

**SOUTHWEST COMMUNITY HIGH SCHOOL**  
**Dickinson Public Schools**

**~~2014-2015~~ 2015-2016**

**Student Handbook**

266 Third Avenue West  
Dickinson, ND 58601-4951  
Telephone/Fax: 701-456-0042

*Vision*

*“Empowering All Learners to Succeed”*

**Our mission, as a professional learning community, is to prepare all learners for lifelong success through a rigorous and innovative learning environment.**

This Handbook Belongs To:

Name:

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Address:

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City/Zip Code:

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Telephone:

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*SOUTHWEST COMMUNITY HIGH SCHOOL*

*266 Third Avenue West  
Dickinson, North Dakota*

*701-456-0042*

***STUDENT HANDBOOK***

*INTRODUCTION*

Welcome to Southwest Community High School. This handbook is provided to serve as a guide. It is not an all-inclusive list of rules but an outline of expectations and procedures. Read it carefully and refer to it from time to time. Share it with your parents. It is our hope that you will make the most of the fine educational opportunities offered at Southwest Community High School.

The administration and faculty extend best wishes for a successful and enjoyable school year.

~~Jay Hepperle~~, Social Studies / Principal  
Janette Foreman, English  
Carrie Ziegler, Science & Math

*(Insert 2015-2016 School Calendar)*

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## **Annual Notification Regarding Parents’ Right of Access to Student Records**

The District shall comply with all required components of the Family Educational Rights and Privacy Act (FERPA) and the Individuals with Disabilities Education Act (IDEA) when maintaining, retaining, granting access to, disseminating, and disposing of student educational records. In addition, the District shall comply with all notification requirements required by these laws.

### **Access**

The District shall grant access to student educational records to individuals authorized by law. When applicable, appropriate consent will be obtained and/or agreements established to release records and the District will honor opt-out requests. The District shall comply with all recordkeeping requirements related to record access and disclosure as delineated in law

School officials with a legitimate educational interest in a student’s educational record shall be granted access to the portions of the record that they have a need to know. For the purpose of this policy, legitimate educational interest is defined as access that is needed in order for a school official to fulfill his/her professional responsibility. School official is defined as:

1. An individual employed by the District in an administrative, instructional, or support staff position;
2. School board members;
3. School resource officer(s);
4. A person or company contracted by the District to perform institutional services and/or functions, including, but not limited to, attorneys hired by the District and data storage and protection agencies;
5. A volunteer that performs institutional services and/or functions for the District;
6. A consultant hired to perform institutional services and/or functions for the District.

This list of school officials shall be included in the district’s annual FERPA notification.

School officials will receive appropriate training and information on privacy to ensure records are not misused. The District shall put reasonable methods in place to ensure that school officials only obtain access to educational records or portions of educational records in which they have a legitimate educational interest.

### **Review and Amendments**

The Board shall develop procedures for a parent/guardian/student to review and amend educational records. These procedures shall be delineated in board-approved regulations and shall be disseminated annually in accordance with law.

### **Record Dissemination**

- Other schools: When a student enrolls, intends to enroll, or has enrolled in another school, the District shall forward a copy of the student’s educational record, including disciplinary records involving suspension and/or expulsion to the new school district without prior consent so long as disclosure is for enrollment or transfer purposes. The District shall retain the original student record.
- Directory information: The Board defines directory information as a student’s name, address, date and place of birth, telephone number, degrees, honors, and awards received, dates of attendance, grade level, major field of study, participation in officially recognized activities and sports, weight and height of members of athletic teams, institutional email address, photograph, electronic personal identifier, and enrollment status as directory information. The District may release this information without a parent/guardian/ authorized student’s consent unless the parent/guardian/authorized student has requested to opt-out. Opt-out notices will be disseminated in accordance with law. The Board shall approve a list of entities to which directory information may be disseminated. The District shall provide applicable directory information to entities authorized to access directory information under FERPA and North Dakota law unless a parent/authorized student has opted out.

- The District may release the contents of a student’s educational record for reasons permitted by law, such as, but not limited to, health and safety reasons after taking into account the totality of circumstances and determining an articulable and significant threat to the health and safety of the student or others exists.
- The District may, or, when required by law, shall release students’ personally identifiable information from student educational records to authorized representatives, as defined by FERPA, in accordance with PII disclosure agreement requirements and other safeguard procedures mandated by FERPA regulations.
- De-identified information may be released upon request if the request meets conditions permitting release of such information under law.

**Record Retention & Destruction**

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.

All components of a student’s educational record shall at least be retained for the duration required by state law after which the permanent record will at least be retained. No record will be destroyed for which there is an outstanding request from a parent/student to review.

Special education records may be retained for a duration longer than required by law at the discretion of the special education director except that, in accordance with law, personally identifiable information in a special education record must be destroyed at the request of the parent(s). Parents of special education students shall be notified and their consent shall be obtained before the non-permanent components of a special education student’s educational record are destroyed.

**Student Education Records Access and Amendment Procedure**

**Reviewing an Educational Record**

The District will comply with a parent/guardian/eligible student’s right to inspect educational records. This right will be granted using the following procedure:

1. A request to view an educational record shall be granted by the deadline in law (45 days).
2. A request may be made in writing to the building principal.
3. The principal shall notify the parent/guardian/eligible student of the time and place when a record may be inspected.
4. The principal or designee shall be present when the parent/guardian/eligible student reviews the record.
5. If circumstances prevent a parent/guardian/eligible student from reviewing the educational record at the school office, the District shall prepare and mail a copy of the record or make alternative arrangements for the parent/guardian/eligible student to review the record. Any expense incurred from copying and/or mailing a record may be charged to the parent/guardian/eligible student at state rates, except as prohibited by law.

**Amending an Educational Record**

A parent/guardian/eligible student has the right to request an amendment to any portion of the educational record s/he believes to be inaccurate, misleading, or in violation of the student’s right to privacy. A parent/guardian /eligible student shall use the following procedure to dispute or request an amendment to an educational record. This procedure shall not be used to dispute a grade, disciplinary decision, or opinions/reflections of a school official contained in an educational record.

1. Any request to amend an educational record shall be made in writing and submitted to the building principal.
2. The principal shall review the request within a reasonable time and approve or deny it. The principal’s decision shall be submitted to the parent/guardian/eligible student. If the principal denies the amendment request, s/he shall inform the parent/guardian/eligible student of his/her right to request an appeals hearing.
3. Requests for an appeals hearing shall be submitted to the Superintendent. The hearing shall be held within a reasonable time after the appeal request has been made.

4. The Superintendent shall serve as the hearing officer. A representative of the parent/guardian/eligible student's choosing may accompany the parent/guardian/eligible student at the parent/guardian/eligible student's expense. The parent/guardian/eligible student shall have a full and fair opportunity to present evidence related to the amendment request.
5. The Superintendent's decision is final and binding and shall be submitted to the parent/guardian/eligible student at a reasonable time after the hearing.
6. If the Superintendent denies the amendment request, s/he will notify the parent/guardian/eligible student within a reasonable time of his/her right to submit a written response commenting on the contested material and/or explaining the disagreement with the hearing officer's decision. This written response shall be retained and, when applicable, disseminated in accordance with law.

**MODEL NOTIFICATION OF RIGHTS UNDER FERPA  
FOR ELEMENTARY AND SECONDARY SCHOOLS (FGA-E2)**

The Family Educational Rights and Privacy Act (FERPA) affords parents and students who are 18 years of age or older ("eligible students") certain rights with respect to the student's education records. These rights are:

1. The right to inspect and review the student's education records within 45 days after the day the school receives a request for access. Parents or eligible students should submit to the school principal, or appropriate school official, a written request that identifies the records they wish to inspect. The school official will make arrangements for access and notify the parent or eligible student of the time and place where the records may be inspected in accordance with board regulation FGA-BR.
2. The right to request the amendment of the student's education records that the parent or eligible student believes are inaccurate, misleading, or otherwise in violation of the student's privacy rights under FERPA. Parents or eligible students who wish to ask the school to amend a record should write the school principal, or appropriate school official, clearly identify the part of the record they want changed, and specify why it should be changed. If the school decides not to amend the record as requested by the parent or eligible student, the school will notify the parent or eligible student of the decision and of their right to a hearing regarding the request for amendment. Additional information regarding the hearing procedures will be provided to the parent or eligible student when notified of the right to a hearing.
3. The right to provide written consent before the school discloses personally identifiable information (PII) from the student's education records, except to the extent that FERPA authorizes disclosure without consent.

One exception, which permits disclosure without consent, is disclosure to school officials with legitimate educational interests. A school official is a person employed by the school as an administrator, supervisor, instructor, or support staff member (including health or medical staff and law enforcement unit personnel), or a person serving on the school board. A school official also may include a volunteer or contractor outside of the school who performs an institutional service of function for which the school would otherwise use its own employees and who is under the direct control of the school with respect to the use and maintenance of PII from education records, such as an attorney, auditor, medical consultant, or therapist; or a parent or student volunteering to serve on an official committee, such as a disciplinary or grievance committee; or a parent, student, or other volunteer assisting another school official in performing his or her tasks. A school official has a legitimate educational interest if the official needs to review an education record in order to fulfill his or her professional responsibility. Upon request, the school discloses education records without consent to officials of another school district in which a student seeks or intends to enroll, or is already enrolled if the disclosure is for purposes of the student's enrollment or transfer.

4. The right to file a complaint with the U.S. Department of Education concerning alleged failures by the School District to comply with the requirements of FERPA. The name and address of the Office that administers FERPA are:

### **Dickinson Public School District Philosophy**

We, the Dickinson 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.

### **Southwest Community High School Philosophy**

Southwest Community High School is committed to providing for the educational needs of students who choose to complete their secondary education in an individualized, non-traditional setting by promoting student responsibility for academic performance, attendance, and behavior.



## **Dickinson Public School District core values and beliefs**

Every student can learn.

Students are unique individuals with a variety of learning styles.

Positive and respectful home and school environments are essential for learning.

Parents and guardians of students are responsible for preparing their children to come to school ready to learn and the school is responsible for educating all students.

A rigorous and innovative curriculum prepares all students for a constantly changing world.

High standards and expectations should be set for all participants in the educational process.

The student shall be at the center of all educational decisions.

## **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.

## **Process for Admission to Southwest Community High School**

1. Visit with your school counselor to determine whether you are a candidate for the alternative school.
2. Make an appointment with your high school principal to discuss the possibility of attending SWCHS.
3. Recommendation of principal – either approved or denied.
4. If approved, call SWCHS to place your name on the waiting list and make an appointment for parent/guardian and student to meet the principal and go over policies at SWCHS.
5. **Fill out application/registration forms at SWCHS.**
6. **Officially withdraw from your high school.----switched 5 & 6**

Selected students are those who are at risk of dropping out because of failure in a conventional school setting. The smaller school atmosphere fosters positive teacher/student relationships creating an atmosphere of optimism about student potential.

The curriculum at Southwest Community High School is tailored but not downgraded, focusing on students' needs and interests by customizing and individualizing the curriculum. Because students are held to high standards of accountability in all course work, those students who need additional support services beyond what is available in a typical classroom are generally not good candidates for the alternative high school and enrollment at Southwest Community High School may be denied.

**Class Time Schedule**

*Class Time Schedule*

Period 1	8:19– 11:15 AM
Noon Hour (closed to students)	11:35 – 12:20 PM
Period 2	12:19 – 3:15 PM

**Attendance**

Students are required to attend class every day. Our school has one morning session from 8:19 to 11:15 AM and one afternoon session from 12:19 to 3:15 PM. The principal will address attendance issues on a student by student basis. Students may be required to serve make up time and/or may lose class credit. If attendance problems are an ongoing issue for any individual student, he/she will be removed from the roster and placed at the bottom of the waiting list. If there is not a waiting list he/she will be dropped from current classes and may re-enroll after 5 full school days.

**Attendance and Absences Policy**

North Dakota law contains compulsory attendance requirements. In order to comply with and enforce these requirements, the Board establishes the following attendance policy.

**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 taking disciplinary sanctions under Section III this policy as authorized by NDCC 15.1-20-02.1(3):

- *Approved absence* is an absence that the District believes is necessary and/or unavoidable and has received administrative approval. Necessary and/or unavoidable absences may be caused by illness, injury, family emergency, religious observance or instruction, suspension, participation in a school-related activity, court appearances when subpoenaed, or other reasons deemed necessary and/or unavoidable by the 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.

### **Documentation Requirements**

School administration may require applicable documentation to verify an excused or approved absence, including, but not limited to:

1. Medical documentation from an appropriate licensed healthcare provider;
2. A copy of a court summons or subpoena;
3. An obituary for funeral leave;
4. Verification of planned or executed family travel (e.g., a boarding pass);
5. A request from an official at the student's place of worship;
6. A request for an absence due to a curricular or extracurricular event submitted by the student's teacher, coach, or extracurricular advisor.

### **Accumulated Unapproved Absence**

The Board believes that unapproved absences are a form of misconduct and authorizes the Superintendent to establish grade-appropriate the disciplinary consequences. Students will be afforded appropriate due process rights based on the severity of disciplinary penalty that the District is considering imposing. Students shall be required to complete make-up work in accordance with administrative regulations or will receive no credit for incomplete work.

### **Compulsory Attendance Violations**

North Dakota law defines what constitutes a compulsory attendance violation. Suspected violations of the compulsory attendance law shall be reported to school administration and investigated in accordance with law. When a compulsory attendance violation is substantiated, the District shall comply with law enforcement reporting requirements under law.

### **Tardiness**

Tardiness will not be tolerated. The following policy will be followed:

Tardiness will be handled on a student by student basis. Southwest Community High School mimics the responsibilities of the work force for attendance and tardiness. Since SWCHS bases its attendance requirements on instructional time within the school facility, all tardiness will be made up. Options for make-up time are before or after school as well as forfeiting breaks during the school day.

### **Emergency Closing Procedure (ACAA-AR)**

If there is any doubt about school being open or closed, parents/guardians are asked to listen to radio stations KDIX 1230 AM, KLTC 1460 AM, KDXN 105.7 FM, KCAD 99.1 FM and KXDI 94 FM. The district Alert Now message will be activated should weather conditions warrant the closing of schools or early dismissal. Residents are requested not to telephone the school office or central office when weather is bad. Too many calls tie up vital phone lines, making it difficult to keep everything running smoothly.

In the event of other emergencies not related to weather that might require the schools to close or be evacuated during the school day, all district staff will follow the steps outlined in the district Emergency Procedures Manual to ensure the safety and well-being of all children in the schools.

### **First Aid/Accidents**

In the event an accident occurs within the school, or a student or other individual becomes suddenly ill, the responsibility of the school personnel is to provide emergency care, notify parent or guardian and, in serious instances, summon necessary medical care. The Superintendent will develop uniform procedures for giving first aid, arranging for necessary medical care, notifying parents, and officially reporting accidents.

## Sleeping in Class

Sleeping in class is not tolerated. Sleeping is as unproductive as absenteeism.

## Incomplete Grades

At the discretion of the teacher, extended time may be granted to students who have been on task throughout the session.

## Graduation Requirements

1. Students must be enrolled at Southwest Community High School to be eligible for graduation.
2. Students are required to earn 24 credits for graduation.
3. A unit of credit (0.5) is earned through class attendance one period per day, five days per week for 21 days and successful completion of that class. Science courses require 26 days of attendance.
4. In order to graduate from Southwest Community High School, the following credits must be earned:

(* = as needed to units of credit for	English	4 credits	Science	3 credits	meet the required graduation)
	Social Science	3 credits	Physical Education	1 credit	
	Mathematics	3 credits	*Elective Courses	10 credits	

## Grading/Progress Reports/Conferences

Each class will begin with a joint agreement between the teacher and the student which defines the required work to be completed and the expected time frame for completion. Students are given the opportunity to redo failed lessons.

It is the student's responsibility to complete the work satisfactorily within the time allocated. **Failure to stay on schedule can result in an academic suspension for failure to make adequate progress.**

The grading system in our school uses the letters A, B, C, D, and F. F indicates a failing grade. In general, the other four grades are interpreted as follows:

94% – 100%	A – Superior
86 % – 93%	B – Good/Above Average
78% – 85%	C – Average
70 % – 77%	D – Passing/Below Average

Grade slips are issued at the completion of each class.

It is the policy of Southwest Community High School to maintain contact with the home through telephone contact and conferences. Individual appointments are scheduled so that all parents/guardians have an opportunity to confer with the teacher and principal. Parents/guardians are encouraged to contact SWCHS as needed to request progress reports.

## Suspension and Expulsion Policy

### **Definitions**

For the purposes of this policy:

- *School property* is defined 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 activity.

- *Suspension* includes ~~in-school suspension from classes as well as~~ out-of-school exclusion from school classes, buildings, grounds, and activities.

### **Suspension/Expulsion Authority**

The Board hereby delegates to the Superintendent and each principal the authority to deal with disciplinary problems in his/her school, including suspension and recommendation for expulsion of a student. Suspension shall not be imposed beyond the maximum duration permitted by law.

The Board designates the Superintendent to serve as the hearing officer for expulsion hearings unless not qualified to serve as defined in board regulations. In such cases, the Board shall appoint an alternative hearing officer. The hearing officer may expel a student for conduct that violates this policy after providing notice and a hearing as set forth in board regulations. When the hearing officer is someone other than the Dickinson 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 grounds, during a school-sponsored activity, or during a school-related activity is subject to suspension or expulsion:

1. Causing or attempting to cause damage to school property or stealing or attempting to steal school property;
2. Causing or attempting to cause damage to private property or stealing or attempting to steal private property;
3. Causing or attempting to cause physical injury to another person except in self-defense;
4. Possessing or transmitting any firearms, knives, explosives, or other dangerous objects or weapons;
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, whether or not it is obscene, defamatory, or inciteful to violence, where it is disruptive of the educational process;
10. Threats of violence, bomb threats, or threats of injury to individuals or property;
11. Any student behavior that is detrimental or disruptive to the educational process, as determined by the principal.

Copies of these rules shall be posted in a prominent place in each school and shall 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. ~~Because the District does not provide all services to regular education students who are suspended, it shall not provide such services to special education students who are suspended ten school days or less during the school year. Special education students who are suspended for additional periods up to ten consecutive school days for separate acts of misconduct shall be provided services in accordance with law as determined by the Director of Student Services in consultation with the student's special education teacher.~~

The District is not required to refer a regular education student who has been suspended 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 reinstatement to

classroom and campus privileges pending any assessment and evaluation that is to be made during the term of the student's suspension.

**Poor attendance, incomplete courses, and misbehaviors may result in a student's suspension from a class or from school.**

A student may be terminated from their morning class and still attend their afternoon class and vice versa. However, if a student is terminated from both their morning and afternoon classes, they will be terminated from the alternative program. They will be placed at the bottom of the waiting list of accepted applicants if their intention is to return to the program. Students will be out of school for at least 5 days if they are terminated from the program.

**Withdrawal, Drop/Fail and No Credit**

Students removed from classes for violations of the attendance policies or for disciplinary reasons will receive a drop/fail and an "F" will be recorded on the transcript.

A grade of no credit "NC" may be recorded under certain circumstances and only with administrative approval.

**Dickinson Public Schools – Student Activities**

Southwest Community High School students are eligible to participate in Dickinson Public Schools activities and must follow the same policy and code of conduct as students at DHS and Hagen Junior High. Student Athletic Handbooks are available as needed and are also posted at the following website: <http://dickinsonmidgets.olinesports.com>.

**Extra Curricular Participation Requirements**

**Philosophy**

The Board believes that participation in extracurricular activities constitutes a privilege and not a right. Students who participate in extracurricular activities represent the student body, school district, and community on the state and national level. As such, behavior of these students is a reflection of the entire community.

The District will enforce the requirements placed on extracurricular participants by the North Dakota High School Activities Association (NDHSAA), which govern both on and off campus behavior. In addition, the Board has established additional extracurricular participation requirements via a Dickinson Public Schools Code of Conduct policy found in the Hagen Junior High School and Dickinson High School student handbooks.

**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 letter grade of F 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.

**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 notify the student of this suspension.

### **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 time determined by coaches/advisors and administration. Such consequences shall be imposed in addition to other disciplinary consequences imposed under the applicable policy.

When the administration deems suspension from extracurricular participation necessary, s/he shall follow the procedure for suspension from extracurricular participation required by NDHSAA bylaws and Dickinson Public Schools Code of Conduct policy.

## **DICKINSON PUBLIC SCHOOLS SCHOOL ACTIVITIES - CODE OF CONDUCT ~~2014-2015~~ 2015-2016 School Year**

We welcome and encourage our students to participate in the wide variety of activities offered by Dickinson Public Schools. These activity programs exist for the student development of skills, attitudes, and self-esteem. Activities enhance the physical, social, emotional, artistic, and intellectual growth of our students.

Participating in a Dickinson Public Schools activity program is a privilege which requires students to uphold high standards of citizenship, conduct, and appearance that are appropriate for the students who represent Dickinson Public Schools and the community of Dickinson. To participate in a school activity, parents/guardians and students must sign this code and accept the terms, conditions, and rules set forth by Dickinson Public Schools, the North Dakota High School Activities Association (NDHSAA), and the coach/advisor of each activity.

Parents/guardians are encouraged to be positive and supportive in their relationships with coaches/advisors. A team effort by parents/guardians, the school, and participants is needed. Positive parental/guardian communication with coaches/advisors is encouraged.

**CODE OF CONDUCT/MEDICAL RELEASE FORM - All activity participants along with parents/guardians are required to read and sign this Code of Conduct/Medical Care Release Form. This form must be completed every year. Activity participants are NOT ALLOWED TO PRACTICE OR PARTICIPATE IN ANY CONTEST, GAME, PERFORMANCE, OR OTHER INTERSCHOLASTIC EVENT until a current Code of Conduct/Medical Care Release Form is on file with the Activities Office at Dickinson High School**

**PHYSICALS – All athletes, cheerleaders, and dance team members are required to have an annual physical signed by a physician and the participant’s parents/guardians certifying that the participant has passed an adequate physical examination. The above named participants are NOT ALLOWED TO PRACTICE OR PARTICIPATE IN ANY CONTEST, GAME, PERFORMANCE, OR OTHER INTERSCHOLASTIC EVENT until a current physical is on file with the Activities Office at Dickinson High School.**

**PARTICIPATION FEES - All athletes, cheerleaders, and dance team members are required to pay an athletic participation fee. Other non-athletic activities sponsored by Dickinson Public Schools may also require a participation fee. Participants are NOT ALLOWED TO PRACTICE OR PARTICIPATE IN ANY CONTEST, GAME, PERFORMANCE, OR OTHER INTERSCHOLASTIC EVENT until the required fee is paid at the Activities Office at Dickinson High School.**

**SCHOLASTIC ELIGIBILITY - In accordance with the North Dakota High School Activities Association, Dickinson Public Schools has adopted the following academic requirements for eligibility in school activities.**

- a. **Hagen Jr. High Students:** To participate, students may not be failing in **more than one** class. Grades are checked at the midterm of each quarter and at the end of each quarter (8 times per year). If a student has a failing grade in **more than one** class, he or she is declared academically ineligible for one week. The student's grades will then be checked weekly, and the student will remain academically ineligible until the required number of classes is being passed. Also, any Hagen Junior High student participating on a Dickinson High School team/activity must be passing **ALL** classes to be academically eligible for that particular activity.
- b. **Dickinson High School Students:** To participate, students must be passing **at least 3** classes. Grades are checked at the midterm of each quarter and at the end of each quarter (8 times per year). If a student is not passing at least 3 classes, he or she is declared academically ineligible for one week. The student's grades will then be checked weekly, and the student will remain academically ineligible until the required number of classes is being passed. **Additionally** beginning with the 9<sup>th</sup> grade, any student not earning at least 2 credits at the end of a semester is academically ineligible for the 1<sup>st</sup> four weeks of the following semester. In this case, grades for the following semester will be checked after 4 weeks and to be eligible that student must be passing at least 3 classes. If not, the student will remain academically ineligible for one week and the student's grades and eligibility status will be checked weekly.

**SCHOOL ATTENDANCE - At both the junior high and high school level, a student must be in attendance at school all day on the day of a competition, event, or performance unless prior approval is given by the Activities Director or building principal.**

**CITIZENSHIP/SPORTSMANSHIP:** School activity participants are expected to exhibit good citizenship and sportsmanship while at school and in the community. The conduct and behavior of participants is closely observed in many areas of school life and is a direct reflection of themselves, their parents, the school, the community, and the coach/advisor. Participants will be courteous and show respect for people and property. Poor citizenship and poor sportsmanship will be determined by coaches/advisors and school administrators and may result in suspension from school activities.

**SPECIFIC TEAM/ACTIVITY RULES:** Individual programs may have additional training rules/regulations that apply to students. Program participants will be made aware of any specific program rules/regulations that exist. The Activities Director will approve specific program rules. Ability alone does not guarantee a position in any activity. Dedication, cooperation, practice, teamwork, fundamentals, and respect for team/activity rules are required.

**PRACTICE & GAME/EVENT ATTENDANCE:** Activity participants are expected to attend all practices and games/events while in season. In certain situations, participants will need to be absent for justifiable reasons and are considered "excused absences." However, "unexcused absences" may result in suspension from school activities. Excused and unexcused absences will be determined by coaches/advisors and school administrators and may vary from activity to activity depending upon specific circumstances.

**SUSPENSIONS AND EXPULSIONS:** A participant who receives an out-of-school suspension or expulsion for any part of the school day shall not be allowed to participate in any competition, event, or performance for the entire day. Furthermore, a participant shall not be allowed to practice or attend school-sponsored events until this type of suspension/expulsion is completed. A participant who receives an in-school-suspension may be ineligible for participation in school activities. Participation will be decided by the administration and coach/sponsor of the activity affected based upon the severity and circumstances leading to the in-school-suspension.

**INJURIES:** Dickinson Public Schools will ensure that competent coaches/advisors, safe facilities, and safe equipment are utilized. Nevertheless, injuries may still occur. If an injury occurs, notify the coach/advisor. **MEDICAL COSTS FOR INJURIES ARE NOT THE RESPONSIBILITY OF DICKINSON PUBLIC SCHOOLS.** Dickinson Public Schools does not carry insurance to cover costs involved in an injury. Injury costs are the responsibility of participants and/or their parents/guardians.



**ALCOHOL, TOBACCO, AND DRUGS:** Use or possession of tobacco, alcohol, narcotics, drug paraphernalia or other controlled substance defined by North Dakota law is prohibited. Any student who uses or possesses any of these substances will be suspended from all competitions or public appearances beginning when the Activities Director is NOTIFIED by the student, parent/guardian, or law enforcement.

1. First offense of the school year - 6 weeks
2. Second and subsequent offenses in the same school year – additional 18 weeks for each offense

Note:

a. In addition to the suspensions listed above, Dickinson Public Schools also requires that participants must complete a substance abuse evaluation from a licensed addiction facility at the participant's expense beginning with the 2<sup>nd</sup> offense and any subsequent offenses. This policy is in effect starting in the 7<sup>th</sup> grade and cumulative through 12<sup>th</sup> grade. This evaluation must be completed before ever participating in activities sponsored by Dickinson Public Schools again.

b. Keep in mind that students get a “fresh start” every year the school year begins when dealing with suspensions only, not evaluations. The first offense in a single school year is 6 weeks and subsequent offenses in the same school year are 18 weeks. These suspensions start over every year. However, suspensions are cumulative from year to year when dealing with evaluation requirements. For example: A student is suspended for 6 weeks during his or her 8<sup>th</sup> grade year for tobacco. This same student is then again suspended during his or her junior year for alcohol. Because it is a different school year, the suspension would be 6 weeks. However, because this is the 2<sup>nd</sup> offense by this same student since 7<sup>th</sup> grade, an evaluation would be required and would have to be completed before ever participating in activities sponsored by Dickinson Public Schools again.

c. Dickinson Public Schools does provide an appeal process to ensure due process when students are suspended from school activities for alcohol, tobacco, and drug violations. Details of the appeal process and the entire Dickinson Public Schools Policy on Controlled Substance Use and Code of Conduct are available in Dickinson Public Schools student handbooks.

#### **SPECIAL NOTES:**

**When a student is suspended for any reason (other than out-of-school or expulsion), he/she may continue to practice at the coach's/advisor's discretion, but is not eligible to participate in any contest, game, performance, or other interscholastic event and is not allowed to travel with any team or activity group. If the suspension is out-of-school or expulsion, the student is not allowed to practice.**

**The Code of Conduct is in effect for the entire school year for all students whether or not they are currently in an activity. The Code of Conduct extends beyond the school year for those participants who are in an activity that either begins before school starts in the fall or ends after school ends in the spring.**

**Each year, all activity participants are required to sign the Code of Conduct prior to participation. However, all students and parents/guardians are reminded that once the school year begins, all students are subject to the Code of Conduct whether they have signed a Code of Conduct or not for the current school year as these policies are a part of the student handbook.**

**Coop students from other schools participating in activities sponsored by Dickinson Public Schools are required to follow all the same policies and procedures as set by this Code of Conduct and DPS student handbooks.**

**Entire, detailed policies governing school activities sponsored by Dickinson Public Schools can be found in student handbooks.**

## **Correspondence Courses**

Students who take independent study (correspondence) through the Division of Independent Study in Fargo need to be aware of the following:

1. Southwest Community High School teachers are available to administer tests and hand out the course material;
2. The course requirements and getting the lessons completed are the responsibilities of the student; and
3. Seniors who expect to graduate must complete their independent study course work by May 15 to participate in the Division of Independent Study graduation ceremony.
4. Southwest Community High School will provide Division of Independent Study courses as needed to supplement required curriculum.

## **E-School**

Southwest Community High School offers on-line courses through Jefferson County E-School. These classes are offered to give addition elective course options to students at Southwest Community High School. E-School also gives students that are enrolled in Southwest Community High School options for additional credit recovery. Student enrollment in an E-School course is on an as needed basis upon the discretion of the Principal.

## **Parking**

Please park in the parking lot adjacent to the building.

## **Storm Days**

School cancellations for Dickinson Public Schools due to inclement weather WILL include Southwest Community High School.

## **Phone**

Students must obtain permission from the staff to use the school phone or personal cellular device.

## **Lunch Period**

Students are expected to leave school during the lunch period.

## **Dress Code**

Students have a fundamental right to free public education. They have a corresponding responsibility to respect the rights and responsibilities of others and in establishing a climate for learning within the school.

All students are expected to dress and groom themselves neatly in clothes that are suitable for school. Clothing and accessories worn by students are not to endanger the health or safety of other students or distract from the educational process. Most clothing is acceptable for school wear. However:

- Students must wear shoes.
- Written or pictorial messages that are suggestive, belittle any race, religion, nationality, or gender are not acceptable.

- Obscene or vulgar clothing of any kind may not be worn.
- Articles that promote tobacco, alcohol, or illicit drugs are not acceptable.
- Administrators or other delegated school officials may deny a student the right to wear a hat, hood, scarf, or other clothing, if in their professional judgment the article interferes with the educational process.
- Chains (including chains attached to clothing and other accessories), studded jewelry, safety pins attached to clothing (unless provided for an emergency purpose), or items that pose a potential hazard are not allowed.
- Clothing that may be interpreted as “gang” apparel is not appropriate in the classroom.
- Pajamas, slippers, or other loungewear are not appropriate for school.

## **Supplies**

Southwest Community High School will provide textbooks, paper, and writing instruments.

## **Searches of Students and Students’ Personal Property**

A search of a student's personal property or clothing shall only be undertaken when there is a reasonable 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 shall conduct searches of student vehicles if the vehicle is parked on school property and if reasonable suspicion exists with a witness present. 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 and shall complete a search and seizure report form to be retained in the suspected student's educational record.

Students are subject to search upon a reasonable suspicion that the search will yield evidence of violation of a school rule.

### **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.

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 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.

### **Vandalism**

#### **Definition**

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

#### **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.

Destruction of school property or theft against school, teachers, or students may result in suspension. The proper legal authorities may become involved.

## **Student Conduct and Discipline**

### **Discipline/Violence**

Violence is any mean word, look, sign or act that hurts a person's body, feelings or things.

- No one is entitled to use violence.
- Violence is not tolerated in our school.

Disciplinary consequences can include but are not limited to the following:

- restitution;
- detention;
- out-of-school suspension;
- expulsion;
- referral to proper authority and/or non-school agencies.

### **Conduct Standards**

Students will conduct themselves in a manner fitting their age level and maturity and students will not impede on the orderly conduct of district schools. Additionally, students will 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 Standards for Special Education Students**

District employees are required to comply with the Individuals with Disabilities 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 Dickinson Public Schools 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 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.

**Our school staff requires everyone to respect each other. A zero tolerance policy is in effect regarding poor conduct.**

### **Disciplinary Procedures**

As an alternative school, Southwest Community High School operates under the assumption that students are in school by choice and that their behaviors will be appropriate. **Suspensions from school can be made for poor attendance inadequate progress** (failing to complete the required work) **or behavior** (fighting, insubordination, disrespect and insolence). Suspensions will normally be for three school days for the first offense, but the circumstances may dictate a greater or lesser period of time. It is hoped that during their time away from school the student will consider the importance of education and choose to perform appropriately for the school environment.

### **Out-of-School Suspension**

Students that are out-of-school suspended are not permitted to be on school property nor are they permitted to attend any school-sponsored activity (both on-campus and off-campus) until the suspension has been completed.

### **Building Regulations**

1. If you feel you must leave the school building because of illness or an emergency, report to the teacher.
2. **BEVERAGES:** Only beverages purchased within the school may be consumed in the building. Failure to keep the premises neat will result in the suspension of this privilege.

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

#### **Definitions**

For purposes of this policy, *tobacco* is defined to include any product that contains tobacco, is manufactured from tobacco, or contains nicotine. This excludes any FDA-approved nicotine replacement therapy.

#### **Rationale for Regulating Possession & Use**

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

1. Reduce the high incidence of tobacco use in North Dakota.
2. Protect the health and safety of all students, employees, and the general public.
3. Set a non-tobacco-use example by adults.

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

### **Use & Possession Prohibitions**

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

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

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

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

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

This policy will be printed in employee and the student handbooks. The District shall comply with all smoking prohibition posting requirements in NDCC 23-12-10.4

### **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.

### **Tobacco-Free Schools and Workplaces**

~~The District shall comply with all applicable tobacco prohibitions contained in state and federal law. Smoking in district buildings, district owned vehicles, and at sporting events, whether indoor or outdoor, is prohibited.~~

#### ~~Student Use~~

~~Smoking, use, or possession of tobacco products by students is prohibited on district property, including district grounds, and at all school functions. The school principal is responsible for administering appropriate student discipline in accordance with policy and law (which may include suspension and/or recommendation for expulsion from school).~~

#### ~~Staff and Public Use~~

~~Staff and public use of tobacco is prohibited on district property and at all school events.~~

#### ~~Reporting Violations~~

~~All individuals on the district's premises share in the responsibility for adhering to and enforcing this policy. Any individual who observes a violation on district property may report it to the appropriate principal in the case of students, the appropriate supervisor in the case of employees, and in the case of all others, to the building principal or other school district supervisory personnel responsible for the area or program during which the violation occurred.~~

#### ~~Enforcement & Training~~

~~The Superintendent shall develop regulations for the enforcement and implementation of this policy including educational and informational programs to assist students, staff, and public with understanding, accepting, and cooperating with the policy. The District shall comply with all tobacco education curriculum requirements in accordance with law.~~

### **Carrying Weapons Policy**

#### **Definitions**

- *Firearm* is defined in accordance with 18 U.S.C. 921.

- *Weapon* includes, but is not limited to any knife, razor, ice pick, explosive, smoke bomb, incendiary device, firearm, slingshot, bludgeon, brass knuckles or artificial knuckles of any kind, or any object that can reasonably be considered a weapon, dangerous instrument, or look-alike.

**Prohibitions**

No student will knowingly possess, handle, carry, or transmit any weapon or dangerous objects, or look-a-likes, in any school building, on school grounds, in any school vehicle or at any school-sponsored activity.

**Disciplinary Consequences**

Violation of this policy will result in disciplinary action up to and including suspension or expulsion. Bringing a weapon other than a firearm to school will require that proceedings for the suspension for up to 10 days 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 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 which 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 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 the expelled student would place himself/herself or others at risk by returning to the school prior to the expiration of the expulsion period.

Parents will be notified and all weapons, dangerous objects, or look-a-likes will be confiscated and may be turned over to the student's parents or to law enforcement officials at the discretion of the administration. Firearms will be confiscated and turned over to law enforcement.

**Special Education Students**

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

**Nonapplicable Provisions**

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

**Citation for Disorderly Conduct**

Building principals may cite students for disorderly conduct under *North Dakota Century Code 12.1-31-01*. An individual is guilty of a Class B misdemeanor if, with intent to harass, annoy, or alarm another person or in reckless disregard of the fact that another person is harassed, annoyed, or alarmed by the individual's behavior, the individual:

- Engages in fighting, or in violent, tumultuous, or threatening behavior;
- Makes unreasonable noise;
- In a public place, uses abusive or obscene language, or makes an obscene gesture;



- Obstructs vehicular or pedestrian traffic, or the use of a public facility;
- Persistently follows a person in or about a public place or places;
- While loitering in a public place for the purpose of soliciting sexual contact, the individual solicits the contact;
- Creates a hazardous, physically offensive, or seriously alarming condition by any act that serves no legitimate purpose; or
- Engages in harassing conduct by means of intrusive or unwanted acts, words, or gestures that are intended to adversely affect the safety, security, or privacy of another person.

### **Citation for Truancy**

#### **15.1-20-03. Compulsory attendance law - Enforcement - Penalty.**

1. Any person who fails to ensure that a child is in attendance as required by this chapter is guilty of an infraction for a first offense and is guilty of a class B misdemeanor for a second or subsequent offense.
2. In a prosecution for an offense under this section, it is an affirmative defense if the person responsible for ensuring that the child is in attendance has made substantial and reasonable efforts to comply with the requirements of this section, but is unable to compel the child to attend school. If the court determines that the affirmative defense is valid, the court shall dismiss the complaint against the person.

### **Citation for Unruly Behavior**

Building principals may cite students for “Unruly Behavior” in school under **North Dakota Century Code 27. 20-02**

“Unruly Child” means a child who:

- a. Is habitually and without justification truant from school;
- b. Is habitually disobedient of the reasonable and lawful commands of the child’s parent, guardian, or other custodian and is ungovernable; or who is willfully in a situation dangerous or injurious to the health, safety, or morals of the child or others;
- c. Has committed an offense applicable only to a child, except for an offense committed by a minor fourteen years of age or older under subsection 2 of section 12.1-31-03 or an equivalent local ordinance or resolution;
- d. Has committed a noncriminal traffic offense without ever having been issued an operator’s license or permit if one was required;
- e. Has committed an offense in violation of section 39-08-18 or 5-01-08; or
- f. Is under the age of fourteen years and has purchased, possessed; smoked; or used tobacco or tobacco-related products in violation of subsection 2 of section 12.1-31-03; and
- g. In any of the foregoing instances is in need of treatment or rehabilitation.

### **Citation for Willful Disturbance**

Building principals may cite students for willful disturbance of schools under *North Dakota Century Code 15.1-06-16*.

Any person, whether pupil or not, who willfully molests or disturbs a public school when in session, or who willfully interferes with or interrupts the proper order or management of a public school, by act of violence, boisterous conduct, or threatening language, so as to prevent the teacher or any pupil from performing his duty, or who, in the presence of the schoolchildren, upbraids, insults, or threatens the teacher, shall be guilty of a Class B misdemeanor which makes them subject to a potential fine up to \$1,000 or 30 days in jail.

## **Bullying Prevention**

### **Definitions**

Bullying – Definition. As used in Century Code sections 15.1-19-17 through 15.1-19-22:

- “Bullying” means:
  - a. Conduct that occurs in a public school, on school district premises, in a district owned or leased school bus or school vehicle, or at any public school or school district sanctioned or sponsored activity or event and which:
    - (1) Is so severe, pervasive, or objectively offensive that it substantially interferes with the student’s educational opportunities;
    - (2) Places the student in actual and reasonable fear of harm;
    - (3) Places the student in actual and reasonable fear of damage to property of the student;or
    - (4) Substantially disrupts the orderly operation of the public school; or
  - b. Conduct that is received by a student while the student is in a public school, on school district premises, in a district owned or leased school bus or school vehicle, or at any public school or school district sanctioned or sponsored activity or event and which:
    - (1) Is so severe, pervasive, or objectively offensive that it substantially interferes with the student’s educational opportunities;
    - (2) Places the student in actual and reasonable fear of harm;
    - (3) Places the student in actual and reasonable fear of damage to property of the student; or
    - (4) Substantially disrupts the orderly operation of the public school.
- “Conduct” includes the use of technology or other electronic media.
- *Protected classes* are classifications/characteristics protected from discrimination by NDCC 14-02.4-01 and federal law. The following classes are protected: race, color, religion, sex, national origin, age, disability (physical or mental), and status with regard to marriage or public assistance.
- *School property* or the term *on-campus* refers to all property owned or leased by the District, school buses and other vehicles, or any school district sponsored or school-sanctioned activity.
- *School-sanctioned activity* is defined 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* shall include all employees of the Dickinson 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 intent to inflict harm.

### **Prohibitions**

While at a public school, on school district premises, in a district-owned or leased school bus or school vehicle, or at any public school or school district sanctioned or sponsored activity or event, a student **staff member or school volunteer** may not:

1. Engage in bullying;
2. Engage in reprisal or retaliation against:

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

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

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

1. Reporting requirements for school staff: Any school staff member with knowledge or suspicion of a violation of this policy or who has received an oral or written report of a violation of this policy from a student, community member, or anonymously shall contact the building principal to inform him/her as soon as possible. If the alleged violation implicates the building principal, the school staff member shall report it to the Superintendent. If the alleged violation implicates the Superintendent, the school staff member shall file it with the Board President.

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

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

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

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

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

### **Documentation & Retention**

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

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

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

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

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

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

whichever is later. If a student does not graduate from the District, such reports and investigation material shall be retained for six years after the student turns 18.

### **Investigation Procedures**

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

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

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

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

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

### **Disciplinary & Corrective Measures**

Students that the District has found to have violated this policy shall be subject to disciplinary consequences and/or corrective measures. When determining the appropriate response to violations of this policy, administration shall take into account the totality of circumstances surrounding the violation.

Measures that may be imposed include, but are not limited to:

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

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

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

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

### **Victim Protection Strategies**

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

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

### **Prevention Programs & Professional Development Activities**

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

## **Student Alcohol and Other Drug Use/Abuse**

### **Philosophy**

The Dickinson Public Schools 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.

### **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 in this policy. A student will be determined to be "in possession" when the substance is on the student's person or in the student's locker, car, handbag, or when s/he owns it completely or partially.
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 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, who is in attendance at school or at a school-sponsored activity or whose off-campus conduct is reasonably predicted to substantially disrupt the operations of the school district, district safety, or welfare of students or employees.

**Prohibited Substances:**

1. Alcohol or any alcoholic beverage;
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.

The District has a separate policy dealing with tobacco use.

**Reporting Violations**

A student or staff member that has reason to believe that a student has violated this policy should 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, a teacher is required to report known or suspected violations of this policy to the school principal.

**Violation**

When a principal/Superintendent has reasonable suspicion that a student has violated this policy, s/he may search the student in accordance with the district's policy on searches of students' personal property. Such searches shall not include referral for mandatory alcohol/drug testing.

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.

Any student who is observed to be under the influence of a prohibited substance will be taken immediately to the principal's office. The student's parents will be notified and asked to pick up the student. If there appears to be imminent danger to other students, school personnel, and/or the student involved, the principal may have the student removed from the school by school, medical, or law enforcement personnel.

**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 which may affect the student's ability to learn or the educational climate of the school, the school has a right and a responsibility to refer the student for a formal chemical dependency diagnosis. 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 his/her harmful involvement with chemicals, s/he may 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 and 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.

### **Education**

This 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.

### **Asbestos Notice**

The Asbestos Hazard Emergency Response Act (AHERA) required that all public school buildings be inspected or re-inspected for the presence of asbestos every three years after a management plan is in effect. The same statute also required initial and annual notifications of the availability of a management plan which outlines the steps to be taken to eliminate any hazards.

The Dickinson Public School District has a very limited amount of asbestos containing materials in the school buildings and it is being managed in strict compliance with all pertinent federal regulations. A copy of the inspection report, which details the locations of these materials and the proper management procedures, is available for public inspection during normal working hours in the Central Administration Office.

### **Asthma - Anaphylaxis - Self-administration of medication by student - Liability.**

A new section to chapter 15.1-19 of the North Dakota Century Code is as follows:

1. A student who has been diagnosed with asthma or anaphylaxis may possess and self-administer emergency medication for the treatment of such conditions provided the student's parent files with the school a document that is signed by the student's health care provider and which:
  - a. Indicates that the student has been instructed in the self-administration of emergency medication for the treatment of asthma or anaphylaxis;
  - b. Lists the name, dosage, and frequency of all medication prescribed to the student for use in the treatment of the student's asthma or anaphylaxis; and
  - c. Includes guidelines for the treatment of the student in the case of an asthmatic episode or anaphylaxis.
  
2. Neither a private school or a school district nor any employee of the private school or district is liable for civil damages incurred by:
  - a. A student who administers emergency medication to himself or herself in accordance with subsection 1.
  - b. An individual because a student was permitted to possess emergency medication in accordance with subsection 1.

3. For purposes of this section, "emergency medication" includes a prescription drug delivered by inhalation to alleviate asthmatic symptoms and an epinephrine auto-injectable pen.

### **Administering Prescriptive Medicines**

1. No prescription or nonprescription medication will be administered by school personnel unless authorized by parent/guardian or prescribed by a licensed prescriber and an authorization form is signed by a parent or legal guardian (Form C FCAB-E).
2. Prescription medication must be in a container with a label prepared by a pharmacist. Nonprescription medication must be in the **original container** labeled with the student's name and dosage.
3. Medications are to be properly labeled with student's name, name of medication, dosage amount, frequency of administering, name and telephone number of pharmacy, prescription number and doctor's name. Prescription and nonprescription medications must be hand delivered to the school personnel by the parent/guardian.
4. School personnel will keep a separate record of administering medication, noting date, time and initials of person administering the medication.
5. The parent is to make the school personnel aware of any side effects and whom to notify in case of emergency.
6. Any change in type or amount of medication must be approved by parents (a new approval form must be signed and completed).

SB2163 (effective August 1, 2005)

By law a student who has been diagnosed with asthma or anaphylaxis may possess and self-administer emergency medication for the treatment of such conditions provided the student's parent files with the school a document that is signed by the student's physician and which:

- a. Indicates that the student has been instructed in the self-administration of emergency medication for the treatment of asthma or anaphylaxis;
- b. Lists the name, dosage, and frequency of all medication prescribed to the student for use in the treatment of the student's asthma or anaphylaxis; and
- c. Includes guidelines for the treatment of the student in the case of an asthmatic episode or anaphylaxis.

Neither a school district nor any employee of the district is liable for civil damages incurred by a student who administers emergency medication to himself or herself, or an individual because a student was permitted to possess emergency medication.

### **Title IX Policy**

You are hereby notified that Dickinson Public School District #1 does not discriminate on the basis of race, color, national origin, sex or handicap in its educational programs/activities and employment policies/practices. It is required by Title IX and Part 86 of the Department of Health, Education and Welfare regulations not to discriminate in such a manner.

You are further notified that inquiries concerning the application of Title IX and part 86 may be referred to Vince Reep, Central Administration Office, who has been designated as the person responsible for coordinating the efforts of Dickinson Public School District #1 to comply with and carry out its responsibilities under Title IX and Part 86, including any investigation of complaints alleging noncompliance.

### **Harassment**



Harassment infringes on an employee and/or student's right to a comfortable environment and is a form of misconduct, which undermines the integrity of the relationship. No employee or student should be subjected to harassment either verbal or physical. Harassment will not be tolerated and should be reported to the administration. Reports of harassment will be investigated and appropriate consequences enforced.

## **Nondiscrimination and Anti-Harassment Policy – Policy AAC**

### **General Prohibitions**

The Dickinson Public Schools 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 and/or employee's race, color, religion, sex, gender identity, national origin, ancestry, disability, age, or other status protected by law.

It shall be a violation of this policy for any district student or employee to harass or discriminate against another district student or employee ~~sexually or~~ based on any ~~other class status~~ protected by law. The District will not tolerate harassment or discrimination 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 person affiliated with a person 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 harassment or discrimination complaint and act on findings as appropriate, which may include disciplinary measures such as, but not limited to, termination of employment or expulsion in accordance with board policy, law, and, when applicable, the negotiated agreement. Students and employees are expected to fully cooperate in the investigation process.

### **Definitions**

- **Complainant is the individual filing the complaint. When the complainant is not the victim of the alleged harassment/discrimination, the victim will be afforded the same rights as the complainant under this policy and regulation AAC-BR.**
- *Disability* is defined in accordance with NDCC 14-02.4-02 (5).
- *Discrimination* means failure to treat a person equally due to a protected status. Protected status is defined in applicable state (NDCC 14-02.4-02 (6)) and federal laws. ~~Discrimination is defined in accordance with NDCC 14-02.4-02 (6).~~
- *Employee* is defined in accordance with NDCC 14-02.4-02 (7).
- *Harassment* is a specific type of discrimination based on a protected status. It occurs under the following conditions:
  - a. For employees when enduring the offensive conduct becomes a condition of continued employment, or the conduct is severe or pervasive enough to create a work environment that a reasonable person would consider intimidating, hostile, or abusive
  - b. For students when the conduct is sufficiently severe, persistent, or pervasive to limit a student's ability to participate in or benefit from the education program or to create a hostile or abusive education environment
- ~~*Harassment* is any physical or verbal conduct related to an individual's race, color, religion, gender, national origin, age, disability, ancestry, marital status, or other class protected by law that creates an intimidating, hostile, or offensive working or educational environment or is otherwise sufficiently serious to substantially or unreasonably limit an individual's employment or educational opportunities.~~
- *Sexual harassment* is a form of harassment based on sex or gender identity. It is defined as unwelcome sexual advances, requests for sexual favors, and/or other verbal, written, or physical conduct or communication of a sexual nature when:

- a. It is quid pro quo, meaning submission to such conduct or communication is made a term or condition, either explicitly or implicitly, ~~of the basis for employment decisions or educational decisions or benefits for students (e.g., receiving a grade) of obtaining or retaining employment; of obtaining an education, advancement, or grade, or is used as a factor in decisions affecting an individual's employment or education.~~
  - b. It creates a hostile environment meaning ~~such conduct or communication that has the purpose or effect of substantially or unreasonably interfering with an individual's employment or education or creating an intimidating, hostile, or offensive employment or education environment~~ unwelcome sexual conduct or communication that is sufficiently serious to deny or limit a student's ability to participate in or benefit from the school's program(s). For employees a hostile environment is created when submission to unwelcome sexual conduct is made either explicitly or implicitly a term or condition of an individual's employment.
- *Sexual harassment examples* may include, but are not limited to:
    - 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 a person's sexual orientation
    - k. ~~Sexual violence including, but not limited to, rape, sexual battery, sexual abuse, and sexual coercion~~

### **Complaint Filing Procedure**

The Board shall create an informal and formal harassment and discrimination complaint filing procedure in board regulations. Nothing in this policy or in the harassment/discrimination grievance procedure shall prevent an individual from pursuing redress through state and/or federal law.

### **Confidentiality**

An individual wishing to file an anonymous harassment and/or discrimination complaint shall be advised that confidentiality will limit the district's ability to fully respond to the complaint ~~and that retaliation is prohibited.~~ The Title IX Coordinator 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. A harassment or discrimination 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.

### **Responsible Employees**

The Superintendent shall identify school employees responsible for receiving and reporting discrimination and harassment incidents and complaints. These individuals shall be listed in student handbooks and shall receive appropriate training on their reporting duties.

### **Policy Training and Dissemination**

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

### **Nondiscrimination Coordinator**

The Board designates the assistant superintendent as the Title IX and Nondiscrimination Coordinator. The assistant superintendent may be contacted at: 444 4<sup>th</sup> Street West, Dickinson, ND (701) 456-0002. ~~The Title IX/Nondiscrimination Coordinator and any other school official responsible for investigation of discrimination complaints shall receive appropriate training.~~

## **Nondiscrimination Policy**

YOU ARE HEREBY NOTIFIED that the Dickinson Public School District #1 does not discriminate on the basis of sex in the educational programs or activities which it operates, and that it is required by the Title IX and Part 86 of the Department of Health, Education and Welfare regulations not to discriminate in such a manner.

YOU ARE FURTHER NOTIFIED that the Dickinson Public School District #1 does not discriminate in services or employment practices on a basis of handicap, in accordance with North Dakota Century Code 15-59-04, or PL94-142, Section 504 of the Vocational Rehabilitation Act of 1973, and as amended.

YOU ARE FURTHER NOTIFIED that the Dickinson Public School District #1 does not discriminate on a basis of color, race, creed, or national origin.

YOU ARE FURTHER NOTIFIED that inquiries concerning the application of Title IX, 504, or other issues of equal opportunity may be referred to the Director of Student Services, Dorothy Martinson, who has been designated as the person responsible for coordinating the efforts of the Dickinson Public School District #1 to comply with and carry out these responsibilities, including any investigation of complaints alleging noncompliance of practices and violation of law or school board policy.

## **Copyrighted Material and Intellectual Property – Policy ABCA**

### **Copyright Prohibitions**

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

### **Compliance**

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

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

### **Intellectual Property**

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

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

## **Internet - Student Access to Internet & Computer Network Policy**

One of the major purposes of the Internet is to support research and education in academic institutions in the United States by providing access to unique resources. The use of the Internet in the Dickinson Public School District must be in support of educational goals and consistent with the stated objective of the school district. Use of other networks or computing resources must comply with the rules appropriate for that network. The Dickinson Public School District is bound by the Acceptable User Policy of its current Internet Service Provider.

Transmission of any material in violation of any federal or state law or regulation is prohibited. This includes, but is not limited to, copyrighted material, threatening, harassing, or obscene material, or material protected by trade secrets. Use for commercial activities by for-profit institutions is generally not acceptable. Use for product advertisement is also prohibited. Illegal activities are strictly prohibited.

The use of the Internet for any use other than required curriculum activities is a privilege not a right. Inappropriate use may result in cancellation of those privileges. This cancellation of privileges may be up to 12 months and includes all available computers in the Dickinson Public School system. Based upon acceptable use guidelines outlined in this document, faculty and administrators will determine what constitutes inappropriate use and their decision is final.

Users are expected to abide by generally accepted rules of network etiquette. These include, but are not limited to the following:

1. Be polite. Do not write or send abusive messages to others. Do not post anonymous messages.
2. Use appropriate language. Do not swear, use vulgarities or any other inappropriate language.
3. Do not reveal the personal home address or phone numbers of students or colleagues.
4. Note that electronic mail (email) is not guaranteed to be private. Messages relating to or in support of illegal activities may be reported to the authorities.
5. Do not use the Internet in such a way that would disrupt the use of the Internet or the network by other users (e.g. downloading large files during prime time, sending chain letters or mass email messages, annoying other users).
6. Do not post personal communications without the original author's consent.

Users who identify a security problem on the network must not communicate the problem to other users and must promptly notify the system administrator. Users must not use another individual's account nor give their password to others. Logging into the network with another's login will result in a cancellation of user privileges. Attempts to login to the network as a system administrator will result in cancellation of user privileges. Any user identified as a security risk or having a history of inappropriate use of the network or Internet may be denied access.

Vandalism will result in cancellation of privileges. Vandalism is defined as any attempt to harm or destroy data of another user and/or any workstation or network hardware, software or cabling that is part of the network. This includes but is not limited to uploading, downloading, creating computer viruses, damaging computers, computer systems, computer networks, or intentionally wasting resources.

Obscene, abusive or otherwise offensive language may appear on the Internet, as well as sexually explicit, racially biased, or other offensive materials. Dickinson Public Schools, while providing access to the seemingly limitless resources on the Internet, will attempt to protect students from the location of questionable materials. This will be accomplished by educating parents and students about the Internet and by controlling access when appropriate and feasible. It is the responsibility of all students to access only appropriate servers and sites on the Internet. The Dickinson Public School District is in compliance with the Children's Internet Protection Act, which mandates that the Internet be filtered in educational institutions.

To gain access to email and the Internet all students under the age of 18 must obtain parental permission. Parents desiring their children to have access must sign and return the proper form. A new form will be signed when a student is first registered in the school district and upon entering the junior high and high school levels.

## **Children's Internet Protection Act (CIPA)**

Schools applying for e-rate funds must have a technology protection measure in place that blocks or filters Internet access. This filter may be disabled for bona fide research for adults. The policy must include monitoring the on-line activities of minors.

The Internet safety policy must address:

- access by minors to inappropriate matter
- safety and security with email, chatting on the internet, etc.
- unauthorized access
- unauthorized disclosure
- measures to restrict minors' access to materials that are harmful to minors

This measure is necessary for e-rate funding and Title III of the ESEA and Library Services and Technology Act funds.

Sendit Technology Services (STS), our Internet service provider, provides filtering to our school district with 8e6 Technologies Hardware (formerly X-Stop). The URL database is updated daily. This filter prevents students from accessing web sites that are not consistent with K-12 curriculum. The categories blocked are: alcohol, anarchy, chat, criminal skills, cults, drugs, gambling, hate groups, obscene and tasteless sites, personal ads, pornography and public web proxies. The filtering policy can be found on the STS web site: <http://www.sendit.nodak.edu>

## **Computer Network - User's Agreement and Parent Permission Form**

As a user of the Southwest Community High School computer network, I have reviewed and agree to comply with the school rules governing communication over the network in a reliable fashion while honoring all relevant laws and restrictions.

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Student Signature

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Date

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Grade

As the parent or legal guardian of the student signing above, I grant permission for my son or daughter to access networked computer services, such as electronic mail and the *Internet*. I understand that individuals and families may be held liable for violations. I understand that some materials on the *Internet* may be objectionable, but I accept responsibility for guidance of *Internet* use, setting and conveying standards for my daughter or son to follow when selecting, sharing or exploring information and the media.

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Parent Signature

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Date

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Grade

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Name of Student

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Grade

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Birth Date

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Address

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City, State, Zip Code

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Home Telephone