in an emergency shelter or transitional housing;
  - Living in motels, hotels, trailer parks, or campgrounds due to lack of alternative adequate accommodations;
  - Living in cars, parks, public or private spaces not designed for humans to live, abandoned buildings, substandard housing, bus stations, train stations, or similar settings;
  - "Doubled up" by living with friends or family; or
  - Living in unsuitable conditions, such as lack of utilities, mold, infestations, or dangers.

Migratory students and unaccompanied youth (youth not in the physical custody of a parent/guardian) may be considered homeless if they meet the above definition.

Homeless status is determined in cooperation with the parent/guardian, or in the case of unaccompanied youth, the homeless student liaison.

- *Immediate enrollment* means within twenty-four hours of the best interest determination. Enrollment must not be denied or delayed because documents normally required for enrollment have not been provided. The enrolling school must immediately contact a student's school of origin to obtain the relevant records, and the school of origin should immediately transfer those records.
- *School of origin* means the school the student attended when permanently housed or the school in which the student was last enrolled, including a preschool.

### Homeless Student Liaison

The Board designates the School Counselor as the Homeless Student Liaison. This individual must perform all duties required by law to ensure the educational stability of a homeless student.

### Best Interest Determination

The District must comply with the McKinney-Vento Homeless Education Assistance Improvements Act. The District shall seek to eliminate barriers to school attendance for homeless students as defined by law. When feasible and consistent with a parent, guardian, or unaccompanied youth's wishes, the homeless student must be immediately enrolled in their school of origin and transportation must be provided in accordance with law.

When not feasible for a homeless student to attend their school of origin, as determined by the Superintendent in consultation with the parent, guardian, or student, the student must be placed in a school that is in the "best interest of the student." The Superintendent must submit such placement decisions to the parent or guardian in writing, along with notice of the right to appeal and a dispute resolution procedure.

### **Dispute Resolution**

To the extent feasible and appropriate, when a dispute arises as to the best interest determination, the District must ensure that a homeless student be immediately enrolled in the school in which enrollment is sought, pending resolution of the dispute. The parent, guardian, or student wishing to file an appeal of a determination shall notify the Homeless Student Liaison. The liaison shall follow the dispute resolution procedure created in regulation FDB-BR1. The District shall make reasonable efforts to collaborate with aggrieved parties to resolve the dispute at the local level as expeditiously as possible.

**End of Hettinger Public School Policy FDBAdopted: June 25, 2018, Amended: November 14, 2018**

**EDUCATION OF MIGRANT STUDENTS**

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

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

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

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

**End of Hettinger Public School District Policy FDC.....Adopted: August 10, 2015**

## EDUCATION OF PREGNANT AND PARENTING STUDENTS

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

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

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

Students shall not be disciplined or their status as a student otherwise demoted due to absences resulting from pregnancy or a post-pregnancy condition. Furthermore, students absent due pregnancy/a post-pregnancy condition shall not be barred from participating in district programs and activities except when absences result in ineligibility to participate in activities covered under North Dakota High School Activities Association bylaws. Students will be given a reasonable time to make up missed work or participate in a credit recovery program. Failure by the student to complete any make up work requirements or credit recovery program(s) may result in a demotion in grades, retention, extracurricular ineligibility, or other appropriate recourse as determined by district administration in accordance with applicable district policy.

### **Accommodations for Pregnant Students**

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

### **Alternative Curricular Participation**

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

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

Pregnant students involved in programs involving physical activity will be required to provide medical documentation certifying fitness for participation **only** on the same basis as the District requires such documentation from other students. Any medical documentation required for a pregnant student to participate in physical

activities shall be no more stringent than when medical documentation is required to be provided by any other student as a condition of participation in physical activities.

**Disclosure**

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

If a student refuses to inform her parent(s)/guardian of her pregnancy within a reasonable time, the counselor, in conjunction with the Superintendent, shall make a decision about whether or not to inform the student's parent(s)/guardian. The decision shall be made on a case-by-case basis, taking into account the student's age and safety. Before acting on the decision, the counselor shall contact the student and provide her with an opportunity to appeal the decision to the Superintendent.

**End of Hettinger Public School District Policy FDD.....Adopted: June 15, 2015**

**EDUCATION OF SPECIAL EDUCATION/DISABLED STUDENTS**

The Hettinger Public School District assures that all students with disabilities, ages 3 through 21, have the right to a free and appropriate public education in accordance with the Individuals with Disabilities Education Act and North Dakota law. In addition, the District complies with Section 504 requirements. For the purpose of compliance with state and federal laws concerning special education/disabled students and providing this assurance, the Hettinger Public School District is a member of the West River Student Services and subscribes to its policies and procedures. These policies and procedures include those required to comply with IDEA and Section 504, such as but not limited to child find and procedural safeguards.

**End of Hettinger Public School District Policy FDE.....Adopted: June 15, 2015**

**STUDENTS IN FOSTER CARE****Definitions**

This policy defines the following:

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

**Foster Care Student Point of Contact**

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

**Best Interest Determination**

The District shall collaborate with state, local and tribal child welfare agencies, as applicable, and seek to eliminate barriers to school attendance for a student in foster care as defined by law<sup>32</sup>. When feasible and in the best interest of the student, as determined by the local child welfare agency (CWA), in collaboration with the District Foster Care Point of Contact and other key partners, as applicable, the student in foster care must immediately be enrolled in their school of origin and transportation must be provided in accordance with law.

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

---

<sup>32</sup> <https://www2.ed.gov/about/inits/ed/foster-care/index.html>  
Hettinger Public School Board Policy

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

**Transportation**

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

**Dispute Resolution**

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

**Foster Care Student Records**

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

**End of Hettinger Public School Policy FDH ..... Adopted: November 14, 2018.**



**STUDENT ASSISTANCE PROGRAM**

The Hettinger Public School District will provide a student assistance program. The purpose of the program is to assist students with obtaining help to resolve problems, such as, but not limited to, addiction; physical, mental, or emotional illness; and personal loss in a confidential manner. Referral to and treatment in the student assistance program shall be a constructive and not punitive action.

The student assistance program provides students with assurance that if personal problems are the cause of unsatisfactory behavior or performance, this will be taken into careful consideration; however, use of this program will not alter or supersede normal application of disciplinary and due process procedures.

**Confidentiality**

Student treatment and assistance records are confidential. Treatment/assistance records shall only be made available to school officials with a legitimate need to know and shall not be released to outside entities without a parent/guardian's written consent.

Use of the student assistance program is confidential; however, the program coordinator may inform parents when a student's problem poses a potential health or safety threat. Confidential information shall also be released to appropriate parties when state and/or federal law requires disclosure.

**End of Hettinger Public School District Policy FEBA .....Adopted: March 9, 2016**

**HONOR ROLL**

The honor roll is posted at the end of each nine-week period and is published. It includes the name of all students who have earned an average of B- or better. Only academic classes count.

Honor roll will be considered directory information for purposes of the Family Education Rights and Privacy Act (FERPA). Any student may decline publication of his/her name on the honor roll by making a written request to the principal. If the student is under 18, a parent or guardian must cosign the request.

**End of Hettinger Public School District Policy FECA .....Adopted: March 9, 2016**

**GIFTS & AWARDS TO STUDENTS**

In compliance with North Dakota law, the District shall not spend public money for purposes other than permitted by law. The District shall not award scholarships to students nor shall it, in any way, reward students in a manner that would have a direct individual financial benefit. The District will not use public funds to subsidize award and recognition programs created by parent, civic, or booster groups.

District schools may offer award and recognition programs that enrich the school environment and that conform to the restrictions in this policy.

**End of Hettinger Public School District Policy FECB .....Adopted: August 10, 2015**

**EARLY DISMISSAL FOR WORK**

Students in their senior year may be granted an early release from school for employment purposes upon administrative approval. The Superintendent shall develop criteria for granting work-related dismissal requests. The criteria shall, at a minimum, include the following:

1. A requirement that the student's parent/guardian submit written permission authorizing the student's dismissal request.
2. A requirement that a parent/guardian sign a waiver acknowledging that the school's responsibility for the student's safety and welfare does not extend beyond the scheduled dismissal time.
3. A notice that requests deemed unreasonable will be denied.
4. A notice that approved requests that interfere with and/or impair a student's academic performance shall be revoked.

**End of Hettinger Public School District Policy FEDA .....Adopted: March 9, 2016**

**SENIOR PRIVILEGES**

The Board authorizes the Superintendent to develop criteria for granting privileges to high school seniors. The criteria shall contain minimum standards for granting these privileges, shall delineate the types of privileges that may be granted, and shall delineate the terms under which privileges may be revoked.

**End of Hettinger Public School District Policy FEDC .....Adopted: March 9, 2016**

## STUDENT ORGANIZATIONS

### **Recognition of School-Sponsored Student Organizations**

School-sponsored student organizations function to enhance the participants' educational experience and supplement the course materials within the educational program of the schools. The activities of these organizations should bear a clear relationship to the regular curriculum. The Superintendent shall develop further criteria and a procedure for approving school-sponsored student organizations.

Membership in school-sponsored student organizations shall be voluntary and shall be open to and limited to all students currently enrolled in the school and home-schooled students living in the District. Membership shall be granted in a nondiscriminatory manner, consistent with the district's nondiscrimination policy; however, organizations may establish qualifications based on gender only where necessary to preserve the health, safety, or welfare of students, or where gender is a bona fide and integral qualification for the activities of the organization. These organizations may also establish academic qualifications for membership where necessarily related to the purposes of the organization.

Secondary school students are also permitted to organize and conduct non-curriculum-related meetings on school property, subject to the provisions of this policy. Any other persons who are not students enrolled in the District are prohibited from directing, controlling, conducting, or regularly attending the meetings of such organizations except as delineated below and in federal law. Non-curriculum-related student organizations shall not be deemed to be school sponsored or endorsed. The fact that such organizations are permitted to conduct meetings under this policy shall not constitute an expression of district support for the purposes of such organizations or the content of any meetings thereof.

### **Faculty Supervision**

School-sponsored student organizations shall be sponsored and supervised by one or more members of the school faculty, approved by the principal. Faculty sponsors shall participate in the supervision and direction of all activities of the organization and shall attend all meetings.

Non-curriculum-related student-led organizations shall not have a faculty sponsor. However, a member of the school's professional staff shall attend every meeting or activity of such organizations as a monitor for its meetings. School staff shall attend these meetings in a non-participatory capacity only. School employees shall not be compelled to attend meetings of any student organization if the content of such meetings is contrary to the beliefs of that school employee.

### **Compliance with Law and Policy**

Student organizations shall not engage in any activity that is contrary to law, district policy or school rules; which disrupts or clearly threatens to disrupt the orderly operation of the school; or which would adversely affect the health, safety, or welfare of any students or staff members.

School-sponsored student organizations shall comply with the purchasing policy of the District and may not extend the credit of the District. Failure to comply with these provisions shall be grounds for revocation of recognition.

**Meetings**

All meetings held on school grounds by student groups shall be held in accordance with the district's facility use regulations developed by the Superintendent. Non-school sponsored groups meeting on school grounds shall also comply with the district's non-curricular use of school facilities policy.

**End of Hettinger Public School District Policy FEE .....Adopted: March 9, 2016**

**STUDENT GOVERNMENT**

In order to provide the opportunity for students to participate in the orderly workings of the democratic process, the secondary schools of the District may maintain and operate student councils.

Student government shall be "of the students, by the students, for the students," representing all students in the school in communications with the administration and in the organization of student activities.

Members of the student council shall be elected democratically. The rights and responsibilities of the council shall be clearly set forth in bylaws. The principal shall designate a member of the faculty to serve as advisor for the student council.

**End of Hettinger Public School District Policy FEEA .....Adopted: March 9, 2016**



## STUDENT CONDUCT & DISCIPLINE

### Conduct Standards

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

### Disciplinary Standards

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

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

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

### Disciplinary Standards for Special Education Students

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

### Prohibited Disciplinary Actions

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

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

### Disciplinary Authority

Regulations on disciplinary standards and investigation procedures shall delineate the degree of disciplinary authority that the District shall grant to teachers and principals.

Other school personnel shall be granted disciplinary authority by the Principal or Superintendent on a case-by-case basis based on the nature and scope of the employee's duties. Personnel granted such authority shall be required to comply with this policy and any disciplinary authority limits established by regulations. Employees unauthorized to administer student discipline shall report student misconduct to the appropriate school authority.

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

**End of Hettinger Public School District Policy FF.....Adopted: June 15, 2015**

**STUDENT ALCOHOL & OTHER DRUG USE/ABUSE**

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

**Philosophy**

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

**Definitions**

This policy defines the following:

- *Alcohol* – See Prohibited Substances.
- *Drug* – See Prohibited Substances.
- *Possession* shall mean:
  - a. Actual physical possession of the alcohol or drug while on school property;
  - b. Use or consumption of the alcohol or drug while on school property;
  - c. In the student's locker, car, handbag, backpack, or other belongings while on school property; or
  - d. Appearance by a student on school property after having consumed or ingested alcohol or a drug that is noticeable by breath odor, speech alterations, unsteadiness of gait or posture, or like symptoms of chemical intoxication.
- *Use* shall mean that a student is reasonably known to have ingested, injected, inhaled or otherwise taken into the body a prohibited substance, or is reasonably found to be under the influence of such a substance.
- *School property* is defined in NDCC 15.1-19-10(6)(b) as all land within the perimeter of the school site and all school buildings, structures, facilities, and school vehicles, whether owned or leased by a school district, and the site of any school-sponsored event or activity.

**Prohibited Substances**

Prohibited substances include, but are not limited to:

1. Alcohol, powdered alcohol, or any alcoholic beverage as defined in NDCC 5-01-01;
2. Any controlled substance or dangerous drug as defined by NDCC Sections 19-03.1-05 through 19-03.1-13 and 19-03.1-26 (paraphernalia) or as defined by Section 812, Schedules I-V, of Title 21, United States Code, Section 801, et seq., including but not limited to marijuana, any narcotic drug, any hallucinogen, any stimulant or depressant, and all other illicit drugs;
3. Any glue, aerosol paint, or any other chemical substance used for inhalation;

4. Any prescription or non-prescription drug, medicine, vitamin or other chemical including, but not limited to aspirin, other pain relievers, stimulants, diet pills, multiple or other type vitamins, pep pills, "no-doze" pills, cough medicines and syrups, cold medicines, laxatives, stomach or digestive remedies, depressants, sports or muscle-building supplements, and sleeping pills not administered and/or taken with appropriate consent and authorization from parents, school administration, and, if applicable, a health care provider.

### **Prohibited Activities**

It shall be against school policy for any student to:

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

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

### **Reporting Violations**

A student or staff member that has reason to believe that a student has violated this policy shall notify a school official (i.e., a teacher or administrator if the reporter is a student; a school administrator if the reporter is a district staff member). Except in limited circumstances under law,<sup>33</sup> a teacher is required to report known or suspected violations of this policy to the school principal or Superintendent.

### **Violation**

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

Such searches shall not include referral for mandatory alcohol/drug testing.

---

<sup>33</sup> When a teacher/principal participates in a juvenile court program and receives confidential information about a student.

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

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

### **Intervention**

It is acknowledged that the public school has neither the authority nor the responsibility to make medical or health determinations regarding chemical dependency; however, when observed behavior indicates that a problem exists that may affect the student's ability to learn or the educational climate of the school, the school has a right and a responsibility to refer the student for a formal chemical dependency diagnosis. The Superintendent shall develop a procedure for chemical dependency identification and referral for treatment.

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

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

The school may, through the use of available resources, provide follow-up counseling and supportive assistance to those students who return after successfully completing a therapeutic regimen, realizing that the student may need assistance in dealing with other environmental factors beyond the school's control which may remain unchanged.

### **Confidentiality**

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

### **Education**

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

In addition, the District will conduct staff orientation and training on drug and alcohol prevention, including a periodic overview of this policy and its procedures

for implementation. The District will also provide parent and community education on the topic of drug and alcohol prevention.

**Policy Implementation**

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

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

Each building administrator and/or department manager will annually conduct in-service training sessions for school district employees, which will include a review of this policy and procedures for implementation thereof. In the event an employee is unable to attend such in-service sessions, the administrator will cause this policy to be individually reviewed with such employee.

The building administrator and/or department manager will maintain a list of all employees with whom this policy has been reviewed, whether individually or through in-service training, along with the dates of such review or training.

In addition, student handbooks will be used to inform students that the use of alcohol and other drugs is wrong and harmful and is not permissible. Students, employees and parents will be given a copy of the standards of conduct and the statement of sanctions required concerning the possession, use or distribution of illicit drugs and alcohol. Compliance with these standards of conduct is mandatory. The handbook will include a form for parents to sign and return indicating that the information in the handbook has been received and read by the student and the parents. Each principal will maintain a file of returned forms.

**End of Hettinger Public School District Policy FFA .....Adopted: June 15, 2015**

## ATTENDANCE & ABSENCES

North Dakota law contains compulsory attendance requirements for students ages seven through sixteen. In order to comply with and enforce these requirements, the Board establishes the following attendance policy.

### Section I: Definitions:

For purposes of compulsory attendance reporting under NDCC 15.1-20-02.1 (1-2):

- *Excused absence* is an absence that the District will not use in determining if a compulsory attendance violation occurred. Any absence may be excused if it is supported by either a verbal or written excuse supplied by the student's parent, teacher, or school administrator.
- *Unexcused absence* is any absence not supported by the verbal or written excuse required for an excused absence.

For the purposes of imposing academic sanctions under Section III of this policy as authorized by NDCC 15.1-20-02.1(3):

- *Approved absence* is an absence that the District believes is necessary and/or unavoidable and has received administrative approval. Necessary and/or unavoidable absences may be caused by illness, injury, family emergency, religious observance or instruction, suspension, participation in a school-related activity, court appearances when subpoenaed, or other reasons deemed necessary and/or unavoidable by the building principal or Superintendent. Students granted approved absences shall not be subject to the consequences contained in Section III of this policy. The Superintendent or designee shall develop criteria for requesting and granting an approved absence and shall establish make-up work requirements.
- *Unapproved absence* is defined as an absence that does not meet the above criteria for approved absences. If a student is absent for an unapproved reason, the parent/guardian shall still be responsible for calling the principal's office to explain the absence, and the student will be subject to the consequences contained in Section III of this policy.

**Section II: Documentation Requirements:** School administration may require applicable documentation to verify an excused or approved absence, including, but not limited to:

- Medical documentation from an appropriate licensed healthcare provider;
- A copy of a court summons or subpoena;
- An obituary for funeral leave;
- Verification of planned or executed family travel (e.g., a boarding pass);
- A request from an official at the student's place of worship;
- A request for an absence due to a curricular or extracurricular event submitted by the student's teacher, coach, or extracurricular advisor.

### Section III: Accumulated Unapproved Absence

- Academic sanctions: The Board believes there is an intangible benefit associated with being present in the classroom. Attendance shall be a factor used in computing students' grades.
- Students who are absent for unapproved reasons shall be subject to academic sanctions (which may include, but not be limited to, a point, percentage, or grade reduction) and/or intervention counseling in accordance with administrative regulations. The Superintendent or designee shall develop regulations on grade-appropriate academic sanctions and other intervention strategies for unapproved absences. These regulations shall contain provisions that allow students to remedy some or all of the adverse academic consequences associated with unapproved absences.

**Compulsory Attendance Violations:** North Dakota law defines what constitutes a compulsory attendance violation. Suspected violations of the compulsory attendance law shall be reported to school administration and investigated in accordance with law. When a compulsory attendance violation is substantiated, the District shall comply with law enforcement reporting requirements under law.

**Dissemination:** This policy shall be published in all student handbooks and distributed to parents annually.

**End of Hettinger Public School District Policy FFB .....Adopted: June 15, 2015.**

**Amended: June 25, 2018.**



**BUS CONDUCT**

The District has disciplinary authority over students while being transported in district owned, leased, and/or contracted vehicles to and from school and during school-sponsored curricular and extracurricular events. The Superintendent shall determine the level of disciplinary authority that shall be given to school vehicle driver and develop regulations for handling student misconduct on school vehicles.

**Conduct Requirements**

Students shall be required to abide by all applicable district conduct and safety policies while in district vehicles. The Superintendent or designee may develop additional, specific regulations related to conduct in school vehicles.

**Violations**

Students who violate any of these policies or rules may be subject to the consequences contained in applicable student discipline policies.

When the conduct of a disabled and/or special education student transported in a school vehicle poses a transportation safety risk or when the conduct otherwise violates policy to the extent that it compels the District to reconsider the student's transportation arrangements, prior to making a removal decision, the District shall determine the following:

1. If transportation is part of the student's 504 Plan and/or Individual Education Program (IEP).
2. If removal would constitute a removal from the education program as determined by the following factors:
  - a. There is a significant distance between the student's home and school.
  - b. There are no alternative means of public or private transportation.
  - c. The school has not made appropriate arrangements to provide for the student's education.

If criteria one or two above is applicable, the 504/IEP Team will develop an alternative means of providing transportation to the disabled and/or special education student in accordance with federal law and regulations or will treat such student's removal from school transportation as suspension from the educational program and will follow the procedure for suspension contained in the district's suspension/expulsion policy and in federal regulations.

**End of Hettinger Public School District Policy FFC .....Adopted: August 10, 2015**

## CARRYING WEAPONS

### Definitions

This policy defines the following:

- *Dangerous weapon* as defined by NDCC 62.1-01-01(1)
- *Firearm* as defined in accordance with 18 U.S.C. 921 and NDCC 62.1-01-01(3)
- *School property* is defined in NDCC 15.1-19-10 (6)(b) as all land within the perimeter of the school site and all school buildings, structures, facilities, and school vehicles, whether owned or leased by the District, and the site of any school-sponsored event or activity.

### Prohibitions

Students are prohibited from knowingly possessing or transmitting on school property a firearm, dangerous weapon, or any object that is used, attempted to be used, or threatened to be used to intimidate or cause bodily harm.

### Disciplinary Consequences

Violation of this policy will result in disciplinary action up to and including suspension or expulsion. Bringing a dangerous weapon, other than a firearm, to school will require that proceedings for up to 10 days suspension and/or expulsion for up to 12 months be initiated immediately in accordance with the district's suspension and expulsion policy.

Bringing a firearm to school will require that the District immediately initiate proceedings for the expulsion of the student involved for a minimum of one calendar year in accordance with the district's suspension and expulsion policy. The Superintendent may modify the length of a firearms-related expulsion to less than one calendar year on a case-by-case basis based on the following criteria:

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

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

**Special Education Students**

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

**Nonapplicable Provisions**

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

A student who finds a firearm or dangerous weapon on the way to school, on or in school property, or discovers that they accidentally have a firearm or dangerous weapon in their possession shall not be considered to possess it if they turn it over to an administrator, teacher or head coach or immediately notifies an administrator, teacher, or head coach of its location.

**End of Hettinger Public School District Policy FFD .....Adopted: June 15, 2015**

## EXTRACURRICULAR PARTICIPATION REQUIREMENTS

### Philosophy

The Board believes that participation in extracurricular activities constitutes a privilege and not a right. Students who participate in extracurricular activities represent the student body, school district, and community on the state and national level. As such, behavior of these students is a reflection on the entire community.

The District will enforce the requirements placed on extracurricular participants by North Dakota law and the North Dakota High School Activities Association (NDHSAA), which govern both on- and off- campus behavior. In addition, the Board has established the following extracurricular participation requirements.

### Activities Affected by this Policy

Activities affected by this policy shall include extracurricular activities as listed in the student handbook, including those not sponsored by NDHSAA.

### Academics

NDHSAA requires that local districts establish a definition of what constitutes a failing grade. For the purposes of this policy, a failing grade is defined as receiving a 60% or F or lower in any curricular course as computed from the beginning of the semester for regular education students or, in the case of special education students, not meeting the goals of Individual Education Programs as assessed from the beginning of the semester.

In addition to NDHSAA academic standards, the Hettinger Public School District also requires that no student may participate in a contest if he or she is failing more than one class as computed from the beginning of the semester.

### Violation of Other Misconduct Policies

Students who violate student conduct policies not covered by NDHSAA bylaws may be subject to suspension from extracurricular activities for a period of six consecutive weeks for the first offense and a period of eighteen weeks for any subsequent offense(s) if occurring within eighteen weeks of the previous offense. Such consequences shall be imposed in addition to other disciplinary consequences imposed under the applicable policy.

### Suspension Procedure

When the principal or Superintendent, as a result of his/her investigation, concludes that a violation of this policy or NDHSAA bylaws has occurred, s/he shall issue notice to the student of this suspension.

### Practice and Travel while Suspended

Students who are under suspension are encouraged to practice and travel with their respective teams. However, suspended students will not be allowed to miss school time to travel with the team.

### Accumulation of Violations

A student's record of violations of this policy shall be cumulative commencing with promotion from grade eight to grade nine and concluding upon his\her graduation or completion of any school-sponsored activity extending beyond graduation (e.g., state track meet).

**Off-Season Violations**

In addition to the penalties delineated in this policy, in the event the suspension is administered during a season when the student is not actively participating (e.g., summer for all students, fall for a student participating in track), the student's suspension shall be extended to include a minimum of a two-week or two-contest suspension (whichever is more severe) from the student's next activity. "Next activity" shall be defined as the next activity in which the student begins practicing at the appropriate date and concludes at the end of the season (i.e., does not start and quit). Should the student's next activity not be until the following school year, the two-week or two-contest rule will be applied at that time.

**End of Hettinger Public School District Policy FFE .....Adopted: June 15, 2015**

**FIELD & OTHER SCHOOL-SPONSORED TRIPS**

To the extent financially feasible, the Board sanctions field trips and trips for school-sponsored activities that are of educational value and that are consistent with the district’s mission. The Superintendent shall approve all in-state travel. The Superintendent shall approve all overnight and out-of-state travel. The Board shall approve all trips beyond a 200 mile radius of the District.

**Fees**

Students may be required to pay admissions fees associated with a field and/or school-sponsored trips. These fees may be waived in cases of hardship or, when the trip is part of the curriculum, students may be given an alternative assignment. Requests to waive fees shall be made in accordance with the student fees policy. The Superintendent may develop additional regulations related to costs and payment for field and school-sponsored trips.

Fundraising for school-sponsored and curricular field trips shall be handled in accordance with the district’s policy on this matter.

**Participation Requirements**

Written parental approval shall be obtained prior to each field and school-sponsored trip. Permission slips shall be retained in the student’s educational record for at least one calendar year.

Students shall be subject to all applicable district policies and regulations while on field and/or school-sponsored trips. The Superintendent shall develop criteria for participation in field/school-sponsored trips and develop school trip safety and disciplinary procedures. These procedures shall specifically address trips taken outside the District. Parents and students shall be made aware of these procedures prior to each trip.

**Senior Trips**

The Hettinger Public School District will not authorize or endorse senior trips that are non-school sponsored and/or non-curricular in nature.

**End of Hettinger Public School District Policy FFF ..... Adopted: March 15, 2016**

**STUDENT ASSEMBLIES**

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

For the purposes of this policy, primary control is defined as authority by a student to include any content in a speech so long as it is not profane, sexually explicit, defamatory, disruptive, and/or does not infringe on the rights of others. Students may speak on individual religious views and experiences but prayer and proselytizing shall be prohibited because such speech may infringe on the rights of the audience.<sup>34</sup> Administration shall review student speeches prior to delivery. In the event that a speech contains potential prohibited content, administrators should contact legal counsel to seek guidance before asking a student to remove such content.

**End of Hettinger Public School District Policy FFG .....Adopted: June 15, 2015**

---

<sup>34</sup> The eighth circuit court has yet to rule on this matter, and other circuit courts have ruled inconsistently in this regard.

**STUDENT DRESS CODE**

The Board encourages students to use sound judgment in dress and grooming. While attention seeking devices in dress and grooming are discouraged, students shall not be prevented from attending school or a school-sponsored activity because of appearance if style, fashion, or taste is the sole criterion for such action.

**Prohibitions**

The District prohibits the following articles of clothing or decoration at school-sponsored functions and/or on school property. Clothing/decoration that:

1. Is reasonably likely to substantially disrupt the educational environment;
2. Poses a health or safety risk;
3. Is destructive to school property and/or causes excessive maintenance problems;
4. Is intended to identify the student as a member of a gang;
5. Promotes illegal activities and/or the use of tobacco or alcohol.

The administration will make reasonable efforts to notify students of these rules. Each building principal shall develop a procedure for handling and disciplining students in violation of these rules.

While the school administration may require students participating in physical education classes to wear certain apparel which meets reasonable health and safety standards as established by the Board, they may not prescribe a specific brand that students must buy.

**End of Hettinger Public School District Policy FFH .....Adopted: March 9, 2016**



**STUDENT VEHICLES ON SCHOOL PROPERTY**

Use of school roads and parking lots is a privilege extended to students by the Board. Each building principal shall establish rules related to the forms of student transportation permitted on school property, the parameters of their use, consequences for misuse, and traffic safety. At a minimum, students shall be expected to observe all driving, safety, and noise control ordinances and/or laws.

The District will coordinate with the local police department in order to help ensure traffic safety coverage on and around school property.

**Searches of Vehicles**

When student vehicles are parked on school property, the school retains the authority to inspect the interior of a vehicle when a school official has reasonable suspicion that the vehicle contains illegal or unauthorized materials. Such inspections shall be conducted in accordance with the district's policy on searches of students' personnel property.

**Prohibition on Use for Errands**

Students shall not be sent on school errands with cars.

**End of Hettinger Public School District Policy FFJ.....Adopted: March 9, 2016**

## SUSPENSION AND EXPULSION

### Definitions

This policy defines the following

- *School property* means all land within the perimeter of the school site and all school buildings, structures, facilities, and school vehicles, whether owned or leased by the school district, and the site of any school-sponsored event or activity.
- *Suspension* includes in-school suspension from classes and out-of-school exclusion from classes, school property, and activities.
- *Dangerous weapon* as defined by NDCC 62.1-01-01
- *Firearm* as defined by NDCC 62.1-01-01

### Suspension/Expulsion Authority

The Board hereby delegates to the Superintendent and each principal the authority to deal with disciplinary problems in their school, including suspension and recommendation for expulsion of a student. Suspension shall not be imposed beyond the maximum duration permitted by law.

The Board designates Superintendent to serve as the hearing officer for expulsion hearings unless not qualified to serve as defined in board regulations. In such cases, the Board shall appoint an alternative hearing officer.

The hearing officer may expel a student for conduct that violates this policy, after providing notice and a hearing, as set forth in board regulations. When the hearing officer is someone other than the Hettinger Public School Board, the student may seek a review of the hearing officer's expulsion decision by the Board based on the record of the hearing.

Expulsion shall not be imposed beyond the maximum duration permitted by law.

### Conduct Subject to Suspension/Expulsion

Conduct, including but not limited to the following, exhibited while on school property, during a school-sponsored activity, or during a school-related activity is subject to suspension or expulsion:

1. Causing or attempting to cause damage to school property or stealing or attempting to steal school property of value;
2. Causing or attempting to cause damage to private property or stealing or attempting to steal private property;
3. Causing or attempting to cause physical injury to another individual, except in self-defense;
4. Possessing or transmitting on school property a firearm, dangerous weapon, or any object that is used, attempted to be used, or threatened to be used to intimidate or cause bodily harm.;

5. Possessing, using, transmitting, or being under the influence of any narcotic drug, hallucinogenic drug, amphetamine, barbiturate, marijuana, alcoholic beverage, or intoxicant of any kind;
6. Disobedience or defiance of proper authority;
7. Behavior that is detrimental to the welfare, safety, or morals of other students;
8. Truancy;
9. Offensive and vulgar language when it is obscene, defamatory, or inciteful to violence and disruptive of the educational process;
10. Threats of violence, bomb threats, or threats of injury to individuals or property;
11. Student behavior that is detrimental or disruptive to the educational process, as determined by the principal.

Information regarding the conduct subject to suspension or expulsion must be posted in a prominent place in each school and must be published in student handbooks.

#### **Suspension or Expulsion of Students with Disabilities**

Suspension or expulsion of students with disabilities must comply with the provisions of the Individuals with Disabilities Education Act.

The District is not required to refer a regular education student who has been suspended or expelled for violation of school rules and/or district policy for special education assessment and evaluation to determine if such a student might have a disability. A suspended regular education student is not entitled to the reinstatement of school privileges pending any assessment and evaluation that is to be made during the term of the student's suspension.

**End of Hettinger Public School District Policy FFK.....Adopted: June 15, 2015**

**STUDENT RIGHTS AND RESPONSIBILITIES**

The Board affirms those legal rights of students that are guaranteed under the federal and state constitutions and statutes. The Board reminds students that rights also are accompanied by responsibilities.

These rights and responsibilities include:

1. Civil rights, including the rights to equal educational opportunity and freedom from illegal discrimination; the responsibility not to discriminate against others.
2. The right to attend free public schools; the responsibility to attend school as required by law and to observe school rules and regulations essential for permitting others to learn at school.
3. The right to due process of the law with respect to expulsion, searches and seizures, or administrative decisions that the student believes have injured his/her rights.
4. The right to free inquiry and expression; responsibility to observe reasonable rules regarding these rights. Students may exercise their right to freedom of expression through speech, assembly, petition, and other lawful means. The exercise of this right may not interfere with the rights of others. Freedom of expression may not be utilized to present material that is vulgar, slanderous, defames character, advocates violation of law or is in violation of district policy.

The Superintendent shall ensure that students are made aware of the legal authority of the Board and the delegated authority of the staff to make rules and regulations regarding the orderly operation of the school, which uphold the legal rights of students.

**End of Hettinger Public School District Policy FG .....Adopted: June 15, 2015**

## STUDENT EDUCATION RECORDS

The Hettinger Public School Board believes that while collection and use of student information is necessary to provide educational and student support services, the District must implement safeguards to ensure information is appropriately protected and used to serve the best interests of students. The purpose of this policy is to establish such safeguards.

### Definitions:

*Directory information* is defined as personally identifiable information contained in a student education record that is generally considered **not** harmful or an invasion of privacy if disclosed and includes:

- a. Address
- b. Date and of birth
- c. Dates of attendance
- d. Degrees, honors, and awards received
- e. Grade level
- f. Most recent school attended
- g. Name (first and last)
- h. Participation in officially recognized activities and sports
- i. Photograph
- j. Telephone listing
- k. Weight and height of members of athletic teams<sup>35</sup>

*Education record* is defined as any record that directly relates to a student and is maintained by the District or by a party acting for the District. This definition excludes law enforcement records and records in the sole possession of the maker used only as a memory aid.<sup>36</sup>

*Eligible student* means a student who has reached the age of 18.<sup>37</sup>

*FERPA* stands for the Family Educational Rights and Privacy Act.

*Legitimate educational interest* is defined as access that is needed in order for a school official to fulfill his/her professional responsibility.<sup>38</sup>

*Parent* means a parent of a student and includes a natural parent, a guardian, or an individual acting as a parent in the absence of a parent or a guardian.

*Permanent record* is defined as a record containing a student's name, address, phone number, record of grades, years enrolled, courses attended, and grades completed.

*Personally Identifiable Information* (PII) includes information maintained in the student's education record that could be used alone or in combination to trace a student's identity directly or indirectly and would allow a reasonable person, who does not have personal knowledge of the relevant circumstances, to identify the student with reasonable certainty.

---

<sup>35</sup> 34 CFR 99.3

<sup>36</sup> 34 CFR 99.3

<sup>37</sup> 34 CFR 99.3

<sup>38</sup> [https://nces.ed.gov/pubs2004/privacy/section\\_4b.asp](https://nces.ed.gov/pubs2004/privacy/section_4b.asp)

*Record* means any information recorded in any way including, but not limited to, handwriting, print, computer media, video or audio tape, film, microfilm, and microfiche.<sup>39</sup>

*School official* is defined as an individual who has a legitimate educational interest in accessing student educational records and is affiliated with the District in one of the following capacities:

- l. An individual employed by the District in an administrative, instructional, or support staff position
- m. School board members
- n. Contractors, consultants, volunteers, service providers, or other party with whom the school or District has outsourced institutional services or functions for which the school or District would otherwise use employees; records provided to these third parties must remain directly under the district's control for purposes of maintenance and use and the third party must agree to comply with 34 C.F.R. 99.33(a). Examples include, but are not limited to, school resource officers, interns, student teachers, the district's attorney, PowerSchool, SLDS, learning management software, hot lunch tracking software, and district alert systems.<sup>40</sup>

### **Designation and Responsibilities of Privacy Officers**

The Superintendent or designee shall serve as Chief Privacy Officer. In this role, the Superintendent is responsible for submitting to the Board for approval student information sharing requests from third-party individuals/entities other than parties to which the District reports student information under law. The Superintendent shall also maintain a master list of all individuals and entities having access to student information, including school district personnel listed by title. To ensure this list remains current and is manageable to maintain, it shall not contain names of individuals who have access to data.

The Superintendent may designate privacy officers at the district and building level. These privacy officers are responsible for:

- a. Maintaining a list of school personnel by title who have access to student information; this list shall be provided to the Superintendent each time it is updated.
- b. Submitting to the Superintendent for board approval new requests to share student information with third-party individuals and entities other than parties to which the District reports student information under law.
- c. Ensuring that access to student information is granted only to the extent there is a legitimate educational interest and in accordance with this policy and any applicable agreements.

---

<sup>39</sup> 34 CFR 99.3

<sup>40</sup> 34 CFR 99.31(a)(1) and 06/28/06 FERPA Opinion

(<http://www2.ed.gov/policy/gen/guid/fpco/ferpa/library/clarkcty062806.html>)

- d. Enforcing this and other applicable district confidentiality and data protection policies.
- e. Providing a list of students who have opted-out of directory information to classroom teachers and other district staff who have a need to know.

### **Information Release Safeguards**

**Access by Parents and Eligible Students:** To ensure compliance with parental and eligible student access requirements under FERPA:

- a. The District shall comply with a request by a parent or eligible student to access education records within a reasonable period of time, not to exceed 45 days after receipt of a request.
- b. The Board shall develop procedures for a parent/guardian/student to review and amend educational records. These procedures shall include procedures to verify the identity of a requesting parent/eligible student. The regulations shall be delineated in board approved regulations and disseminated annually in accordance with law.<sup>41</sup>

### **Classroom Use of Instructional Tools Requiring Release of Student Information:**

Teachers are encouraged to use instructional technological tools that allow for use of an alias or that do not require submission of directory information (other than or in addition to name) or PII. Whenever a teacher wishes to use an instructional tool that requires release of directory information, other than or in addition to name, or PII such as, but not limited to, software or an app, the teacher shall submit a request to the building-level privacy officer. The privacy officer shall check the district's master list of individuals and entities approved to receive student information. If the entity is not on this list or the teacher's request is beyond the scope of information sharing permission previously granted, the privacy officer shall either deny the teacher's request or submit an information-sharing request to the Superintendent for board approval. If the teacher is authorized to use the instructional tool, the building-level privacy officer shall ensure the teacher complies with any parental consent requirements and directory information opt-out requests before using the tool.

### **Data Breaches**

District employees are responsible for informing a privacy officer of any known or suspected breach of PII. When a privacy officer becomes aware of a breach of student PII, s/he shall contact the Chief Privacy Officer. The Chief Privacy Officer shall determine if enactment of data breach response procedures contained in policy IDC and NDCC Ch. 51-30 is appropriate.

### **Information Storage and Destruction**

Student education records shall be reviewed annually and any records unnecessary for progression to the next grade level, not needed for college entrance purposes, not needed for extracurricular participation, not needed for disciplinary purposes, and records that are not part of the permanent record will

---

<sup>41</sup> 34 CFR 99.7 and 99.10

be shredded or destroyed. Exceptions apply for any content that may reasonably be related to litigation or anticipated litigation (retain for six years after a student turns eighteen), bullying reports (retain in accordance with policy ACEA), concussion documentation (retain in accordance with policy FCAF), executive session tapes (retain for at least six months), PowerSchool records, and special education records (retain in accordance with the Individuals with Disabilities Education Act).

### **Directory Information**

The District may disclose directory information without parental/eligible student consent if it has given parents/eligible students a reasonable amount of time to opt-out of directory information release. Opt-out notices should be provided at the beginning of the school year and when a student otherwise enrolls in the District. These notices shall contain a reasonable deadline of at least ten days for parents/eligible students to opt out.<sup>42</sup>

The Board approves release of directory information as follows:

- To board-approved vendors for purposes of sale of school-related items such as, but not limited to, yearbooks, school pictures, graduation items, district apparel, and book orders
- To military and college recruiters in accordance with applicable laws (NDCC 15.1-07-25.1 and 20 U.S.C. 7908)
- To official district newspaper for purposes of recognizing student accomplishments and coverage of extracurricular events
- To school-affiliated groups for purposes of communicating and fundraising
- To school-sponsored student publications including, but not limited to, newspapers and yearbooks
- When the Board receives and approves a directory information release request; directory information shall only be released and used for purposes specified in the release request and the Superintendent shall add approved requestors to the district's master list of individuals and entities having access to student information. The Board shall develop criteria in regulations for approving and denying these requests.<sup>43</sup>
- Any district employee who wishes to disseminate student directory information to a third party shall contact his/her privacy officer. The privacy officer shall determine if the Board has previously approved such release and, if not, deny the request or submit it to the Superintendent for board approval. Upon board approval, the Superintendent shall instruct the privacy officer to ensure compliance with any opt-out requests made by parents.

**Personally Identifiable Information (PII):** Any third party requesting or receiving access to student PII must receive board approval unless the third party is required to receive PII under state or federal law.<sup>44</sup> Any school employee who wishes to share PII with a third party shall contact his/her privacy officer. The privacy officer shall determine if the Board has previously approved such release and, if not, deny

---

<sup>42</sup> 34 CFR 99.37

<sup>43</sup> 34 CFR 99.37(d)

<sup>44</sup> SB 2326



the request or submit it to the Superintendent for board approval. Upon board approval of any PII release request, the applicable privacy officer shall inform the requestor of any parental consent requirements (see #7) and ensure the requestor complies with such requirements.

Parental/eligible student consent is not required to release PII under the following circumstances:

1. The District receives information under 42 U.S.C. 14071 and applicable federal guidelines about a student who is a registered sex offender under section 170101 of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 14071), and the District has a need to disclose the student's status as a sex offender for safety purposes.<sup>45</sup>
2. In connection with a health or safety emergency under the conditions described in 34 C.F.R. 99.36.<sup>46</sup>
3. If records have been de-identified by the District; third party individuals and entities that receive de-identified information shall be included on the district's master list of individuals and entities having access to student information.<sup>47</sup>
4. To a school official who has a legitimate educational interest in the education records if the following conditions are satisfied:
  9. Access shall be limited to only information the school official has a legitimate need to know
  10. School officials shall use the information only for the purposes for which the disclosure was made and shall not redisclose the information to any other party without proper consent or legal authority
  11. Titles of individuals and entities considered school officials shall be included on the district's master list of individuals and entities having access to student information.<sup>48</sup>
5. To a court without a court order or subpoena when the District initiates legal action against a parent/student or a parent/student initiates legal action against the District.<sup>49</sup>
6. To accrediting bodies for purposes of accreditation.<sup>50</sup>
7. To an organization conducting a study for the District to develop, validate, or administer a predictive test; administer student aid programs; or improve instruction so long as the organization has entered into a written agreement with the Board in accordance with law; if the organization is conducting a survey of students, the District shall ensure parents are notified in compliance with policy GCC and shall obtain parental consent, if applicable (see #7).<sup>51</sup>
8. To another school in which the student seeks, intends to, or is already enrolled.<sup>52</sup>
9. To authorized representatives of the Comptroller General of the United States, the Attorney General of the United States, the U.S.

---

<sup>45</sup> 34 CFR 99.31(a)(16)

<sup>46</sup> 34 CFR 99.36

<sup>47</sup> 34 CFR 99.31(b)(1) and SB 2326

<sup>48</sup> 34 CFR 99.31(a)(1)

<sup>49</sup> 34 CFR 99.31(a)(9)(iii)(A)

<sup>50</sup> 34 CFR 99.31(a)(7)

<sup>51</sup> 34 CFR 99.31(a)(6)

<sup>52</sup> 34 CFR 99.31(a)(2)

Secretary of Education, and state and local educational authorities for audit or evaluation of federal or state supported education programs or for the enforcement of or compliance with federal legal requirements that relate to those programs.<sup>53</sup>

10. To comply with a judicial order or lawfully issued subpoena; the District must make reasonable attempt to contact the parent/eligible student before disclosure unless the court order instructs otherwise.<sup>54</sup>
11. To the parents of an eligible student who is also a "dependent student" as defined in IRS Section 152.<sup>55</sup>
12. The District will take measures necessary to ensure that individuals and entities to which PII is released shall only have access to information necessary to fulfill their responsibilities under law and to the District. Measures may include, but not be limited to, controlling access to computer data through password restrictions, controlled access to paper records, and ensuring that any information access agreements required by law are properly executed by the Board.<sup>56</sup>

### **When Parental Consent is Required**

The District must obtain parental/eligible student consent to release student information under the following circumstances:

- The Board has approved release of PII to an individual or entity not meeting the definition of school official under law and/or not meeting an exception to the parental consent requirement under FERPA.
- The Board has approved release of directory information, other than or in addition to name, or PII to an online service provider for commercial purposes and the impacted students are under 13.<sup>57</sup>
- When administering a survey funded in whole or in part by the U.S. Department of Education and concerning any of the following areas:
  - a. Political affiliations or beliefs of the student or the student's parent;
  - b. Mental or psychological problems of the student or the student's family;
  - c. Sex behavior or attitudes;
  - d. Illegal, anti-social, self-incriminating, or demeaning behavior;
  - e. Critical appraisals of other individuals with whom respondents have close family relationships;
  - f. Legally recognized privileged or analogous relationships, such as those of lawyers, physicians, and ministers;
  - g. Religious practices, affiliations, or beliefs of the student or student's parent;

---

<sup>53</sup> 34 CFR 99.31(a)(3)

<sup>54</sup> 34 CFR 99.31(a)(9)

<sup>55</sup> 34 CFR 99.31(a)(8)

<sup>56</sup> 34 CFR 99.31(a)(3)(ii)

<sup>57</sup> Children's Online Privacy Protection Act, 16 CFR 312

h. Income (other than that required by law to determine eligibility for participation in a program or for receiving financial assistance under such program).<sup>58</sup>

- If the District is unable to obtain this consent, it shall not release the impacted student's information.

**504 Plans and Individual Educational Programs (IEPs):** Sharing of student information necessary for developing, amending, or implementing an IEP or 504 Plan and sharing student information needed to determine eligibility for special education or disability services are not subject to board approval requirements in NDCC Ch. 15.1-07-25.3 because the District provides these services in fulfillment of requirements under state and federal law.

**Policy Violations:** Failure by a district employee or volunteer to comply with this policy, other district confidentiality requirements, or any improper disclosure of student information by a school employee or volunteer shall result in disciplinary action up to and including dismissal in accordance with applicable law. Failure by a third party to comply with this policy, any information-sharing agreements between the District and third party, or any improper disclosure of student information by the third party may result in termination of the third-party's access to student information and termination of the district's agreement with the third party if permitted under the terms of such agreement.

**Training:** School officials employed or volunteering for the District shall receive information and/or training on confidentiality requirements pertaining to student education records and consequences for breaching confidentiality. The District shall also provide training to applicable school personnel on the procedures for requesting to release student information contained in this policy.

**End of Hettinger Public School District Policy FGA .....Adopted: June 15, 2015.**

**Amended: June 25, 2018.**

---

<sup>58</sup> Protection of Pupil Rights Amendment, 20 U.S.C. § 1232h; 34 CFR Part 98  
Hettinger Public School Board Policy

**RELEASED TIME FOR OUTSIDE INSTRUCTION**

Released time for off-campus religious instruction shall be granted to students of all religious groups in a nondiscriminatory manner in accordance with North Dakota law so long as released time does not exceed one hour per week and the parent or guardian of the student has submitted a written request to the building principal. Such absences shall be deemed excused. Students will be responsible for completing all make-up work in accordance with administrative regulations.

A parent may request release time for other forms of outside instruction for a child. The Superintendent {or designee} shall review and either deny or approve all such requests. Requests that are reasonable and do not seriously interfere or impair a student's academic performance shall be granted. Release time for outside instruction shall be limited to one hour per week, and students will be responsible for completing all make-up work in accordance with administrative regulations. Such absences shall be deemed excused.

**End of Hettinger Public School District Policy FGBA.....Adopted: August 10, 2015**

**STUDENT PRAYER DURING NON-INSTRUCTIONAL TIME**

The District shall comply with state law concerning student recitation of prayer/student-initiated religious speech in school, which allows such activity before, during, and after the school day to the same extent that the District allows secular speech. Any time, place, and manner restrictions that the District places on recitation of prayer/student religious speech shall not exceed those placed on student's secular speech.

The decision to participate or not participate in religious expression is a matter of individual choice. No student will be permitted to harass or intimidate other students to participate or refrain from participating in religious expression. School staff shall refrain from encouraging or discouraging students from participating in such activity.

**End of Hettinger Public School District Policy FGBB.....Adopted: June 15, 2015**

**SEARCHES OF LOCKERS**

The District retains ownership and control of all lockers. Access to all lockers is a legal right of school officials whose responsibility it is to protect the health, safety, and welfare of all students enrolled. Students shall have no reasonable expectation of privacy when using lockers. Student shall be given advanced notice of this policy through student handbooks or another form of notification.

Lockers may be subject to suspicion less searches, inspections for purposes such as routine maintenance, or searches where there is suspicion that locker(s) contains objects/substances that are illegal, violate school policy, or may be detrimental to the health, safety, or welfare of district students.

**Search Procedure**

When a locker is subject to a search, the principal/Superintendent should be accompanied by at least one other school staff member.

Students' personal items stored in lockers such as, but not limited to, book bags, purses, and coats shall not be searched unless there exists reasonable suspicion that they contain an object(s) or substance(s) in violation of school rules/policy, the law, or which may be detrimental to the health, safety, or welfare of enrolled students. Administrators shall make a reasonable attempt to have students present during searches of personal items contained in lockers except when an immediate search is necessary in the event of an emergency.

The Superintendent should be notified whenever a search has been conducted if the Superintendent was not involved in the search.

**Use of Trained Dogs & Involvement of Law Enforcement**

Trained dogs may be used to smell the outside of students' lockers. If the dog detects the possibility of objects/substances that are illegal or violate school policy, the principal/Superintendent shall search the locker in accordance with the search procedure above.

In the event a police officer or other law enforcement officer is to conduct a search of a student's locker, probable cause is necessary unless the search is school-initiated and would pose a safety threat if conducted by school staff.

Illegal substances found in lockers may be turned over to proper authorities.

**End of Hettinger Public School District Policy FGCA.....Adopted: August 10, 2015**

**SEARCHES OF STUDENTS & STUDENTS' PERSONAL PROPERTY**

A search of a student's personal property or clothing shall only be undertaken when there is a reasonable and particularized suspicion that the student is concealing an object(s) or substance(s) in violation of school rules/policy, the law, or which may be detrimental to the health, safety, or welfare of enrolled students. The building principal or Superintendent must authorize all searches.

When the principal/Superintendent has reasonable suspicion that one or more students are carrying a prohibited object, article, or substance or are otherwise in possession of a prohibited object, article, or substance on school property or at a school-sponsored event, all personal property belonging to the suspected student(s) may be subject to inspection. When determining the scope of a search, the principal/Superintendent shall ensure that any measures adopted are reasonably related to the object of the search and not excessively intrusive in light of the age and sex of the student.

**Search Procedure**

For the purposes of this policy, personal property includes, but is not limited to: a student's vehicle, backpack, book bag, and/or purse. Students may also be asked to empty their pockets; however, strip searches shall not be conducted.

Searches of persons should be conducted in private by a school employee of the same sex as the student with a school employee present as a witness.

**Searches of Vehicles**

The principal or designee, with a witness present, shall conduct searches of student vehicles if the vehicle is parked on school property and if reasonable suspicion exists. The principal shall make a reasonable attempt to contact the student who owns the vehicle and ensure s/he is present during the inspection unless an emergency situation is deemed to exist. If a vehicle is locked and its owner cannot be contacted or refuses to open it, the principal shall contact law enforcement.

**Involvement of Law Enforcement**

The principal/Superintendent may request the assistance of law enforcement to conduct any portion of a school-initiated search of a student/student's personal property that would pose a safety threat if conducted by school staff. In all other cases, law enforcement must have probable cause in order to search a student/student's personal property.

Illegal substances found during searches of students/students' personal property may be turned over to proper authorities.

**Reporting Requirements**

The administrator who authorized the search shall notify the Superintendent whenever a search has been conducted.

**End of Hettinger Public School District Policy FGCB.....Adopted: August 10, 2015**

## STUDENT INTERVIEWS, INTERROGATIONS, AND CUSTODY BY SCHOOL RESOURCE OFFICERS AND OUTSIDE AUTHORITIES

### General Provisions

For all action permitted by this policy and/or law, it is the responsibility of law enforcement officials, not district employees, to assure compliance with procedural and constitutional safeguards.

### Police Interviews and Interrogations

To minimize disruptions to the school environment and embarrassment to students involved, all police interviews and interrogations of students on school property shall be held in private unless the urgent nature of the situation prevents compliance with this requirement as determined by the building principal or designee in consultation with law enforcement. Students shall not be subject to coercion or illegal restraint during police interviews and interrogations.

1. **When the student is the suspect of a crime (police interrogation):** The Superintendent or building principal shall only grant the interrogation request if the following conditions are met:
  - a. The officer properly identifies him/herself to the building principal or designee if the officer is unknown to the school, confirms the identity of the student to be interrogated, and confirms the reason and purpose of the interrogation.
  - b. The interrogation relates to a school matter or needs to be held at school because of justifiable law enforcement need that is explained to the building principal or designee.
  - c. The student's parent, guardian, or attorney is present for the interrogation. This requirement does not apply to students of legal age.
  - d. The student is read *Miranda* rights.

These requirements do not apply to crimes in progress, which are covered under this policy's section on taking students into custody.

2. **When a student is a witness or victim of a crime:** The Superintendent or building principal may grant requests for a police interview of a student who is a witness or victim of a crime if the following conditions are met:
  - a. The officer properly identifies him/herself to the building principal or designee if the officer is unknown to the school, confirms the identity of the student to be interview, and confirms the reason and purpose of the interview.
  - b. The interview relates to a school matter or needs to be held at school because of justifiable law enforcement need that is explained to the building principal or designee.
  - c. At a minimum, a school official is available to be present at the police interview. The building principal or designee should attempt to contact the student's parent or guardian and allow them to attend the interview unless the urgent nature of the situation demands that the interview be conducted as soon as possible. The building principal or designee, in consultation with law enforcement, shall make the



determination of whether or not to contact parents/guardians on a case-by-case basis.

- d. If, during the interview, the student becomes a suspect of a crime, the requirements in #1 shall be implemented as soon as this suspicion arises.

### **Interviews of Students by Officials of Other Agencies**

When the Department of Human Services or an officer acting on the agency's behalf requests to interview a student as part of a child/abuse neglect investigation, the building principal shall:

1. Verify that the purpose of the interview is to investigate child abuse/neglect;
2. Require that the interviewer identify him/herself;
3. Allow a student to be interviewed if the student is the subject of, sibling of, or living with a child the subject of abuse/neglect;
4. School staff shall not share information related to a child abuse investigation with the public or the child's parents.

### **Students taken into Custody at School**

In all of the situations listed below, efforts should be made to minimize embarrassment or loss of class time for the student. The office of the Superintendent and principal should be notified immediately when any of the actions listed below has occurred if not previously aware that these actions were to occur.

1. Student Taken into Custody: Police officers, counselors of the juvenile court, or other authorized law enforcement officials have the right to enter the school to take a student into custody or to make a lawful arrest of a student, provided the officer displays an order signed by a judge of the juvenile court authorizing the taking of the student into custody, displays a warrant for the student's arrest, or has probable cause to make an arrest. If the student is arrested and/or taken into custody at a school, the school officials should make every effort to notify the parents immediately.
2. Right to Serve Subpoena in School: While police officers have the legal right to serve a subpoena at school, the serving officials should be strongly urged to serve these subpoenas off campus whenever possible.

**End of Hettinger Public School District Policy FGCC.....Adopted: August 10, 2015**

**STUDENT HANDBOOKS**

The Superintendent shall ensure that student handbooks do not conflict with district policy, state law, and/or federal law. The Board shall review student handbooks prior to dissemination.

Student handbooks shall be disseminated to each student at the beginning of the school year and to each new student upon enrollment in the District.

**End of Hettinger Public School District Policy FGDB.....Adopted: June 15, 2015**

**STUDENTS OF LEGAL AGE**

Students of legal age shall be required to abide by all district policies pertaining to students. Students of legal age are permitted to inspect their personal educational record and may represent themselves at an expulsion hearing without parental involvement if they sign a waiver to this effect.

The building principal may also grant students of legal age authority to report their absences and sign authorization forms. Students of legal age must request this permission in writing.

If a student of legal age is claimed as a dependent by his/her parent for tax purposes, the parent is entitled to access to the student's educational record under FERPA. The District will assume that all students of legal age are claimed as dependents unless a student produces documentation demonstrating otherwise.

**End of Hettinger Public School District Policy FGDC .....Adopted: August 10, 2015**

**STUDENT PUBLICATIONS & FREEDOM OF EXPRESSION**

School-sponsored media, as defined by NDCC 15.1-19-25, shall be supervised by a student media advisor but shall not be reviewed by an administrator unless the publication is believed to contain restricted content as listed below.

The following material is prohibited from being published in school-sponsored media:

1. Material that is profane or pornographic
2. Material that is slanderous or libelous in nature
3. Material that infringes or may infringe on the privacy rights of others
4. Material that violates federal or state law, promotes violence, terrorism, or other illegal activities including, but not limited to, material that promotes tobacco and/or drug and alcohol use by minors
5. Material that is reasonably forecasted to materially and substantially disrupt the educational environment
6. Material that violates or incites the violation of policy including, but not limited to, the district's policies on bullying and harassment
7. Material that poses a direct safety threat to the District, its students, and/or staff

A decision to prohibit publication and distribution of a student publication with restricted content shall be made by the building principal and may be appealed to the Superintendent. The Superintendent shall investigate and issue a decision in a timely manner. The Superintendent's decision may be appealed to the Board within thirty calendar days after the Superintendent has issued his/her decision.

**End of Hettinger Public School District Policy FGDD .....Adopted: August 10, 2015**

**CLASS GIFTS TO SCHOOLS**

A student group may present a gift to the school, chosen at the discretion of its members with the counsel of faculty advisors.

All gifts shall conform to the criteria established by the Board for acceptable gifts.

**End of Hettinger Public School District Policy FIA .....Adopted: March 9, 2016**

**PUBLIC PERFORMANCES BY STUDENTS**

Any public performance by students as part of a curricular program or by a school-sponsored group shall require the approval of the building principal if the activity/event is not sponsored by the District or North Dakota High School Activities Association.

Performances shall be limited to the following venues:

1. School-sponsored events;
2. Communitywide civic or patriotic events (e.g. Veteran’s Day ceremony). Such events shall have a purpose, content, and format consistent with the district’s mission or the public performance request will be denied.
3. An event held by a nonprofit or charitable organization. Both the event and sponsoring organization shall have a purpose, content, and format consistent with the district’s mission or the public performance request will be denied.

Any performance that would unduly interfere with the regular education program shall be denied. Any request that the building principal reasonably believes will, in any way, exploit the school will be denied.

The content and format of student performances shall conform to the same standards as established for curricular material.

The Superintendent shall develop a procedure for students to opt out of performing at nonschool-sponsored events.

**End of Hettinger Public School District Policy FIC .....Adopted: March 9, 2016**

**CURRICULUM DESIGN & EVALUATION**

**Development**

The Board shall appoint a curriculum committee to assess curricular needs, review curricular inclusions, and make curricular recommendations on expansion and improvement. The committee shall be comprised of a board member, the Superintendent, principals, the curriculum director, and parents as appointed annually by the Board.

The curriculum shall include all components/subjects mandated by law and shall provide for the needs of all students, including both vocational and college-bound students. The curriculum/curricular programs shall at least contain the following components:

1. Content standards, which shall, at a minimum, be based upon state standards.
2. Performance objectives, which shall, at a minimum, be based upon state standards. The objectives should highlight core skills and knowledge that the majority of students are expected to acquire. They must provide clear direction to instructors and be concrete enough to allow documentation of student growth.

Curriculum proposals shall demonstrate consistency with the district's mission and education goals, contain a justification for the proposed program, describe conditions and resources necessary to meet performance standards and programming needs, and shall contain an implementation procedure and timeline.

**Experimental Programs & Projects**

Under this program, teaching and administrative staff may propose experimental programs and projects to the curriculum committee. The committee shall review such proposals and make recommendations to the Board based on feasibility and suitability.

**Evaluation**

Annually, by a deadline established by the Board, the curriculum committee shall complete an evaluation of the current curriculum and submit recommendations to the Board for action. Evaluation will be performed in order to determine the need for modification to or elimination of current curricular programs and offerings and the need for new curricular offerings and programs.

The curriculum committee may use at least the following indicators during this evaluation process:

1. Testing programs such as national standardized general achievement tests, nationally standardized tests in specific subject areas, and tests administered by other agencies;
2. Study of school achievement records;
3. Study of students' dropout records;
4. Utilization of out-of-system services; participation in regional research studies; contracted evaluation services;

5. Teacher and parent evaluation of student achievement and curricular needs;
6. Recommendations by teachers and/or administrators;
7. Evaluation by other agencies.

All board action on curriculum matters will be taken in accordance with the district's policy on curriculum adoption.

The District has adopted a separate procedure related to complaints about instructional material and resources. This policy shall not supersede or govern that procedure.

**End of Hettinger Public School District Policy GAAA .....Adopted: June 15, 2015**



**CURRICULUM ADOPTION**

Annually, after reviewing the recommendations of the curriculum committee, budgetary data, other pertinent information, and ensuring the curriculum meets all requirements under district policy and law, the Board shall vote on the curriculum for the upcoming school year. The Superintendent shall assist in this process to ensure the curriculum is comprehensive and meets all applicable legal requirements.

During the course of the school year, the curriculum committee may suggest improvements and changes to the curriculum, and such changes may be implemented administratively by the Superintendent and his/her designee(s) as the Superintendent deems necessary and educationally sound. The Superintendent shall report to the Board prior to implementing such changes.

**End of Hettinger Public School District Policy GAAB .....Adopted: June 15, 2015**

**REVIEW & COMPLAINTS OF INSTRUCTIONAL & RESOURCE MATERIAL**

In order to consider the opinions of those persons in schools and the community who are not directly involved with the instructional and resource material selection process, and to avoid the possibility of a biased or prejudicial attitude influencing selection, a board-appointed district review committee shall deal with formal complaints about and/or requests for reconsideration of library and instructional materials.

This committee shall be responsible for reviewing all selection standards and procedures and shall work with all departments in clarifying selection criteria.

All citizen requests for reconsideration of and complaints about instructional and resource material will be processed through the District Review Committee.

A procedure for processing and responding to criticism of approved material shall be established and followed. This procedure shall include the use of a formal signed "Request for Reconsideration of Instructional Resources" form.

The District subscribes to the philosophy stated in the School Library Bill of Rights.

**End of Hettinger Public School District Policy GAAC .....Adopted: June 15, 2015**

**ENGLISH LANGUAGE LEARNERS**

It is the policy of the Hettinger Public School District to provide the appropriate educational services as required by law. Students are guaranteed equal educational opportunities regardless of race, color, religion, gender, national origin, ancestry, disability, age, or other status protected by law. Students identified as lacking the necessary language proficiency to learn and interact in the classroom shall be provided necessary services.

The District provides appropriate educational services and parity in programs/services/resources provided to students who are Limited English Proficient (LEP) and/or English Language Learners (ELL). The District has developed a plan that describes the process of identifying and assessing students who are LEP or ELL. The plan is consistent with state and federal requirements.

The plan also includes a procedure for ensuring participation by identified students in state mandated assessments and a description of methods used to assist with language proficiency and academic achievement, including a description of the instructional model chosen, method of developing individual student instructional plans, teacher assessment, instructional planning, parental involvement, and program exit criteria. The plan assures that a trained ESL or bilingual education teacher shall oversee the LEP and ELL program. The plan will be monitored to ensure that portions that fail to meet the needs of LEP and ELL students are revised or discontinued.

Parents or guardians of ELL and LEP student shall be notified upon identification and be informed of student's needs, services available, and annual progress in English and academic achievement. Parents or guardians shall be communicated with, to the extent practicable, in their native language or a language that they can understand.

**End of Hettinger Public School District Policy GABAA.....Adopted: June 15, 2015**

**SEX EDUCATION**

Parents have the prime responsibility to assist their children in developing knowledge and moral values with regard to sex education. The schools shall support and supplement parents' efforts in the areas of family life and sex education through the district's health education curriculum, which shall be offered in accordance with 20 U.S.C. 7906 and North Dakota law.

In elementary courses where human reproductive organs and their functions and processes are described, illustrated, or discussed, opportunity will be provided for all parents or guardians to request in writing that their children not attend. Instructional materials to be used in family life and sex education will be available for inspection by the parent or guardian during school hours prior to the commencement of the instructional program. Teachers who provide instruction in family life and sex education will have professional preparation in the subject area.

**End of Hettinger Public School District Policy GABC .....Adopted: June 15, 2015**

**STUDENT ACHIEVEMENT**

The Board recognizes that the key work of school boards is to establish and promote a clear vision of student achievement as the top priority of the District.

The Superintendent will ensure development and implementation of a district-wide program for student achievement improvement that engages district stakeholders in a continuous improvement planning process that provides for annual review, revision as needed, and reports to the community. The district's program will be reflected in school and district improvement plans if applicable and will include, but not be limited to, the following:

1. Self-evaluation of current and prior student achievement and behavioral data, including student and community demographics, student access to and utilization of educational opportunities to meet standards, district progress toward development and implementation of improvement programs, and stakeholder satisfaction.
2. Data-driven goal setting utilizing methods recommended by the Department of Public Instruction or local methods.
3. Action planning including provisions for accountability, professional staff development, steps to assure a safe educational environment conducive to learning, identification of local efficiencies and resources, steps to assure all students have access to the educational opportunities needed to meet the high standards of the State and District, resource allocation and realignment strategies needed to support improvement efforts, and steps to improve methods of student assessments and/or to better utilize student assessment results.

The district's program will be consistent with any North Dakota Department of Public Instruction requirements and reflected in school and district improvement plans if applicable.

The Board will, in striving for continuous improvement of student achievement, annually review district and individual school data on student achievement. In addition, the Board will prioritize, allocate, and realign resources as necessary.

**End of Hettinger Public School District Policy GABDA.....Adopted: June 25, 2018**

**TITLE PROGRAMS DISPUTE RESOLUTION PROCEDURE**

**Process**

Any individual who believes that the Hettinger Public School District has violated the regulations or law governing a Title program should submit a complaint to the Superintendent at PO Box 1188, Hettinger, North Dakota 58639 or by phone at (701)567-5315. The Superintendent shall investigate the complaint and provide the individual with a written response within 30 days or as soon as practicable.<sup>59</sup>

The complaint must include:

1. The date;
2. A detailed description of the complaint, including specific facts;
3. The signature of person making the complaint.

If the complainant is dissatisfied with the response, the complainant may submit an appeal request to the Board. The Board shall issue a written response to the complainant as soon as practicable not to exceed 30 days.

**Reconsideration**

If the complaint is not resolved to the satisfaction of the complainant at the district level, the complainant may forward the complaint to the Title Program Director, Department of Public Instruction, 600 East Boulevard, Bismarck, ND 58505. DPI has established a reconsideration procedure in the event that a complainant is dissatisfied with the State Title Program Director’s decision.

Once the state-level complaint review process has been exhausted, a complainant may forward the complaint to the Secretary of Education, U.S. Department of Education, 555 New Jersey Avenue, NW, Washington, DC 20208.

**End of Hettinger Public School District Policy GABDB.....Adopted: June 25, 2018**

---

<sup>59</sup> The 30 day deadline is recommended by NDSBA but not required by federal law.  
Hettinger Public School Board Policy

**CORRESPONDENCE COURSES**

When Hettinger Public School District High School(s) find(s) it impossible or impractical to offer a course or courses desired by a student, the school principal may permit the student to take such a course or courses from an institution which has is accredited in North Dakota. Students who withdraw from school for reasons of emergency may petition the building principal for permission to take correspondence work toward graduation credits.

Correspondence courses may also be taken as a part of the gifted and talented program of the school or if a student is unable, because of scheduling difficulties, to take a course offered by the Hettinger Public School District High School and required for graduation. Failure in a subject is not justification for enrollment in a correspondence course. If the student can take the course regularly offered at school, permission to take a correspondence course will be denied.

Once enrolled in a class, the class will be listed on the student's cumulative record form. The grade will be recorded and will be used in determining the GPA of the student.

To be accepted as a part of the requirements for graduation, the record of credit must be received and recorded one week prior to graduation.

The principal will personally supervise the student's work or will assign a teacher to do so.

Responsibility for success or failure in correspondence work rests entirely with the student.

Cost of correspondence courses shall be borne by the student.

**End of Hettinger Public School District Policy GACA .....Adopted: March 9, 2016**

**PATRIOTIC EXERCISES**

The principal of each school and/or any teacher is allowed to provide a daily program for the voluntary pledge of allegiance. Students may also receive instruction concerning the words and music of the national anthem so they are able to recite or sing the words and recognize the music.

The Board recognizes that the beliefs of some students and teachers prohibit their participation in these patriotic exercises. No person shall be required to participate in these exercises. All persons, however, are expected to show respect to the flag and to the participation of others in the exercise.

Schools may hold ceremonies and/or integrate information into the curriculum related to historically significant and/or patriotic holidays such as Martin Luther King Day, President's Day, Flag Day, and Columbus Day.

**End of Hettinger Public School District Policy GACB .....Adopted: June 15, 2015**



**POST-SECONDARY ENROLLMENT**

The District shall comply with state law concerning dual enrollment. Students must be eligible, under state law, to enroll in dual credit courses in order to participate in this program. The Superintendent shall make a determination of the number of college credits for which an eligible student is permitted to enroll on a case-by-case basis based on, but not limited to, the following:

1. The student's grade point average;
2. A recommendation from a counselor, principal or teacher.
3. Whether the postsecondary course in which the student wishes to enroll will overlap with a course currently offered by the District;

Although the District shall award a student high school credit for successful completion of a post-secondary course, no post-secondary course shall be substituted for a required high school course.

In addition to allowing students to enroll in college-level courses taught at post-secondary institutions, the District may offer courses that qualify for dual credit in cooperation with eligible institutions. Students enrolled in these courses may apply to the post-secondary institution for dual credit. Information about the requirements set forth by the post-secondary institution will be available from counselors and the teachers of the qualified courses.

**End of Hettinger Public School District Policy GACCA.....Adopted: March 9, 2016**

**DRIVERS EDUCATION**

The Hettinger School Board will provide the facilities and personnel necessary for a driver training program. This program shall be open to all district students who have obtained a state issued driver's permit. Out of district and home school students will be able to participate by approval of the driver's education instructor; the determining factors for approval shall be: classroom availability, the ability to complete driving hours per student during the scheduled course, and obtained a state issued driver's permit. Students enrolled in Scranton Public School district will be charged the same fee as district students. A student must have attained their 14<sup>th</sup> birthday prior to the first day of class in order to be enrolled in summer driver's education courses.

The district will charge a fee as set by the Hettinger Public School Board for behind the wheel training.

**End of Hettinger Public School District Policy GBEH..... Adopted May 16, 2018**

**Amended: 01/13/2020**

**GRADE PROMOTION, RETENTION, & ACCELERATION**

The Hettinger Public School District is committed to fostering the continuous educational and personal growth of its students. Student progress shall be continually evaluated based on state and local achievement standards, course content standards, and education goals and objectives as established by administration and the teaching staff.

The Board recognizes that at every grade level there are differences among students in their intellectual and personal development and that individual students may be more proficient in some content areas than in others. Therefore, assignment of a student to a grade level shall be based on the best educational interest of the student, which shall be determined by using the criteria established below.

**Criteria for Determining Promotion & Retention**

The decision to promote or retain a student shall be based on at least the following criteria:

1. Whether or not the student has completed course requirements at the presently assigned grade.
2. Whether or not the student demonstrates proficiency in enough course content areas to warrant promotion.
3. Whether or not the student has sufficiently met achievement standards and other educational goals/objectives established for the student's current grade level.
4. Whether or not the student demonstrates the degree of social, emotional, and physical maturation necessary for successful learning experiences in the next grade level.
5. The decision to promote or retain a special education student shall be made by the Individual Education Program (IEP) team in accordance with applicable law.

Under no circumstances shall a student be retained for the sole purpose of improving the student's ability to participate in the district's athletic program.

Procedures for promoting and retaining students shall be developed by the Superintendent and delineated in administrative regulations.

**Acceleration**

The Superintendent shall develop grade acceleration criteria and approval/denial procedures, which shall be delineated in administrative regulations.

**End of Hettinger Public School District Policy GCAA .....Adopted: June 15, 2015**

**CLASS RANKINGS**

Rank in class shall be determined by grade point average that will be computed to the thousandth of a percent and rounded to the nearest hundredth. Only those credits earned in grades 9 through 12 will be used in the ranking.

All grades (including failing grades, repeated courses, summer school, correspondence courses, and night school) will be included in determining the student's grade point average and ranking in class. When students receive grades such as "Pass, Fail, Unsatisfactory, or Satisfactory," and where no equivalent letter grades can be obtained, such grades will not be counted in ascertaining class rank.

For purposes of designation of student honors and for college admission information, the end of the first semester of the senior year will serve as the cut-off date for computation of class rank.

In cases where more than one student has the same numerical grade point average, all students with that average will be given the same rank. The next highest average will assume the next rank position that will indicate the number of students having a higher rank.

**Valedictorian & Salutatorian**

The student with the highest class rank will be valedictorian. In instances when more than one student holds the numerical one rank, all students holding the rank will be declared co-valedictorians. The student with the second highest grade point average will be declared the salutatorian. In instances when more than one student has the second highest grade point average, all such students will be declared co-salutatorians.

**End of Hettinger Public School District Policy GCAB .....Adopted: March 9, 2016**

**GRADING**

The grading system shall be fair and applied consistently in each district school. Grades shall not be assigned in an unreasonable, discriminatory, arbitrary, or capricious manner and shall not be influenced by parental or community pressure. Grades shall reflect students' ability to master educational goals and objectives as established by administration and the teaching staff.

Grades will be based on a number of factors: quizzes, tests, oral and written assignments, daily work, classroom participation, and attendance.

Each principal shall monitor grading practices in his/her building to ensure compliance with this policy.

**Grading Grievances**

A student or parent who believes that s/he/his/her student has received a grade that has been assigned in an unreasonable, discriminatory, arbitrary, or capricious manner or that is the result of a clerical mistake may contest the grade using the following procedure:

1. Appeals must be initiated within 30 days of receiving the grade. Failure to timely present the grievance in accordance with this procedure shall be deemed to be a waiver of the grievance process.
2. Appeals may be filed orally or in writing, must be filed with the student's building principal, and must cite one of the reasons listed above as a basis for the grievance.
3. The principal shall initiate an investigation upon receipt of a grievance filed in accordance with the procedure listed above. The principal shall review grading criteria, grade books, lesson plans, and student's graded assignments and tests. The principal may consult with the classroom teacher during this process and the student. Based on the findings, the principal shall render a decision within a reasonable time. The principal's decision to affirm or alter a grade shall be final and binding.

**End of Hettinger Public School District Policy GCBA .....Adopted: March 9, 2016**

**STUDENT PROGRESS REPORTS TO PARENTS**

Written reports on student progress will be issued to parents at least twice a year in all grades, K-12, and parents will receive written notice of the availability of report cards at least annually. The reporting dates will be determined annually.

The Hettinger Public School District shall hold parent/teacher conferences. The principal is responsible for setting up the conferences. Conferences shall be under the direction and supervision of the principals and conference dates shall be placed on the school calendar.

Teachers may arrange additional conferences with parents in instances when children are having learning or behavioral problems, and parents are encouraged to initiate conferences at any time. Deficiency notices will be mailed to the parents of those children doing failing or unsatisfactory work at the mid-term of each quarter. A teacher is not required to notify parents more than once during any quarter of a student's possible failure. After being notified, it becomes the parent's duty to check periodically with the school.

**End of Hettinger Public School District Policy GCBB .....Adopted: March 9, 2016**

## PROTECTION OF PUPIL RIGHTS AMENDMENT & THIRD-PARTY RESEARCH ON STUDENTS

Surveys and educational studies can serve as a valuable tool for determining student needs and developing educational services.

Because of the possibility of a large number of outside requests to conduct surveys and research studies, the Superintendent shall only bring to the Board for approval<sup>60</sup> requests that at least meet the following criteria:

1. The study/survey is conducted for the purpose of improving the education or general welfare of students.
2. The party proposing the study/survey has a purpose and mission that is in keeping with the district's mission, goals, and objectives.
3. The study/survey proposal is sufficient in scope and depth to justify the use of the time and effort of district students and staff.
4. The party conducting the study/survey will provide a copy of the survey instrument and/or any instructional material that will be used including, but not limited to: textbooks, teachers' manuals, films, software, and/or other supplementary material. Such material must be provided prior to the initiation of the survey/study and in a timely manner, allowing the Superintendent and other relevant school officials ample opportunity to review such material, bring approval recommendations to the Board, and comply with any applicable parental notification and consent requirements under the Protection of Pupil Rights Amendment (PPRA) if the survey concerns a protected area or is for marketing purposes.<sup>61</sup>
5. Neither the study/survey nor its findings are reasonably predicted to exploit or compromise the safety of district students and staff.

---

<sup>60</sup> See NDCC 15.1-07-25.3

<sup>61</sup> **Protected areas** are as follows:

1. Political affiliations or beliefs of the student or student's parent;
2. Mental or psychological problems of the student or student's family;
3. Sex behavior or attitudes;
4. Illegal, anti-social, self-incriminating, or demeaning behavior;
5. Critical appraisals of others with whom respondents have close family relationships;
6. Legally recognized privileged relationships, such as with lawyers, doctors, or ministers;
7. Religious practices, affiliations, or beliefs of the student or student's parent; or
8. Income, other than as required by law to determine program eligibility.

**Parental consent requirements:** If a survey on a protected area is funded in whole or in part by a program of the U.S. Department of Education (ED), parental consent is required for students to participate. If a survey relates to a protected area and is funded by a source other than ED or if a survey on any topic is conducted for marketing purposes, schools must provide parents with advance notice of the survey and an opportunity to opt out.

6. The party conducting the study/survey agrees to provide a copy of the outcome/results to the District within a reasonable time after the study/survey's completion.

Before recommending to the Board for approval a study/survey, the Superintendent shall also take into account the amount of instructional time the survey/study will consume, if it will unduly disrupt the educational environment, the level of supervision the District will have to provide to third parties conducting the survey/study, the amount of protected/confidential information that will be gathered, and whether or not the agency conducting the survey/study has developed appropriate safeguards for collection, protection, disclosure, and use of protected/confidential information.

Teachers may use surveys in classes to determine student knowledge and/or attitudes prior to teaching a particular unit, provided that administrative approval has been given and provided that responses will not be used in a manner that would breach student confidentiality requirements under law and/or district policy.

### **Protection of Pupil Rights Amendment (PPRA)**

The District shall comply with PPRA, which affords parents specific rights with relation to conducting surveys, collecting and using student information for marketing purposes, and conducting certain physical exams.

Under PPRA, parents are afforded the following rights:

1. Receive advance notice of any survey related to a protected area<sup>62</sup> and an opportunity to opt in their child if the survey is funded by the U.S. Department of Education (ED) or opt out their child if the survey is not funded by ED.
2. Receive advance notice of any survey that will be used for marketing purposes and an opportunity to opt out their child.
3. Upon request, inspect a survey created by a third party or a survey that will be used for marketing purposes before the survey is administered or distributed by a school to a student; parents must file such requests with the building principal, and the building principal or designee will mail, email, or arrange for a parent to inspect the survey at school within a reasonable timeframe after receiving the request.
4. Upon request, inspect any instructional material used as part of the educational curriculum for his/her child; parents must file such requests with the building principal, and the building principal or designee will mail, email, or arrange for a parent to inspect the instructional material at school within a reasonable timeframe after receiving the request.
5. Receive advance notice of any nonemergency physical exam and an opportunity to opt out except when the physical exam is required by law.

Whenever administering or overseeing a survey or physical exam of students, the District will comply with student confidentiality requirements in law and applicable district policy.

---

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

---

<sup>62</sup> See footnote one for a definition of protected area.



- FGA, Student Education Records & Privacy
- GAAA, Curriculum Design & Evaluation
- GCC-E, Model Notification of Rights Under the Protection of Pupil Rights Amendment

End of Hettinger Public School District Policy GCC .....Adopted: June 15, 2015

**RECOMMENDED**

Descriptor Code: GCE

## **OPTING OUT OF STATE AND FEDERAL ASSESSMENTS**

### **Policy Notice Dissemination**

In accordance with federal law, at the beginning of the school year, the District shall provide notice of the right to request a copy of this policy to parents of students attending schools receiving Title I funds. The District will provide a copy of this policy to a requesting parent in a timely manner.

### **State Assessments**

Districts shall administer the required state assessments to all students in grades designated by law.

A student's parent may direct the school district in which the student is enrolled not to administer to the student any state test or state assessment required in accordance with NDCC 15.1-21-08. Each school district shall post the Department of Public Instruction's Parental Directive form on its website and make the form available to a parent, upon request.

Parents must complete an individual form for each student and each assessment from which they wish to be exempt, as well as the school year in which they are requesting exemption. The form is to be completed each year by the parent in order for the student to be exempt in the current school year.

### **National Assessment of Educational Progress**

As a condition of receiving federal funds, the District participates in the National Assessment of Educational Progress (NAEP). The National Assessment Governing Board has established a policy recommending a 95 percent participation rate among all students eligible to take the exam. For students classified as either English Learners or students with disabilities, the National Assessment Governing Board recommends an 85 percent participation rate. If the district sample falls below these goals, it shall be identified in NAEP reporting.

To help ensure that the District has a representative sample of students taking the NAEP, which will allow the District to assess the quality and effectiveness of its programming on a national level, the District strongly encourages all eligible students to participate. However, student participation in NAEP is voluntary. The District shall provide parents of eligible students with reasonable notice prior to the exam being administered and an opt-out form. This opt-out form must be returned to the District at least 3 days<sup>63</sup> prior to the exam date to ensure that the District is

---

<sup>63</sup> This deadline should be reasonable (e.g., one to three days prior to the exam), allowing parents ample time to opt out.

able to coordinate supervision and alternative activities for students who have opted out.

**End of Hettinger Public School District Policy GCE .....Adopted: June 25, 2018**

**SUPPLEMENTARY**

Descriptor Code: GDAA

**EARLY GRADUATION**

This Board believes that with rare exception the many benefits of a high school education cannot be fully realized in less than four years. Further, it views the entire senior year as an important period during which the student should be able to enjoy many experiences providing academic growth and enrichment, exploration of new areas, and social growth and maturity.

Only in unusual or extenuating circumstances should a student forego the opportunities available during the senior year. But for those who may have special needs or goals and who would benefit from early graduation, the following policy is established.

**Requirements**

The candidate must have:

1. Completed 6 semesters of high school attendance. Summer school shall not be used to achieve early graduation.
2. Satisfied all of the requirements of a four-year graduate.
3. Earned at least a 3.0 grade point average.
4. Qualified by virtue of extenuating circumstances or special goals.

**Procedures**

If the applicant meets the above requirements, the student will submit a written request for early graduation to the high school principal. The request must contain a statement of endorsement and the signatures of the parents or legal guardian and must clearly express the reasons for the request. Students may make the request after completing 4 semesters of high school attendance in order to properly plan their course of study.

The matter will be thoroughly reviewed in conference to include the student, counselor, parents, and the high school principal. After a complete evaluation of the request, the principal will forward recommendations to the Superintendent for approval or denial.

**Graduation**

If early graduation is approved, the student may participate in commencement exercises on the same basis as other graduates. Students who do not participate in commencement will receive their diplomas as soon as practical.

**End of Hettinger Public School District Policy GDAA .....Adopted: June 25, 2018**

**GRADUATION EXERCISES**

The Board wishes to recognize the achievement of high school graduation by annually holding a graduation ceremony.

**Participation Criteria**

Only students who have completed all district graduation requirements shall participate in the ceremony. The Superintendent is authorized to make exceptions to this policy under the following circumstances:

1. A student who is within one semester credit of meeting graduation requirements at the end of the school year will be permitted to participate in the graduation ceremonies with his/her class if he/she has made arrangements to complete the credit. His/her diploma will be awarded when the requirement has been met.
2. A foreign exchange student, upon successful completion of the school year.
3. A special education student who is unable to meet graduation requirements but will receive a certificate of attendance or special education diploma.

Additional exceptions may be approved by the Board, upon recommendation of the Superintendent. Students allowed to participate in graduation as a result of one of these exceptions shall not be issued a diploma unless the student has met district graduation standards, and is attending district schools has filed a statement of intent with the district.<sup>64</sup>

Participation in the graduation ceremony is a privilege not a right. Students who violate student conduct policies/regulations may be denied the privilege of participation in the ceremony at the principal’s or superintendent’s discretion.

**Graduation Speakers**

Student graduation speakers shall be selected based on neutral criteria. Student speakers shall have primary control over their speech and the district’s policy on student speech at student assemblies shall apply to graduation ceremonies.

**End of Hettinger Public School District Policy GDB .....Adopted: June 25, 2018**

---

<sup>64</sup> Adopt only if the district issues diplomas to homeschoolers and allows them to participate in graduation ceremonies.

H FISCAL MANAGEMENT

**SUPPLEMENTARY**

Descriptor Code: HAA

**BUDGET PLANNING, PREPARATION, & ADOPTION**

The budget shall be based upon the needs of the District and the reasonable financial ability of the community to support its schools. In formulating the budget, all expenditure items shall be considered in their relationship to the total school program, including short and long term goals of district schools.

The Superintendent shall determine the manner in which the annual district budget is to be compiled, issue instructions to staff, and establish a time schedule for preparation of the budget to be known as the "budget calendar." This calendar shall assure that all deadlines established by law for adoption and for certification of amounts to be raised by school tax levies are met by the District.

To facilitate the preparation of the budget, the Board may give direction to the administration concerning the projected mill levy. The Superintendent shall prepare and submit to the Board the proposed allotments of personnel prior to the adoption of the tentative budget.

**Adoption**

Various budget proposals may be brought to the Board for tentative approval prior to the completion of the budget. The final budget adoption shall be dependent on revenue projections.

**End of Hettinger Public School District Policy HAA .....Adopted: March 9, 2016**

**SUPPLEMENTARY**

Descriptor Code: HBA

**FEDERAL FUNDING FOR SCHOOLS**

When supplemental federal funding is available the Superintendent will recommend to the Board those programs that are appropriate, advising the Board of the possibility or probability of future obligations to the District resulting from the program.

**End of Hettinger Public School Policy HBA.....Adopted: March 9, 2016**

**REQUIRED**

Descriptor Code: HBAA

**FEDERAL FISCAL COMPLIANCE**

The Hettinger Public School shall appoint one individual annually to serve as the authorized representative for the Title I program in accordance with state Title I requirements. This individual shall have official signature authority over the Title I program and the district's Title I funds, shall serve as the district's main contact for the State Title I office, unless the district specifies otherwise, and shall receive Title I updates and mailings.

The Hettinger Public School Board approves the authorization of the Superintendent as the authorized representative for the following federal programs: Title I, Title II Part A, Title III, Title IV Part A, RLIS funds, School Food Service, Comprehensive School Reform, and Federal Vocation Program.

Annually, the Board shall review and approve the consolidated application for Title I, Title II Part A, Title III, Title IV Part A, and RLIS funds. Upon approval, the Board shall grant permission to the authorized representative to submit the application. The Board shall also review and approve all competitive grant applications prior to their submission.

The Business Manager shall track all Title expenditures and assure that the District follows all budgetary requirements under Title.

The Business Manager shall ensure that the budgetary requirements have been appropriately documented, submit all Title program reports to the State Title office, as required, and ensure that the district's Title programs comply with the federal Maintenance of Effort regulation.

The Business Manager shall also ensure that all other federal funds, such as those received through grants, are expended as intended in the grant application or budget revision and will verify that the budgetary information for these federally funded programs matches the budgetary information on file with the state.

The Business Manager shall track all items purchased with Title funds. These items will be labeled as purchased with Title funds. The District shall maintain a formal equipment inventory description list for all items purchased with Title funds that are valued at \$750 or more and all computers purchased with these funds.

All employees paid with federal funds shall document the time and effort they expend towards federal programs in accordance with federal law.

**End of Hettinger Public School District Policy HBAA.....Adopted: June 25, 2018**

**SUPPLEMENTARY**

Descriptor Code: HBCA

**BOND CAMPAIGNS**

While the Board may, and should, provide the public with information on school building needs, it shall not use district funds to advocate "yes" votes on bond issues.

As the need for bond issue support arises, a Citizens Committee for Better Schools may be encouraged to form for the purpose of promoting the passage of the bond issue and collecting funds needed for such promotion.

**End of Hettinger Public School District Policy HBCA.....Adopted: March 9, 2016**

**PUBLIC SCHOOLS FOUNDATION**

The Board recognizes public school foundations as a unique partner in the community. To help public school foundations in establishing programs of support, the Board will provide guidance, as needed, regarding district philosophies, programs, and priorities.

The Board acknowledges and encourages the operational independence of the foundation and its representatives while still anticipating a working relationship between the District and the foundation that is guided by the common mission of providing high quality educational experiences for the students of the Hettinger Public School District.

The Board encourages such foundations to:

1. Initiate projects that are consistent with and enhance the district’s mission and programs.
2. Work closely with the Superintendent and other district personnel when implementing foundation initiatives.
3. Provide periodic informative reports to the Board concerning foundation activities and future projects.
4. Operate within the constraints of North Dakota law (NDCC 21-06-12).

**End of Hettinger Public School District Policy HBCB.....Adopted: June 25, 2018**



**BIDDING REQUIREMENTS & PROCEDURES**

**Requests for Bids**

All requests for bids shall include at least the following components so long as such components are applicable:

1. Term (i.e., number of days, months, etc) for which prices must be available;
2. Disclaimers regarding:
  - a. Ownership of proposal forms;
  - b. Propriety of information contained within the proposal;
  - c. Responsibility for expenses related to preparation and award of contract.
3. Requirements to include any security instrument (bond or check).
4. A requirement to break down costs, specifically:
  - a. Delivery charges, installation fees, warranties, etc.
  - b. Unit pricing.
5. Delivery and installation guidelines (time of day, place or places, period of time within which delivery and installation must be made).
6. Guidelines for properly submitting invoices for payment.
7. Right of the District to reject any and all bids.

Bid notices for construction, repair, remodeling or demolition of a facility shall not contain criteria related to organized labor nor shall the Board or District discriminate against a bidder or subcontractor based on his/her participation or lack thereof in organized labor.

**Bidding Opening & Review**

Unless otherwise stipulated by law, the procedure for bidding and bid openings is as follows. The District shall only accept sealed bids and shall designate a time and place for the opening of such bids. The bid opening will not be held during a meeting of the Board unless the meeting has been properly noticed in accordance with law. Bids shall not be awarded at a bid opening but at a future meeting of the Board to allow the Superintendent or other designee an opportunity to compare and investigate the bids. The Superintendent or designee shall make recommendations to the Board regarding the awarding of bids. The Board may interview bidders in accordance with 44-04-19.2 prior to awarding the bid. All contracts which require public advertising and competitive bidding shall be awarded by board motion.

**End of Hettinger Public School District Policy HCAB.....Adopted: June 25, 2018**

**SUPPLEMENTARY**

Descriptor Code: HCAC

**LOCAL PURCHASING**

The Board believes in patronizing local businesses. The Board will not, however, sacrifice either quality or economy to patronize local businesses.

In the purchase of items that are of such nature that it is not legally required to take bids all reasonable attempts will be made to secure the goods or services locally. However, the district purchasing agent should not feel bound to purchase any item locally that can be secured at a saving to the District from outside sources, nor to purchase locally unless adequate service and delivery can be given by the local supplier/service provider.

When bids are equal, the contract or purchase will be awarded to the firm that is located in the District so long as the Board chooses not to reject all bids.

**End of Hettinger Public School District Policy HCAC.....Adopted: March 9, 2016**

**RECOMMENDED  
AdvancED**

Descriptor Code: HCAE

### **DISBURSEMENT OF MONIES**

The Board authorizes the Business Manager to disperse district monies by issuance of a negotiable instrument, electronic payment, or credit/debit card that has been issued in the district's name. In addition, the Superintendent is authorized to disperse district monies through the use of a credit/debit card. Money shall only be dispersed if the following conditions are met:

1. There are sufficient moneys available in the fund from which monies will be withdrawn.
2. Money shall only be dispersed when authorized by the Board through policy or prior approval.
3. All bills/invoices shall be signed by the authorized purchasing agent.
4. Electronic payments are recorded in a format that can be reviewed and verified by the Board.
5. An itemized listing of all bills paid shall be given to the Board each month for approval.
6. Negotiable instruments shall be signed by the Business Manager and Board President.

#### **Online Banking**

The Business Manager is authorized to use online banking to manage district monies provided that all online transactions (e.g., transfers, withdrawals, etc.) are recorded in a format that can be reviewed and verified by the Board.

#### **Facsimile Signature**

The Board President is authorized to provide a facsimile signature in accordance with law. This signature shall not be used by nor shall it be in the custody of the Business Manager. The Superintendent shall develop measures to ensure compliance with this policy. The signature shall only be used on negotiable instruments that have received approval in accordance with this policy.

The Business Manager shall read and agree to this policy as a condition of employment.

**End of Hettinger Public School District Policy HCAE.....Adopted: June 25, 2018**

**RECOMMENDED**

Descriptor Code: HCBA

**VENDOR CONFLICT OF INTEREST DISCLOSURE**

Any contractor or vendor involved directly or indirectly in a business relationship with any member(s) of the Board or any school district employee(s) shall file a conflict of interest disclosure statement. A contractor/vendor who has filed a disclosure statement may enter into or continue a business relationship with the District provided the Board authorizes purchases and contracts according to law.

Any board member having any direct or indirect personal interest in a contract or business transaction with the Board or District shall disclose that interest prior to any board action thereon.

**End of Hettinger Public School District Policy HCBA.....Adopted: June 25, 2018**

**RECOMMENDED**

Descriptor Code: HCBB

**SALES CALLS & DEMONSTRATIONS**

Sales representatives are not permitted to call on teachers or other school staff members without authorization from the school administration. School principals may give permission to sales representatives of educational products to see members of the school staff at times that will not interfere with the educational program.

**End of Hettinger Public School District Policy HCBB.....Adopted: June 25, 2018**

**RECOMMENDED**

Descriptor Code: HCBC

**FAIR EMPLOYMENT CLAUSE IN CONTRACTS**

Each contract, bid, or quotation request issued shall contain the following paragraph:

Contractors and subcontractors may not discriminate based on color, religion, gender, national origin, ancestry, disability, age, or other status protected by law against any employee or applicant for employment, to be employed in the performance of this contract with respect to hiring, tenure, terms, conditions, or privileges of employment.

**End of Hettinger Public School District Policy HCBC.....Adopted: June 25, 2018**

**REVENUES FROM INVESTMENTS**

The investment of district funds must be in accordance with state statutes and will be made in a manner meant to secure the maximum return for the District after careful consideration has been given as to the amount of cash flow needed for obligations of the District.

The Board authorizes the Business Manager to manage all activities associated with the investment program in such manner as to accomplish the objectives of this policy while keeping the balances in all checking accounts at the minimum necessary to cover the warrants issued by the District. The Business Manager is further authorized to confer with reputable consultants regarding investment decisions when necessary. So long as the Business Manager has received prior approval from the Board, the Business Manager is authorized to:

1. Execute in the board's name any and all documents relating to the investment program in a timely manner
2. Invest all other funds in accordance with NDCC 21-06-07, 21-03-43, 57-19-02, and/or 57-15-17 as applicable.

Investments shall be deposited in accordance with NDCC 21-04-05. The interest earned from any such investments will be credited to the fund from which the investment was made.

A review and assessment of the district's investment program shall be filed annually with the Board with recommendations for the investment program of the District.

**End of Hettinger Public School District Policy HDA .....Adopted: March 9, 2016**

**REVENUES FROM SCHOOL-OWNED PROPERTIES**

All revenues from the lease, rental, or sale of any real property belonging to the District shall be deposited in the general fund of the District.

All revenues from the lease, rental or sale of equipment, materials or supplies belonging to the District shall be deposited in the general fund of the District.

**End of Hettinger Public School District Policy HDB .....Adopted: March 9, 2016**



**RECOMMENDED  
Advanced**

Descriptor Code: HEAA

**LINE ITEM TRANSFER AUTHORITY**

The Superintendent has the authority to transfer monies between and within major classifications of the general fund budget so long as the total general fund budget is not overspent.

**End of Hettinger Public School District Policy HEAA.....Adopted: June 25, 2018**

**MANAGEMENT OF STUDENT ACTIVITIES FUNDS**

The Hettinger Public School Board shall establish a student activities fund for the support of school-related extracurricular activities.

The Superintendent shall establish procedures for the operation and maintenance of student activity accounts.

The Principal of each school building is responsible for the overall operation of the student activity funds, including approving disbursements, fundraising plans, and assigning faculty advisors to each student activity.

The faculty advisor for the student activity shall supervise all activities and finances. The faculty advisor shall have the principal approve all transactions of the student activity and shall maintain proper supporting financial documentation. The faculty advisor shall promptly collect, receipt and deposit all monies with the Business Manager.

All checks for an extracurricular activity should be made payable to Hettinger Public School District.

The Business Manager shall deposit all student activities funds into the appropriate student activity account.

Records of receipts and disbursements shall be part of the annual district audit. Payments for the audit must be made from district funds. The Business Manager shall give the Board a monthly report of receipts, expenditures, and balances in the activities fund.

When a student activity is terminated, the Business Manager shall submit an account of those funds to the Superintendent, the Principal, and the Board. An unencumbered student activity account will revert to the general activity account when a class graduates or the student activity is discontinued.

**End of Hettinger Public School District Policy HEAC.....Adopted: March 9, 2016**

**RECOMMENDED**

Descriptor Code: HEBA

**SYSTEM OF ACCOUNTS**

The Business Manager shall prepare a monthly statement of budget appropriations, expenditures, encumbrances, and balances of each account classification, as well as a statement of actual receipts and estimated receipts for the information of the administrators and the Board. The status of the records shall be current and available at all times to the Board and administrators for planning and evaluating the operation of the school system. The Business Manager shall file all fiscal reports with the county, state, or federal agencies, as required.

**End of Hettinger Public School District Policy HEBA.....Adopted: June 25, 2018**

**RECOMMENDED  
Advanced**

Descriptor Code: HEBB

**CASH IN SCHOOL BUILDINGS**

All monies collected during the day for any purpose shall be turned in to the office as soon as possible, properly receipted and kept in locked safes provided for safekeeping of valuables. Accounting to the Business Manager for monies collected shall be done at least weekly and all monies shall be promptly deposited in the proper account.

In no case shall large amounts of money be left overnight in schools. All schools shall provide for making bank deposits after regular banking hours in order to avoid leaving money in school overnight.

**End of Hettinger Public School District Policy HEBB.....Adopted: June 25, 2018**

## **FRAUD PREVENTION & INVESTIGATION**

The District prohibits board members, employees, vendors, contractors, consultants, and others seeking or maintaining a business relationship with the District from committing or participating in fraud and financial impropriety as defined below.

Fraud and financial impropriety include, but are not limited to:

1. Forgery or unauthorized alteration of any document or account belonging to the District.
2. Forgery or unauthorized alteration of a check, bank draft, or any other financial document.
3. Misappropriation of funds, securities, supplies, or other district assets.
4. Impropriety in the handling of money or reporting of district financial transactions.
5. Profiteering as a result of insider knowledge of district information or activities.
6. Unauthorized disclosure of confidential financial information (e.g., account numbers).
7. Inappropriately destroying, removing, or using records or equipment.
8. Failure to provide financial records required by state or local entities.
9. Any other dishonest act regarding the finances of the District.

### **Financial Oversight and Controls**

The Superintendent shall maintain a system of internal controls to identify potential risks, manage potential risks, and deter and monitor fraud and financial impropriety in the District. Internal controls shall be subject to board review.

The Superintendent is authorized to order a complete forensic audit if, in his/her judgment, such an audit is necessary or would be beneficial to the District.

### **Reports**

Any person who suspects fraud or financial impropriety in the District shall report this information to an immediate supervisor, principal, Superintendent, or, in instances where the Superintendent is suspected of committing such acts, the Board President. Individuals may also report suspected fraud/financial impropriety activity to local law enforcement.

Individuals who report potential fraud/financial impropriety shall not be retaliated against, including instances when a complaint is not substantiated. However,

employees who knowingly make a false fraud/financial impropriety report may be subject to disciplinary action.

Reports of suspected fraud/financial impropriety 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.

### **Investigation**

The Superintendent shall investigate reports of suspected fraud/financial impropriety. If the Superintendent is suspected of fraud/financial impropriety, the Board President shall investigate the report.

The investigator shall coordinate investigation efforts with appropriate district personnel, legal counsel, the state fraud auditor, insurance carrier, and other internal and external departments and agencies as deemed necessary.

If an investigation substantiates the occurrence of fraud/financial impropriety, the investigator shall promptly notify the State Bond Fund and shall recommend responses to the investigation findings, including disciplinary action up to and including termination from district employment. These recommendations shall be documented in the investigator's report. The report shall be submitted to the appropriate district authority for action. The District may file a criminal complaint in cases where fraud/financial impropriety is substantiated. In cases involving monetary loss to the District, the District may seek to recover lost or misappropriated funds.

### **Analysis of Fraud**

After any investigation that substantiates a report of fraud or financial impropriety, the Board shall appoint an individual to analyze conditions/factors that allowed for the activity to take place. This individual shall update internal controls to ensure measures are put in place to better protect district assets and deter future fraud/financial impropriety activities.

**End of Hettinger Public School District Policy HEBC.....Adopted: June 25, 2018**

**RECOMMENDED  
Advanced**

Descriptor Code: HEBD

### **AUDITS**

All financial records of the District will be audited at least once every two years following the close of each fiscal year.

The Board will appoint an independent auditor, who shall be either a Certified Public Accountant or Licensed Public Accountant, to conduct this audit in accordance with law. The audit shall be presented to the Board upon completion and submitted to the state auditor in accordance with law.

*NOTE: Law contains an exception to state audit requirements for districts with less than one hundred enrolled students. See NDCC 54-10-14 for details.*

**End of Hettinger Public School District Policy HEBD .....Adopted: June 25, 2018**

I GENERAL OPERATIONAL PROGRAMS

**RECOMMENDED**

Descriptor Code: IAAA

**ASBESTOS MANAGEMENT**

In compliance with the Asbestos Hazard Emergency Response Act, the Board the Superintendent as the asbestos program coordinator. This individual shall at least be responsible for selecting an accredited asbestos management planner, scheduling inspections and re-inspections, carrying out response actions when applicable, overseeing the operations and maintenance programs when applicable, disseminating annual notices required by law, recordkeeping, ensuring asbestos warning labels are posted in accordance with law, and ensuring appropriate school employees/contractors are adequately trained to perform duties that involve contact with or exposure to asbestos.

**End of Hettinger Public School District Policy IAAA .....Adopted: June 25, 2018**



## **REQUIRED**

Descriptor Code: IB

### **FOOD SERVICE PROGRAM**

The District participates in the National School Breakfast, Lunch, and Milk Program. As a participant in these programs, the District assures compliance with the following requirements:

1. The District shall only claim meal reimbursement for meals in which documentation is available.
2. The District shall determine eligibility for free and reduced lunches for students not categorically eligible in accordance with current Income Eligibility Guidelines.
3. The District shall disseminate applications for free and reduced-priced meals before the start of the school year when possible or within the first week of school. Students who enroll later in the school year shall receive an application at the time of enrollment. The District shall use the Department of Public Instruction (DPI) application form for free and reduced-priced meals.
4. In accordance with federal law and the U.S. Department of Agriculture Policy, the District shall not discriminate on the basis of race, color, national origin, sex, age, disability or other status protected by law. Individuals may file a complaint of discrimination with the USDA Director at the Office of Civil Rights in Washington, D.C.
5. The names of participants for which free or reduced-priced meals may be claimed shall not be published, posted, or announced in any manner and there shall be no overt identification of any such participants by any means. To this end, the District shall establish a system of school meal payment tracking that does not overtly identify any student as receiving a free or reduced price meal/milk.
6. The District shall comply with the eligibility appeals procedure contained in 7 CFR 245.7.
7. The District shall submit any substantive amendments of this policy to the DPI prior to implementation. Such changes shall only become effective upon DPI approval.

The Board designates elementary principal as the individual responsible for determining eligibility for purposes of claiming free and reduced priced meals.

### **Training**

The District shall comply with requirements in state law related to training food service personnel.

**Serving Meals to Adults**

The District shall comply with DPI guidance and requirements with regard to serving meals to adults.

**End of Hettinger Public School District Policy IB .....Adopted: June 15, 2015**

**SUPPLEMENTARY**

Descriptor Code: ICCB

**DISPOSAL OF SCHOOL EQUIPMENT AND SUPPLIES**

The Board will dispose of surplus or obsolete equipment, materials, and supplies no longer required to accomplish the mission of the school system.

1. The building principal or person in charge of the department where such school property is located will inform the Business Manager of the availability of the property.
2. The Business Manager shall post throughout the District a listing of all property available for disposal. Any department or building that can use such equipment or supplies may request the material. Reassignment of the property will be made by the Business Manager.

Those items not requested by other departments or buildings will be disposed of as follows:

1. Items having no resale value may be offered without cost to charitable and civic organizations or disposed of by the most efficient method by the Superintendent or a designee.
2. Items having resale value shall be sold to the highest bidder either through sealed bids, at auction, or through another form of public sale. The Business Manager shall establish procedures for the sale. All items for sale shall be advertised.
3. The Board shall be given a list of all items disposed of either through sale or donation.

**End of Hettinger Public School District Policy ICCB .....Adopted: March 9, 2016**

**SUPPLEMENTARY**

Descriptor Code: IEAA

**BUS SAFETY**

The safety and welfare of student riders shall be the first consideration in all matters pertaining to transportation. All vehicles used to transport children shall be inspected periodically to see that they meet safety regulations.

The District shall comply with all state laws and regulations pertaining to the operation of school buses and shall make these requirements known to bus drivers. It shall also cooperate with local safety officials in formulating and accomplishing its school bus safety program.

**End of Hettinger Public School District Policy IEAA .....Adopted: March 9, 2016**

**USE OF BUSES BY COMMUNITY GROUPS**

The board's general philosophy is that transportation equipment purchased by the District is to be used primarily for school purposes and that taxpayers will not be expected to subsidize busing equipment or personnel not necessary for school district purposes.

However, the Board may make school transportation equipment available for use by appropriate, nonprofit community groups. Such use shall not impinge upon or impair use for school district purposes. The District shall check with its insurance carrier to determine if use of buses by community groups is covered by the district's policy prior to enacting this policy. If the district's coverage does not extend to community use of buses, this policy shall not be enacted.

Charges may be imposed for use. Groups will be responsible for providing qualified drivers who meet the requirements for school bus drivers.

Non-school use of school transportation equipment will not include or interfere with:

1. Transportation to, from, and between schools.
2. Transportation for school activities and functions.
3. Emergency transportation of students.
4. Time required for maintenance and service.
5. Time necessary to provide stand-by equipment for school purposes.

Regulations and procedures for nonprofit, community group use of school transportation equipment will be developed by the administration and approved by the Board, including the terms of the bus lease agreement, rental charge, approval of drivers, and insurance coverage. Any insurance coverage obtained by a group using a school bus shall list the District as an additional insured.

**End of Hettinger Public School District Policy IEAD .....Adopted: March 9, 2016**

**EXTRACURRICULAR TRANSPORTATION**

The District at its discretion may provide transportation for extracurricular activities including, but not limited to, transporting student participants to and from extracurricular practices or events. Students participating in extracurricular activities, other than those held at district facilities, may be transported to/from the extracurricular activity by a district vehicle or by another means approved by the Superintendent or designee.

Parents are strongly discouraged from allowing students to drive to/from extracurricular activities unaccompanied by a parent/guardian. The safety of the student is of utmost importance, and the parent/guardian should exercise their wisdom, good judgment and discretion when planning travel arrangements.

Students, who are provided extracurricular transportation in a district vehicle, must ride both to and from the event in the district vehicle unless arrangements have been made with the Athletic Director or designee prior to the event. In order for a student to be transported to and/or from an extracurricular event by means other than the district approved transportation the following must occur:

1. The parent/guardian provides a written request to the Athletic Director or designee that includes a signature from the parent/guardian;
2. The parent/guardian signs a waiver of district liability in the event an injury and/or accident occurs while the parent/guardian or designated individual is providing extracurricular transportation; and
3. The Athletic Director or designee verifies the authenticity of the parent/guardian signature required under criterion 1. and 2. above; or
4. A student's parent/guardian personally appears before the District's Athletic Director or designee and requests to transport the student home from a school-sponsored event in which the student traveled to the event in a district vehicle.

**End of Hettinger Public School District Policy IEAF .....Adopted: June 25, 2018**

## **SUPPLEMENTARY**

Descriptor Code: IEBA

### **TRANSPORTATION OF STUDENTS BY STAFF IN PRIVATE VEHICLES**

All school activity and field trips will be made by bus or other district vehicle except in the following circumstances:

1. The staff member must have written permission of the Superintendent or designee.
2. Persons authorized to use their cars for school business purposes shall carry and provide the District proof of a valid driver's license and motor vehicle insurance for the vehicle they intend to use. The Superintendent (or Board President when the requesting employee is the Superintendent) shall examine the employee's insurance policy and determine that it contains sufficient coverage prior to authorizing private vehicle use for student transportation purposes.
3. Only the staff member having written authorization shall drive.
4. Any vehicle used must be in proper working order, properly equipped with seat belts, and, if children younger than seven years of age are to be transported, approved child restraint systems will be used as required by law. The Superintendent or designee should inspect the vehicle before authorizing its use.
5. The employee shall sign a statement attesting that the vehicle will not contain prohibited substances under district policy or weapons, as defined by district policy, when used to transport students.
6. The District shall contact its insurance carrier to determine if additional coverage is necessary and shall obtain it, if so.

The Board will carry drivers-for-hire and/or non-owned vehicle liability insurance policy to protect administrators and others who are authorized, in accordance with the criteria above, to transport students in their personal automobiles in an emergency.

#### **Consequences for Policy Violations**

The Board specifically forbids any staff member from transporting students for curricular or extracurricular purposes without prior authorization as described above or in a manner inconsistent with the criteria listed above. Staff who violate any of these requirements shall be subject to disciplinary consequences.

#### **Scope of District Responsibility**

The District shall assume no responsibility for liability in case of an accident unless the staff member has the authorization described above. It is expressly understood that the employee's personal insurance will be considered the primary insurance, and that the district's liability rider, if applicable, will be effective after the limit of the individual's liability insurance coverage is reached.

**End of Hettinger Public School District Policy IEBA .....Adopted: March 9, 2016**

## K PUBLIC RELATIONS

### **REQUIRED**

Descriptor Code: KAB

### **PARENTAL INVOLVEMENT**

The Hettinger Public School District agrees to implement the following statutory requirements:

1. The District will put into operation programs, activities, and procedures for the involvement of parents in all of its schools with Title I programs. Those programs, activities, and procedures will be planned and operated with meaningful consultation with parents of participating children.
2. The District will work with its schools to ensure that the required school-level parental involvement policies meet the Title I requirements, and include, as a component, a school-parent compact.
3. The District will incorporate this district-wide parental involvement policy into its district plan.
4. In carrying out the Title I parental involvement requirements, to the extent practicable, the District and its schools will provide full opportunities for the participation of parents with children with Limited English Proficiency (LEP), parents with children with disabilities, and parents of migratory children, including providing information and school reports in an understandable and uniform format and, including alternative formats upon request, and, to the extent practicable, in a language parents understand. Actions may include: Spanish or other language, IEP team plan for parent involvement, and sending information to parents of migratory students.
5. If the district plan for Title I is not satisfactory to the parents of participating children, the District will submit any parent comments with the plan when the District submits the plan to the Department of Public Instruction.
6. The District will be governed by the following statutory definition of parental involvement, and expects that its Title I schools will carry out programs, activities, and procedures in accordance with this definition:

Parental involvement means the participation of parents in regular, two-way, and meaningful communication involving student academic learning and other school activities, including ensuring:

- a. that parents play an integral role in assisting their child's learning;
  - b. that parents are encouraged to be actively involved in their child's education at school;
  - c. that parents are full partners in their child's education and are included, as appropriate, in decision-making and on advisory committees to assist in the education of their child;
  - d. the carrying out of other activities, such as those described in section 1118 of the ESEA.
7. The District will inform parents and parental organizations of the purpose and existence of the Parent Information Resource Centers in North Dakota (i.e., NDPIRC in Minot, ND).

### **Parental Involvement Policy Requirements**

1. The Hettinger Public School District will take the following appropriate actions to involve parents in the joint development of its district parental involvement plan, including holding public meetings for Title I input.
2. The Hettinger Public School District will provide the following necessary coordination, technical assistance, and other support to assist Title I schools in planning and implementing effective parental involvement activities to improve student academic achievement and school performance: Coordinate with school calendar a parent night and parent/teacher conferences. Financial support.
3. The Hettinger Public School District will convene an annual meeting, at a convenient time, to which all parents of participating children shall be invited and encouraged to attend, to inform parents of their school's participation under this part and to explain the requirements of this part, and the right of the parents to be involved Annual parent meeting held in the first quarter of the school calendar in conjunction with Parent-Teachers Conferences.
4. The Hettinger Public School District will offer a flexible number of meetings, such as meetings in the morning or evening, and may provide, with funds provided under this part, transportation, child care, or home visits, as such services relate to parental involvement; Childcare is provided for meetings and a light supper is provided for math and reading activity nights.
5. The Hettinger Public School District will build the schools' and parents' capacity for strong parental involvement, in order to ensure effective involvement of parents and to support a partnership among the school involved, parents, and the community to improve student academic achievement, through the following activities specifically described below:
  - a. The District will, with the assistance of its Title I schools, provide assistance to parents of children served by the District or school, as appropriate, in understanding topics such as the following:



- i. the state's academic content standards,
- ii. the state's student academic achievement standards,
- iii. the state and local academic assessments including alternate assessments,
- iv. the requirements of Title I,
- v. how to monitor their child's progress, and
- vi. how to work with educators

By undertaking the actions described in this paragraph (Title I attends annual Title I meetings. Parent and student activity nights are provided yearly. Information is sent out in district-wide Hi-Lites and in Title I newsletters.)

- b. The Hettinger Public School District will provide parents of participating children, if requested by parents, opportunities for regular meetings to formulate suggestions and to participate, as appropriate, in decisions relating to the education of their children, and respond to any such suggestions as soon as practically possible.
- c. The District will, with the assistance of its Title I schools, provide materials and training to help parents work with their children to improve their children's' academic achievement, such as literacy training and using technology, as appropriate, to foster parental involvement, by: (Technology nights, math nights, game nights, and reading nights).
- d. The District will, with the assistance of its Title I schools and parents, educate its teachers, pupil services personnel, principals and other staff, in how to reach out to, communicate with, and work with parents as equal partners, in the value and utility of contributions of parents, and in how to implement and coordinate parent programs and build ties between parents and schools, by: (Teacher workshops and in-services).
- e. The District will, to the extent feasible and appropriate, coordinate and integrate parental involvement programs and activities with Head Start, Reading First, Early Reading First, Even Start, Home Instruction Programs for Preschool Youngsters, the Parents as Teachers Program, and public preschool and other programs, and conduct other activities, such as parent resource centers, that encourage and support parents in more fully participating in the education of their children, by: (Coordinate with the district pre-school by including pre-school parents in Title I meetings and parent activity nights.)
- f. The District will take the following actions to ensure that Title I information related to the school and parent- programs, meetings, and other activities, is sent to the parents of participating children in an understandable and uniform format, including alternative formats upon request, and, to the extent practicable, in a language the parents can understand: (through the district newsletter (Hi-Lites), and Title I parent notes in an alternative language if requested.)

6. The Hettinger Public School District will coordinate and integrate parental involvement strategies under Title I with parental involvement strategies under the following other programs: such as Pre-School. by: (parent meetings and parent activity nights.)
7. The Hettinger Public School District will take the following actions to conduct, with the involvement of parents, an annual evaluation of the content and effectiveness of this parental involvement policy in improving the quality of its Title I schools. The evaluation will include identifying barriers to greater participation by parents in parental involvement activities (with particular attention to parents who are economically disadvantaged, are disabled, have limited English proficiency, have limited literacy, or are of any racial or ethnic minority background). The District will use the findings of the evaluation about its parental involvement policy and activities to design strategies for more effective parental involvement, and to revise, if necessary (and with the involvement of parents) its parental involvement policies. (Surveys conducted by Title I staff yearly. Surveys are conducted at annual parent meetings along with an open discussion of ways to improve the content and effectiveness of parental involvement policy. Parents will be active participants.
8. The Hettinger Public School District will take the following actions to involve parents in the process of school review and improvement: Parent surveys are conducted annually at parent/teacher conferences. Results of the survey are reviewed by the school improvement team and administration. Appropriate changes will be made if needed.

Shared Responsibilities for High Student Achievement: As a component of the school-level parental involvement policy, each school shall jointly develop with parents for all children served under this part a school-parent compact that outlines how parents, the entire school staff, and students will share the responsibility for improved student academic achievement.

1. Involve parents in the development of training for teachers, principals, and other educators to improve the effectiveness of that training. Provide necessary literacy training for parents from Title I, Part A funds, if the District has exhausted all other reasonably available sources of funding for that training.
2. Pay reasonable and necessary expenses associated with parental involvement activities, including transportation and child care costs, to enable parents to participate in school-related meetings and training sessions.
3. Train parents to enhance the involvement of other parents. In order to maximize parental involvement and participation in their children's education, arrange school meetings at a variety of times, or conduct in-home conferences between teachers or other educators, who work directly with participating children, with parents who are unable to attend those conferences at school.

4. Adopt and implement model approaches to improving parental involvement. Establish a district parent advisory council to provide advice on all matters related to parental involvement in Title I, Part A programs.
5. Develop appropriate roles for community-based organizations and businesses, including faith-based organizations, in parental involvement activities.
6. Provide other reasonable support for parental involvement activities under section 1118 as parents may request.

**Policy Adoption:** This district parental involvement policy has been developed jointly with, and agreed on with, parents of children participating in Title I programs, as evidenced by meeting minutes.

This policy will be in effect for the period of one school year. The District will distribute this policy to all parents of participating Title I children on or before October 1.

**End of Hettinger Public School District Policy KABA** Adopted: June 15, 2015. Updated: June 25, 2018.

## **RECOMMENDED**

Descriptor Code: KACA

### **PATRON COMPLAINTS**

Individual board members have no authority to resolve complaints and the Board, as a whole, believes that patron complaints should be resolved at the lowest level of authority possible. Therefore, whenever a complaint is made to an individual board member or the Board as a whole, it will be referred to school administration for processing at the lowest level of authority possible.

If the complaint is not satisfactorily remedied at the building level, either party may refer the matter to the Superintendent for investigation. The Superintendent shall complete the investigation within a reasonable deadline in accordance with any applicable deadline in law.

If all other remedies have been exhausted, a complainant may request that the matter be placed on the agenda of the next regular school board meeting; however, the Board will not hear, consider, or act upon complaints that have not been investigated at each appropriate level of authority, nor will the Board hear, consider, or act upon complaints for which specific complaint resolution procedures have been established that do not allow for board review of the complaint, including but not limited to complaints about personnel and complaints about instructional material.

#### **Anonymous Complaints**

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

#### **Parental Complaints**

While parents enjoy a unique relationship with the schools and are the recipients of special communications concerning school events and programs as well as communications concerning their own child's progress, parents shall use the same channels of processing complaints as by other citizens.

Complaints for which specific resolution procedures are provided shall be directed through those channels. These include, but are not limited to, complaints about personnel and complaints about instructional materials.

**End of Hettinger Public School District Policy KACA.....Adopted: June 25, 2018**

**RECOMMENDED**

Descriptor Code: KACB

### **COMPLAINTS ABOUT PERSONNEL**

The District is committed to resolving complaints about school district personnel in an effective, efficient, and timely manner while providing a positive working and learning environment for all staff and students. The Board adopts this policy to reduce potential concerns and to establish channels of communication between staff and administration.

#### **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 shall 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 shall be made by the administration based on the results of an inquiry or investigation.
3. Schedule a meeting with the employee, the complainant, and/or 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 shall be informed as to the outcome of the investigation and the disposition of the complaint to the extent appropriate. If either party is dissatisfied with the handling of the complaint, the matter may be appealed to the Superintendent for final resolution.

Board members shall refer individuals complaints about school district personnel to the Superintendent or designee, whereupon established procedures will be followed.

Complaints about the Superintendent or Business Manager shall be directed to the Board President, who is responsible for conducting the investigation and making a recommendation based on the outcome of the investigation to the Board for final action. The Board may retain an attorney or consultant to assist with the investigation process.

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/or law enforcement officials.

#### Deadlines

To be considered for investigation, any such complaint must have been filed within 180 days of the alleged occurrence except as provided by other district policy. The District has a separate investigation procedure for complaints of harassment and/or discrimination.

#### Retaliation and Providing False Information Prohibited

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

**End of Hettinger Public School District Policy KACB.....Adopted: June 25, 2018**

## RECOMMENDED

Descriptor Code: KADA

### WEAPONS PROHIBITION ON SCHOOL PROPERTY—PUBLIC

#### Definitions

This policy defines the following:

- *Dangerous weapon* as defined by NDCC 62.1-01-01(1).
- *Firearm* as defined by 18 U.S.C. 921 and NDCC 62.1-01-01(3).
- *School property* is defined in NDCC 15.1-19-10 (6)(b) as all land within the perimeter of the school site and all school buildings, structures, facilities, and school vehicles, whether owned or leased by a school district, and the site of any school-sponsored event or activity.

#### Prohibitions

Parents and members of the public are prohibited from knowingly possessing or transmitting on school property a firearm, dangerous weapon, or any object that is used, attempted to be used, or threatened to be used to intimidate or cause bodily harm, including those individuals who may otherwise be permitted by law to carry such weapons. This prohibition does not apply to firearms or dangerous weapons under the control of law enforcement personnel or other authorized individuals on school property as permitted by law.

#### 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 individuals living in district-owned housing.

#### Notification

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

#### Firearms and/or Dangerous Weapons Stored in Vehicles

Members of the public are prohibited from possessing firearms and/or dangerous weapons in their vehicles while on school property, except as permitted by law. Authorized individuals must ensure that all firearms are secured in or on their vehicle while on school property.

#### Enforcement

When a school employee observes a violation of this policy, they shall promptly inform administration. The Superintendent will ask the violator to remove the firearm or dangerous weapon from school property. When the violator refuses or in emergency situations, the school employee shall follow applicable emergency response protocols.

**End of Hettinger Public School District Policy KADA.....Adopted: June 25, 2018**