Policies, Procedures and Preventing Sexual Harassment Information

2018-2019

NOTE: School Board policies may be subject to revision.
District-wide Goal
We will ensure high levels of learning through effective collaboration of staff and students and communication with parents and community leaders.

Vision Statement
Empowering all Learners to Succeed

Belief Statements
At Dickinson Public Schools We Believe:

- Positive and respectful school environments are essential for learning.

- The quality of the school directly influences the quality of the community within which we live.

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

- Every student can learn at high levels.

- It is the responsibility of the school district to prepare the learners for the 21st century.

- Effective teachers are the key to student success.
PHILOSOPHY OF THE DICKINSON PUBLIC SCHOOLS

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.

End of Dickinson School District #1 Policy AAA........................................... Amended: 10/10/16
NONDISCRIMINATION AND ANTI-HARASSMENT POLICY

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’s, parent’s, guardian’s, or employee’s race, color, religion, sex, gender identity, sexual orientation, national origin, ancestry, disability, age, marital status, or other status protected by law.

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

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

Definitions
• Complainant is the individual filing the complaint. If the complainant is not the victim of the alleged discrimination and/or harassment the victim must be afforded the same rights as the complainant under this policy and regulation AAC-BR.
• Disability is defined in accordance with NDCC § 14-02.4-02 (5).
• Discrimination means failure to treat an individual equally due to a protected status.
• Protected status shall include the statuses identified above, along with any other status protected by applicable state and federal laws.
• Employee is defined in accordance with NDCC § 14-02.4-02 (7).
• Harassment is a specific type of discrimination based on a protected status. It occurs under the following conditions:
For employees, when enduring the offensive conduct becomes a condition of continued employment, or the conduct is severe or pervasive enough to create a work environment that a reasonable individual would consider intimidating, hostile, or abusive.

For students, when the conduct is sufficiently severe, persistent, or pervasive so as to limit the student's ability to participate in or benefit from the education program or to create a hostile or abusive education environment.

Section 504 (Section 504 of the Rehabilitation Action of 1973, as amended, 29 U.S.C. 794) is a federal law designed to protect the rights of individuals with disabilities in programs and activities that receive federal financial assistance from the U.S. Department of Education.

Sexual harassment is a form of harassment based on sex, sexual orientation, 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:

- 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).
- It creates a hostile environment meaning unwelcome sexual conduct or communication that is sufficiently serious to deny or limit a student's ability to participate in or benefit from the school's program(s). For employees a hostile environment is created when submission to unwelcome sexual conduct is made either explicitly or implicitly a term or condition of an individual's employment.

Sexual harassment examples include:

- sexual or "dirty" jokes;
- unwelcome sexual advances;
- requests for sexual favors;
- sexually motivated physical conduct or other verbal or physical conduct or communication of a sexual nature, including unwelcome touching, such as patting, pinching, or constant brushing against another's body;
- displaying or distributing of sexually explicit drawings, pictures, and written materials;
- graffiti of a sexual nature;
- sexual gestures;
- touching oneself sexually or talking about one's sexual activity in front of others;
- spreading rumors about or rating other's sexual activity or performance;
- remarks about an individual's sexual orientation; or
- sexual violence including rape, sexual battery, sexual abuse, and sexual coercion.
- *Title II of the Americans with Disabilities Act* extends the prohibition on discrimination established by Section 504 to all services, programs, and activities of State and local government entities.

- *Title IX* is a federal law that protects people from discrimination, based on sex, in education programs or activities that receive federal financial assistance.

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

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

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

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

**Grievance Coordinator**
The Title IX coordinator’s responsibilities include overseeing the District’s response to Title IX reports and complaints and identifying and addressing any patterns or systemic problems revealed by such reports and complaints. The Title IX coordinator must have knowledge of the requirements of Title IX, of the District’s policies and procedures on sex discrimination, and of all complaints raising Title IX issues throughout the District. To accomplish this, the Title IX coordinator must be informed of any report or complaint raising Title IX issues, even if the report or complaint was initially filed with another individual or office or if the investigation will be conducted by another individual or office. The Board designates the Human Resources Director as the Title IX coordinator.
He/She may be contacted at: 444 4th Street West, Dickinson, ND 58601 or 701-456-0002.

The 504/Title II coordinator's responsibilities include overseeing the District's response to disability discrimination reports and complaints. The 504/Title II Coordinator must have knowledge of the requirements of Section 504 and Title II, of the District's policies and procedures on disability discrimination, and of all complaints raising Section 504/Title II issues throughout the District. To accomplish this, the 504/Title II Coordinator must be informed of any report or complaint raising 504/Title II issues, even if the report or complaint was initially filed with another individual or office or if the investigation will be conducted by another individual or office. The Board designates the Director of Student Services as the 504/Title II coordinator. He/She may be contacted at: 444 4th Street West, Dickinson, ND 58601 or 701-456-0002.

All other complaints, other than Title IX, 504, or Title II, shall be referred to the Human Resources Director.

The Title IX coordinator, 504/Title II coordinator, and any other school official responsible for the investigation of discrimination complaints, shall receive training. This training will include:
1. The definition of discrimination, harassment, and retaliation;
2. The handling of complaints under the Discrimination, Harassment, and Retaliation Grievance Procedure (AAC-BR); and
3. The applicability of confidentiality requirements.

Complementary Documents
- AAC-BR, Discrimination, Harassment, and Retaliation Grievance Procedure
- AAC-E, Filing a State or Federal Discrimination and/or Harassment Complaint
- AAC-E2, Discrimination and/or Harassment Complaint Confidentiality Assessment
- AAC-E3, Discrimination and/or Harassment Training Requirements for Students and Employees
- AAC-E4, Reasonable Accommodation Request Physician Form
- FGDB, Student Handbooks

End of Dickinson School District #1 Policy AAC.................................................. Amended: 05/08/17
DISCRIMINATION, HARASSMENT, AND RETALIATION GRIEVANCE PROCEDURE

The following procedure is designed to resolve discrimination, harassment and retaliation complaints by and against District students, parents, employees, and third parties, as described in board policy coded AAC, in a prompt and equitable manner. Board policy requires all students and employees to fully cooperate when asked to participate in a discrimination, harassment, or retaliation investigation. The procedure contained in this regulation supersedes the District’s policies regarding complaints about personnel and bullying.

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

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

With Whom Complaints May be Filed
A complaint may be filed with any District employee. District employees are required to report any discrimination, harassment, or retaliation to the appropriate grievance coordinator (Title IX, 504/Title II, or Nondiscrimination) when they knew (e.g., received a complaint, directly observed it) or should have known it was occurring (e.g., overheard students talking about an incident, saw discriminatory or harassing graffiti or vandalism on school property). Complaints other than Title IX, 504, or Title II shall be referred to the Human Resources Director. Failure by a District employee to report under this regulation may result in disciplinary action.

Initiating Complaint Resolution Procedure
After receiving a discrimination, harassment and/or retaliation complaint or gaining knowledge of potentially discriminatory, harassing, and/or retaliating conduct, the appropriate grievance coordinator shall contact the complainant, determine if an informal or formal investigation is appropriate, and determine if the complainant requests confidentiality. Requests for confidentiality must be handled in accordance with policy AAC.

Prohibition on Meeting with the Accused
At no time during the informal or formal resolution process shall the complainant be required to meet with the accused. If the appropriate grievance coordinator assigned to conduct or oversee the investigation is the accused, the Superintendent, or Board President (if the Superintendent is the accused) shall designate a different individual (which may be a third party) to carry out the accused's responsibilities associated with the investigation.
Third-Party Assistance
A school official responsible for conducting or overseeing discrimination, harassment, and/or retaliation investigations is authorized to receive assistance from the District’s legal counsel throughout the process.

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

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

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

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

During the informal resolution process, the investigator shall gather information necessary to understand and resolve the complaint. Based on this fact-gathering process, the investigator shall propose an informal resolution, which may include requiring the accused to undergo training on discrimination, harassment, and/or retaliation requiring all students and District employees to undergo such training, instituting protection mechanisms for the complainant, and/or holding a formal meeting with the accused to review the nondiscrimination and anti-harassment policy AAC and discuss the implications of violating it. Both the complainant and the accused must agree to the informal resolution before it can be instituted.

The appropriate grievance coordinator shall monitor the implementation and effectiveness of the informal resolution procedure and initiate the formal resolution procedure if discrimination, harassment, and/or retaliation persists.
Both the complainant and the accused have the right to terminate the informal resolution procedure at any time in writing to pursue a remedy under the formal resolution procedure.

**Formal Resolution Procedure**

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

Whenever alleged discrimination, harassment, or retaliation may have constituted a crime, the Superintendent should contact law enforcement and enter into a memorandum of understanding concerning sharing of evidence and coordination of the investigation. However, the District shall proceed with its investigation and this resolution procedure, regardless of the criminal investigation or outcome.

The fact-gathering portion of the investigation must be carried out or overseen by the appropriate grievance coordinator and must consist of interviews with the complainant, the accused, and any others who may have witnessed or otherwise have knowledge of the circumstances giving rise to the alleged complaint and may involve gathering and review of information relevant to the complaint. Both the complainant and accused will have equal opportunity to present evidence and name witnesses. Witnesses must be instructed not to discuss this matter with others except proper authorities.

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

**Investigation Report**

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

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

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

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

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

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

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

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

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

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

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

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

Investigation Materials
Investigation materials must be retained by the appropriate grievance coordinator for at least six years.

End of Dickinson School District #1 Board Reg. AAC-BR............................... Amended: 05/25/17
DICKINSON PUBLIC SCHOOL DISTRICT’S POLICY FOR TOBACCO USE

Definitions
For purposes of this policy:

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

- _Smokeless tobacco_ means any snuff or chewing tobacco.

- _Possession of Tobacco Products_ means:
  a. Actual physical possession of the tobacco product while on school property;
  b. Use or consumption of the tobacco product while on school property;
  c. Tobacco product located in the student’s locker, car, handbag, backpack, or other belongings while on school property; or
  d. Appearance by a student on school property after having consumed or ingested the tobacco product that is noticeable by breath odor.

- _Smoking_ means inhaling, exhaling, burning, or carrying any lighted or heated cigar, cigarette, or pipe, or any other lighted or heated tobacco, nicotine, or plant product intended for inhalation, including hookah and marijuana, whether natural or synthetic. “Smoking” also includes the use of an electronic smoking device.

- _School property_ is defined in NDCC 15.1-19-10(6)(b) as all land within the perimeter of the school site and all school buildings, structures, facilities, and school vehicles, whether owned or leased by a school district, and the site of any school-sponsored event or activity.

- _Tobacco product_ means any product that is made from or derived from tobacco, or that contains nicotine, that is intended for human consumption or is likely to be consumed, whether smoked, heated, chewed, absorbed, dissolved, inhaled or ingested by any other means, including, but not limited to, a cigarette, a cigar, pipe tobacco, chewing tobacco, snuff, or snus. Tobacco product also includes any electronic smoking device.

- _Tobacco use_ means smoking and the heating, inhaling, chewing, absorbing, dissolving or ingesting any tobacco product.

Rationale for Regulating Possession & Use
The health hazards of tobacco use have been well established. This policy is established to:

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

2. **Staff/Visitors**: The use of tobacco products by all school employees and visitors on district property is prohibited.

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

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

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

Communicating to Students, Staff, & Public
This policy will be printed in employee and student handbooks. The District shall comply with all smoking prohibition posting requirements in NDCC 23-12-10.4

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

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

Complementary Documents
- ABBA-AR Tobacco-Free Schools and Workplaces Administrative Regulation
- ABBA-BR, Violations by the Public
- DEAA, Drug & Alcohol Free Workplace
- FF, Student Conduct & Discipline
- FGDE, Student Distribution & Posting of Non-curricular Material
- HDD, Gifts & Bequests
- KAAA, Visitors in Schools
- KAAA-AR, Visitors in Schools Regulations
- KAAD, Distribution of Non-curricular Material in Schools

End of Dickinson School District #1 Policy ABBA Amended: 05/14/18
COPYRIGHTED MATERIAL & INTELLECTUAL PROPERTY

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

Compliance
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.

Complementary Documents
• ABCA-AR, Copyright Material and Policy Regulations
• ABCA-AR2, Computer Software Regulation
• ACDA, Acceptable Use

End of Dickinson School District #1 Policy ABCA........................................ Amended: 03/12/12
SIGNIFICANT CONTAGIOUS DISEASES

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

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

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

Nondiscrimination & Anti-Harassment
No person shall be denied admission as a student, a contract as an independent contractor, or employment solely because they have or they are perceived to have a significant contagious disease. The District prohibits harassment and/or discrimination against an individual diagnosed as having a significant contagious disease on district property, including, but not limited to, district buildings, vehicles, school events, and computer networks. Complaints alleging harassment/discrimination based on a significant contagious disease shall be handled in accordance with the district’s Harassment and Discrimination Grievance Procedure.

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

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

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

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

1. **Students:** When a student's personal physician or the multidisciplinary team (in the case of a student who is defined as having a disability under the state or federal law) determines that the student is unable to participate in regular classroom instruction, the District will provide either reasonable accommodations, special provisions, or an individualized education program. The Superintendent shall establish procedures for the development of special provisions.

2. **Employees & Contractors:** When an employee's, prospective employee's, or independent contractor's personal physician determines that the employee, prospective employee, or independent contractor is able to perform job duties and does not constitute a public health threat, the District will consider and implement reasonable accommodations to allow the affected individual to become/continue as an employee or become/continue as an independent contractor.

Education

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

   The Superintendent is charged with recommending revisions in the program to the Board to update and modify the curriculum as new information about significant contagious diseases is made available. The Department of Public Instruction and/or the State Department of Health will review and approve any curriculum and materials developed for use in this program according to the guidelines established by the Center for Disease Control.

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

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

   Those employees designated to teach significant contagious disease prevention to students will receive additional inservice from qualified health education professionals.
3. **Independent Contractors:** All independent contractors performing services for the District will receive a brochure concerning significant contagious diseases upon entering into a contract with the District. The brochure shall contain information regarding the transmission of significant contagious diseases in an institutional setting, the means of protecting against contracting the diseases in an institutional setting, and the use of universal precautions.

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**Complementary Documents**
- AAC, Nondiscrimination & Anti-Harassment Policy
- AAC-BR, Discrimination & Harassment Grievance Procedure
- AAC-E, Filing a State or Federal Discrimination & Harassment Complaint
- ACBB-E, Universal Precautions & Sanitary Clean Up
- KBA, Relations with News Media

*End of Dickinson School District #1 Policy ACBB ............................. Amended: 10/10/16*
UNIVERSAL PRECAUTIONS & SANITARY CLEANUP

School personnel should practice hygienic procedures when disposing of all human secretions and excretions since they may contain infectious agents capable of spreading disease and since carriers of infectious or contagious diseases are often unknown.

The steps listed below should be followed in all such clean-up situations. The procedures are not intended to replace basic common sense principles of health and hygiene.

Attending to the Victim
1. Wear disposable gloves when cleaning up all secretions and excretions.
2. Have the victim apply a barrier to the affected area if possible. Any secretions/excretions should be removed with disposable paper towels, gauze, or rags.
3. Secure all cleansing materials, gloves, and other soiled items (e.g., diapers) in plastic bags. Tie bags and dispose in a sanitary disposal site.
4. Bag and send home soiled clothing and/or other personal items. Do not clean or rinse these items at school.

Cleaning & Disinfecting Environment
1. Wear disposable gloves when cleaning up the affected area.
2. Sprinkle the affected area with tuberculocidal agent, absorbent chlorine powder, or disinfectant appropriate to the surface as soon as possible.
3. Clean affected area with disposable paper towels, rags, or with a scoop and brush. Scoops or implements to be reused should be washed and sprayed with disinfectant.
4. Secure gloves and all waste in a plastic bag. Tie bag and dispose in a sanitary disposal site.

Cleanup for Attending Employee
1. Using the following procedures, wash hands immediately after completing the cleaning and disinfecting process.
   a. Wet hands and apply antiseptic soap.
   b. Rub hands together vigorously for at least 15-30 seconds, paying particular attention to fingertips, nails, and jewelry.
2. Clean any exposed skin with an appropriate antiseptic (e.g., alcohol, iodine, etc.) and apply a leak proof dressing if appropriate.

End of Dickinson School District #1 Exhibit ACBB-E
ACCEPTABLE INTERNET USE

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

Education
The District shall provide education to students about appropriate online behavior, including interacting with other individuals on social networking websites and in chat rooms, and cyberbullying awareness and response.

Students bringing personal technology to school including, but not limited to, cell phones, tablets, laptops, and handheld games, must adhere to the Student Use of Personal Technology Policy (FFI), classroom and/or building rules related to personal technology use, and all other applicable student conduct policies.

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

Prohibitions
The District subscribes to the acceptable use policies of EduTech. All district computer users shall abide by this policy. The Superintendent or designee may take disciplinary measures when any of the following actions occur:
1. Using obscene language;
2. Accessing or creating pornographic files or sites and/or other inappropriate material;
3. Harassing, insulting, threatening, alarming, or attacking others;
4. Damaging computers, computer systems, or computer networks;
5. Violating copyright, trademark, trade secret, or other intellectual property laws;
6. Using or participating in chat lines, chat rooms, and social networking sites for personal and/or non-curricular purposes;
7. Using another’s password or representing oneself as another;
8. Trespassing into another’s folders, work, or files;
9. Intentionally wasting network resources, including, but not limited to, emailing chain letters and/or broadcasting inappropriate messages;
10. Employing the network for political purposes as defined by state law, financial gain and/or commercial purposes;
11. Revealing anyone's personal information, such as, but not limited to, an address or phone number without appropriate consent. Students are prohibited from revealing personal information about themselves and/or others without obtaining written consent in accordance with the Federal Education Rights and Privacy Act and receiving administrative approval;

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

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

1. First offense (Level I)
   a. Loss of SENDIT/email and Internet privileges for four weeks;
   b. Parents contacted.

2. Second offense (Level II)
   a. Loss of SENDIT/email and Internet privileges for at least the remainder of the year.
   b. Parents contacted.

3. A student may be subject to Level II disciplinary action and/or other appropriate disciplinary measures on his/her first offense if administration deems this necessary based on the severity of the offense.

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

Complementary Documents
- ABCA, Copyrighted Material & Intellectual Property
- FFI, Student Use of Personal Technology
- FFI-AR, Use of Technology in the Classroom
- FFI-E, Personal Technology Consent Form
- FFK, Suspension & Expulsion
- FFK-BR, Suspension & Expulsion Regulations
- FGA, Student Records
- FGCA, Searches of Lockers

End of Dickinson School District #1 Policy ACDA........................................ Amended: 05/08/17
BULLYING PREVENTION POLICY

Definitions
For the purposes of this policy:

- **Bullying** is defined as conduct prescribed in NDCC 15.1-19-17. The Superintendent should place this definition, in its entirety, in student and staff handbooks and should develop guidelines to assist students and staff with identifying this conduct.

- **Protected statuses** are defined in the District’s Nondiscrimination and Anti-harassment policy (AAC).

- **School property** or the term on-campus refers to all property owned or leased by the District, school buses and other vehicles, or any school District sponsored or school-sanctioned activity.

- **School-sanctioned activity** is defined as an activity that:
  a. Is not part of the District’s curricular or extracurricular program; and
  b. Is established by a sponsor to serve in the absence of a District program; and
  c. Receives District support in multiple ways (i.e., not school facility use alone); and
  d. Sponsors of the activity have agreed to comply with this policy; and
  e. The District has officially recognized through Board action as a school-sanctioned activity.

- **School-sponsored activity** is an activity that the District has approved through policy or other Board action for inclusion in the District’s extracurricular program and is controlled and funded primarily by the District.

- **School staff** include all employees of the 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 an intent to inflict harm.

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

1. Engage in bullying;
2. Engage in reprisal or retaliation against:
   a. A victim of bullying;
   b. An individual who witnesses an alleged act of bullying;
   c. An individual who reports an alleged act of bullying; or
   d. An individual who provides information/participates in an investigation about an alleged act of bullying.
3. Knowingly file a false bullying report with the District.
Off-campus bullying that is received on school property is also prohibited. The District has limited disciplinary authority to respond to such forms of bullying.

**Reporting Procedures for Alleged Policy Violations**

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

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

2. Reporting options for students and community members: Students and community members (including parents) may report known or suspected violations of this policy using any of the following methods:
   a. Completing a written complaint form. A complainant will have the option of including his/her name on this form or filing it anonymously. The District will place the form in a variety of locations throughout the school and should inform students and staff of these locations. The form may be returned to any school staff member 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**

Any time a school staff member has reasonable suspicion that a bullying incident constituted a crime, he/she 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 he/she:

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

Upon receipt of a report of an alleged policy violation, the designated administrator shall first determine if the alleged policy violation is based on a protected status—whether actual or perceived. Reports involving a protected status shall be investigated in accordance with the District’s Anti-harassment and Nondiscrimination policy (AAC), 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 the victim and alleged perpetrator during the investigation.
Disciplinary & Corrective Measures
A student 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-school 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(s) or guardian(s) and classroom teacher(s), and other applicable school staff.
7. Modify the perpetrator’s schedule and take other appropriate measures (e.g., moving locker) to minimize contact with the victim.
8. If applicable, contact the administrator of the website on which the bullying occurred to report it.

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

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

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

Victim Protection Strategies
When the District confirms that a violation of this policy has occurred, it should notify the victim’s parents and shall implement victim protection strategies. These strategies shall be developed on a case-by-case basis after administration has reviewed the totality of the circumstances surrounding the bullying incident(s) or other violations of this policy. Strategies may include, but not be limited to, the following:
1. Additional training for all students and applicable staff on implementation of this policy and/or bullying prevention.
2. Notice to the victim’s teachers and other staff to monitor the victim and his/her interaction with peers and/or the assignment of a staff member to escort the student between classes.

3. Assignment of District staff to monitor, more frequently, areas in the school where bullying has occurred.

4. Referral to counseling services for the victim and perpetrator.

5. Modification of the perpetrator’s schedule and other appropriate measures imposed on the perpetrator (not the victim) to minimize the perpetrator’s contact with the victim.

Prevention Programs & Professional Development Activities
In accordance with law, the District shall develop and implement bullying prevention programs for all students and staff professional development activities.

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

End of Dickinson School District #1 Policy ACEA .......................................................... Amended: 07/17/17
DRUG & ALCOHOL TESTING PROGRAM FOR EMPLOYEES

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

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

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

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

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

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

Participation in Drug and Alcohol Testing Program Required
Employees serving in positions covered by this policy are required to participate in all applicable drug and alcohol testing as a condition of employment.
Circumstances for Testing
1. All covered employees shall be subject to pre-employment, reasonable suspicion, random, post-accident, return-to-duty and follow-up alcohol and drug testing pursuant to procedures set out in the federal regulations. Pre-employment controlled substance and alcohol testing shall be administered to an applicant offered a covered position in the District prior to the first time the employee performs any safety-sensitive duties for the District unless the applicant meets exemption criteria contained in federal regulations. Employment with the District is conditional upon the applicant receiving negative test results.

2. An individual applying for, transferring to, or being promoted to any safety-sensitive position shall initially be subject to controlled substance and alcohol testing. Verified positive test results shall prevent an applicant/employee from moving into a safety-sensitive position.

3. Transportation contracts approved by the District shall contain assurance that the contractor will establish or join a drug and alcohol testing program that meets the requirements of federal regulations and this policy and regulations and will actively enforce the regulations of this policy and regulations as well as federal requirements.

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

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

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

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

The District is not required to provide rehabilitation, pay for substance abuse treatment, or to reinstate the employee. The Board retains the authority consistent with law to discipline or discharge any employee who is an alcoholic or chemically dependent and whose current use of alcohol or drugs affect the qualifications for and performance of his/her job.
Confidentiality of Records
The District shall maintain records in compliance with law. Drug and alcohol testing records are confidential and shall be maintained in a secured location. An employee shall be entitled, upon written request, to obtain copies of any records pertaining to the employee's use of alcohol or controlled substances including information pertaining to alcohol or drug tests. Records shall be made available to a subsequent employer upon receipt of a written request from an employee only as expressly authorized by the terms of the employee's request.

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

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

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

Identity of Contact Person
The Board designates the Human Resources Department to serve as the contact for questions concerning the drug and alcohol testing program and this policy. This designee may be reached at 701-456-0002.

Effects of Alcohol and Controlled Substances
The Employee Assistance Program contains information on the effects of alcohol and controlled substance misuse on an individual's health, work, and personal life; signs and symptoms of an alcohol problem; and available methods of intervening when a misuse problem is detected.

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

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

End of Dickinson School District #1 Policy DBBA ............... Amended: 12/12/16
FAMILY & MEDICAL LEAVE

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

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

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

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

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

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

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

Future Changes
The negotiated agreement with the Dickinson Education Association requires that any changes in this policy will require a committee of teachers, administrators and board members to evaluate the contemplated change and make a recommendation directly to the Board prior to board action. Changes in leave policies that are mandated by law do not require committee activation or action.

End of Dickinson School District #1 Policy DDAA ................................. Amended: 09/12/11
EMPLOYEE RIGHTS
UNDER THE FAMILY AND MEDICAL LEAVE ACT

THE UNITED STATES DEPARTMENT OF LABOR WAGE AND HOUR DIVISION

LEAVE ENTITLEMENTS
Eligible employees who work for a covered employer can take up to 12 weeks of unpaid, job-protected leave in a 12-month period for the following reasons:

- The birth of a child or placement of a child for adoption or foster care;
- To bond with a child (leave must be taken within 1 year of the child’s birth or placement);
- To care for the employee’s spouse, child, or parent who has a qualifying serious health condition;
- For the employee’s own qualifying serious health condition that makes the employee unable to perform the employee’s job;
- For qualifying exigencies related to the foreign deployment of a military member who is the employee's spouse, child, or parent.

An eligible employee who is a covered servicemember’s spouse, child, parent, or next of kin may also take up to 26 weeks of FMLA leave in a single 12-month period to care for the servicemember with a serious injury or illness.

An employee does not need to use leave in one block. When it is medically necessary or otherwise permitted, employees may take leave intermittently or on a reduced schedule.

Employees may choose, or an employer may require, use of accrued paid leave while taking FMLA leave. If an employee substitutes accrued paid leave for FMLA leave, the employee must comply with the employer’s normal paid leave policies.

BENEFITS & PROTECTIONS
While employees are on FMLA leave, employers must continue health insurance coverage as if the employees were not on leave.

Upon return from FMLA leave, most employees must be restored to the same job or one nearly identical to it with equivalent pay, benefits, and other employment terms and conditions.

An employer may not interfere with an individual’s FMLA rights or retaliate against someone for using or trying to use FMLA leave, opposing any practice made unlawful by the FMLA, or being involved in any proceeding under or related to the FMLA.

ELIGIBILITY REQUIREMENTS
An employee who works for a covered employer must meet three criteria in order to be eligible for FMLA leave. The employee must:

- Have worked for the employer for at least 12 months;
- Have at least 1,250 hours of service in the 12 months before taking leave;
- Work at a location where the employer has at least 50 employees within 75 miles of the employee’s workplace.

*Special “hours of service” requirements apply to airline flight crew employees.

REQUESTING LEAVE
Generally, employees must give 30-days’ advance notice of the need for FMLA leave. If it is not possible to give 30-days’ notice, an employee must notify the employer as soon as possible and, generally, follow the employer’s usual procedures.

Employers do not have to share a medical diagnosis, but must provide enough information to the employer so it can determine if the leave qualifies for FMLA protection. Sufficient information could include informing an employer that the employee is or will be unable to perform his or her job functions, that a family member cannot perform daily activities, or that hospitalization or continuing medical treatment is necessary. Employees must inform the employer if the need for leave is for a reason for which FMLA leave was previously taken or certified.

Employers can require a certification or periodic recertification supporting the need for leave. If the employer determines that the certification is incomplete, it must provide a written notice indicating what additional information is required.

EMPLOYER RESPONSIBILITIES
Once an employer becomes aware that an employee’s need for leave is for a reason that may qualify under the FMLA, the employer must notify the employee if he or she is eligible for FMLA leave and, if eligible, must also provide a notice of rights and responsibilities under the FMLA. If the employee is not eligible, the employer must provide a reason for ineligibility.

Employers must notify its employees if leave will be designated as FMLA leave, and if so, how much leave will be designated as FMLA leave.

ENFORCEMENT
Employees may file a complaint with the U.S. Department of Labor, Wage and Hour Division, or may bring a private lawsuit against an employer.

The FMLA does not affect any federal or state law prohibiting discrimination or supersedes any state or local law or collective bargaining agreement that provides greater family or medical leave rights.

For additional information or to file a complaint:

1-866-4-USWAGE
(1-866-487-9243) TTY: 1-877-889-5627

www.dol.gov/whd
U.S. Department of Labor | Wage and Hour Division
ADMINISTRATIVE REGULATIONS FOR TRAVEL REIMBURSEMENTS

The School District will reimburse district employees and school board members for travel expenses that are incurred while engaged in official school business.

The travel reimbursement rate for personal vehicle miles, meals and lodging shall be the state rate for in-state and out-of-state travel, as established by law for all state officials and employees. Any mileage claimed shall not exceed the number of miles between the points traveled as measured by the most usual route.

In-District Travel
Reimbursable in-district travel will include items such as traveling between job sites from school to school and monitoring students at job sites. In-District travel must be pre-approved by the employee’s supervisor/building administrator. Employees should complete a travel reimbursement form and submit it to his/her supervisor/building administrator at the end of each month. The supervisor/building administrator will sign the travel reimbursement form and send the form to the business manager’s office.

Out-of-District Travel
Out-of-District travel must be pre-approved by the appropriate administrator. Employees should complete a travel reimbursement form and submit it to the appropriate supervisor at the end of each month or immediately after the travel occurred. School board members should submit a travel reimbursement to the Business Manager, as soon as possible after the travel is incurred. The appropriate administrator will sign the travel reimbursement form and send the form to the business manager’s office.

Checks will only be issued when the reimbursement dollar amount is over $10.00. If travel expenses are under $10.00 they will be held until they reach the $10.00 minimum.

Excess costs and unapproved travel shall not be reimbursed.

See DDDA-E Form A-Claim for Reimbursement for Travel Expenses.

End of Dickinson School District #1 Administrative Regulation DDDA-AR
REQUIRED

DRUG & ALCOHOL FREE WORKPLACE

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

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

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

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

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

Violations
Violations of this policy may result in the following:

1. Participation in the Employee Assistance Program (EAP) and/or a rehabilitation program.
2. Unpaid leave or suspension.
3. Termination of employment. Due process procedures shall be followed prior to termination, if applicable.
4. Notification of proper law enforcement authorities.

Assistance
The Board recognizes that drug addiction is a treatable disease and that early intervention and support improve the success of rehabilitation. The District shall offer an Employee Assistance Program (EAP) to assist in rehabilitation and intervention efforts. Use of the EAP will not jeopardize employment or promotion opportunities. Treatment for alcohol and/or drug addiction may be covered by the employee benefit plan; however, the ultimate financial responsibility for this treatment belongs to the employee.

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

End of Dickinson School District #1 Policy DEAA................................. Amended: 10/10/16
OCCUPATIONAL SAFETY

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

1. An orientation program for new employees that provides an overview of duties, potential hazards and safeguards, district safety rules, location of fire extinguishers and other safety equipment, and emergency procedures.

2. Issuance of personal protective safety equipment to employees as the Superintendent deems necessary. Employees required to wear safety equipment shall be instructed that failure to comply may cause the District to impose disciplinary consequences in accordance with policy, law, and, when applicable, the negotiated agreement.

3. Inservice safety training on such topics that the Superintendent deems needed.

4. An occupational risk assessment program, which shall include a procedure for identifying and projecting occupational risks associated with proposed equipment purchases and building safety audits.

5. Installation of safety features on district equipment and in district facilities.

Accident Reporting
An employee injured or involved in an accident on the job shall report the injury/accident as soon as practical to his/her immediate supervisor and no later than the deadline in state law unless good cause for a delay in reporting exists. Failure to notify a supervisor about an injury/accident may result in disciplinary action in accordance with policy and law and may, according to law, result in denial of Workforce Safety and Insurance benefits.

Complementary Documents
- DEAF-BR, Hazardous Substance Communication Program

End of Dickinson School District #1 Policy DEAE ........................................ Amended: 10/10/16
WEAPONS PROHIBITION ON SCHOOL PROPERTY—EMPLOYEES

Definitions
For purposes of this policy, the following definitions apply:

• **Weapon** includes, but is not limited to:
  a. Dangerous weapon as defined by NDCC 62.1-01-01
  b. Any device designed to stun through use of voltage whether through direct contact or through a projectile
  c. Any firearm look alike or dangerous weapon look alike brought on school property with the intent to threaten or intimidate
  d. Any other object that an individual covered by this policy used, attempted to use, or intended to use to threaten or intimidate, cause destruction to property, or to cause injury to self or others
  e. Spray or aerosol containing ortho-chlorobenzalamalonitrile or other irritating agent intended for use in the defense of an individual

• **Firearm** as defined by 18 U.S.C. 921 and NDCC 62.1-01-01

• **School property** is defined in NDCC 15.1-19-10 (6)(b) as all land within the perimeter of the school site and all school buildings, structures, facilities, and school vehicles, whether owned or leased by the District, and the site of any school-sponsored event or activity.

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

Exceptions
The prohibitions in this policy do not apply when the building principal or Superintendent has authorized the following:

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

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

Notice
The Superintendent will ensure notice of this policy is provided to district employees, district contractors, and district volunteers.
Violations
Employees in violation of this policy will be subject to discipline up to and including dismissal in accordance with any applicable law. Individuals contracting with the District and volunteers will be subject to appropriate sanctions. A referral to law enforcement may be made by appropriate school officials.

Complementary Documents
- FFD, Carrying Weapons
- KADA, Weapons Prohibition on School Property-Public

End of Dickinson School District #1 Policy DEAG ........................................... Adopted: 02/13/17
GIFTS TO DISTRICT PERSONNEL

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

End of Dickinson School District #1 Policy DEBC ........................................... Adopted: 06/14/10

EMPLOYEE RELATIONS WITH VENDORS

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

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

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

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

Complementary Documents
- DEBC, Gifts to District Personnel

End of Dickinson School District #1 Policy DEBE ........................................... Adopted: 06/14/10
PERSONNEL RECORDS
The principal shall keep a personnel folder for each employee, licensed and classified. The folder shall contain such information as is required by law and shall include performance evaluations, the business manager’s record of the license held for all licensed personnel, an itemized list of all documents in the file, and a record of access including the date of review and identity of persons reviewing the file if they choose to identify themselves.

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

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

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

Pre-Employment Records
Transcripts used in the process of hiring shall not be returned to the employee. Licensed staff will be required to have them available for accreditation purposes as needed.

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

Removal of Material
Removal of material from a teacher’s personnel file will be handled in accordance with state law.
The Dickinson Public School District #1 will comply with the Privacy Regulations of the Health Insurance Portability and Accountability Act (HIPAA) of 1996. The District shall limit the use of and access to Protected Health Information (PHI), which is held by the District, or its lawful agents. Protected Health Information (PHI) is any written, oral, or electronic form of information relating to a person's past, present or future health condition, delivery or payment of health services that identifies an individual or where there is a reasonable basis to believe the information could be used to identify an individual. Administrative, technical and physical safeguards established to limit use and access to protected health information are stated as an integral part of this regulation. They are established as part of daily operating procedures and will be maintained by all responsible staff and representatives of lawful agents and business associates of the Dickinson Public School District #1. Protected Health Information (PHI) will be shared in accordance with HIPAA on a "need-to-know-only" basis by authorized staff. The most critical examples of this would include the Human Resources and Business Management Department staff due to employee leave information and self-funded health insurance claim reports.

To assure this commitment to compliance, the School Board shall designate a Privacy Officer who shall have the responsibility to:

1. Keep the District informed of all changes, updates, requirements, responsibilities, claims, etc. concerning the HIPAA privacy regulations.
2. Maintain documentation of the District's efforts to comply with HIPAA privacy regulations.
3. Ensure that plan subscribers are sent privacy notices and new enrollees receive said notices (note: this HIPAA regulation will also serve as the privacy notice).
4. Track any Protected Health Information (PHI) disclosures.
5. Process authorizations for disclosure and use of Protected Health Insurance (PHI).
6. Serve as the District’s liaison with the group self-funded health insurance program third party administrator, relevant business associates and health insurance carriers communicating the District’s commitment and securing the commitment of these entities to the privacy and security of Protected Health Information (PHI).

The Privacy Officer will receive the total support of the District. The Privacy Officer of the District is covered under the district's liability insurance in the legal performance of his/her duties and has access to the district's legal counsel in the same regard.
In accordance with HIPAA, only the District Privacy Officer (or designated other staff) may be given access to Protected Health Information (PHI) in order to legally perform the duties and administer the District's self-funded health insurance programs. This would include, but not be limited to, other Protected Health Information (PHI) such as sick leave banks requests, leave applications and other personnel related information.

The Dickinson Public School District #1 will communicate its commitment to HIPAA Privacy Regulations through:

1. Attachment of this document as an administrative regulation to Board policy DI Personnel Records.
2. Distribution of this regulation and training of all employees concerning the definition, security and authorization of Protected Health Information (PHI) on an annual basis.
3. Distribution of the privacy notices to all subscribers in the self-funded health insurance group (note: this HIPAA regulation will also serve as the privacy notice).
4. Including the regulation reference in the Professional Negotiated Agreement and the Classified Employee Salary and Benefit Package.

As an employer, the Dickinson Public School District #1 may use Protected Health Information (PHI) in its possession without specific authorization from the employee for self-funded health insurance claims, quality assessment, medical review and auditing and studies to improve the group's health care quality or reduce health care costs. In addition, Protected Health Information (PHI) may be shared when required by law for public health, civil/criminal proceedings, abuse or neglect, or food and drug administration purposes. Information which is normally maintained in the employment record that may contain Protected Health Information (PHI) will be physically "clipped" or marked for removal in the event of an employee record review. Other Protected Health Information (PHI), including but not limited to self-funded health insurance claims records, will be maintained in a locked or sealed location. Only the Privacy Officer or his/her designee will have access to this Protected Health Information (PHI).

Protected Health Information (PHI) may be released for other purposes by the authorization of the employee submitting a HIPAA Release of Information Form to the Privacy Officer. The use and/or disclosure of Protected Health Information (PHI) is limited to the specific information for the specific purpose as indicated by said form. Employees are allowed to review their Protected Health Information (PHI) that is held by the District and to make corrections to errors. Upon request, an employee will be provided with an accounting of disclosures of Protected Health Information (PHI).

Employees that believe they have been aggrieved by the use or disclosure of Protected Health Insurance (PHI) may file a grievance in accordance with the District's grievance procedure. The grievance procedure is published in the Professional Negotiated Agreement and the Classified Employee Salary and Benefit Package.

End of Dickinson School District #1 Administrative Regulation DI-AR2

2/27/2012
RESTRAINT OR SECLUSION POLICY
Restraint and seclusion shall be implemented in a nondiscriminatory manner. Interventions authorized by this policy may be applied to any student enrolled in the Dickinson Public Schools so long as such interventions are implemented in compliance with this policy.

Definitions
For the purposes of this policy:

- **Dangerous behavior** is violent, disturbed, or depressed behavior which may immediately result, or has resulted, in harm to that person or other persons or behavior that has or may immediately result in extensive or extreme damage to property.

- **Chemical restraint** is medication used to control behavior or restrict freedom of movement that is not a standard treatment for the student's medical or psychological condition.

- **Mechanical restraint** is any device or object used to restrict or limit a student's body movement or any normal function of any portion of his/her body to prevent or manage dangerous behavior. Mechanical restraints do not include devices used by trained school personnel or by a student him/herself for approved therapeutic or safety purposes for which devices were designed and, if applicable, prescribed.

- **Physical restraint** is the use of physical intervention intended to hold a student immobile or limit a student's movement by using body contact as the only source of restraint to deescalate dangerous behavior or used as part of a parent-approved plan such as, but not limited to, a behavioral intervention plan (BIP), Individualized Education Program (IEP), or 504 Plan. This definition excludes physical prompts and physically escorting a student so long as the physical prompt/escort does not render a student immobile.

- **Behavioral intervention strategies** shall not be construed to mean a name-brand method of identifying and assessing students potentially in need of a behavioral intervention plan. Under this policy, it is defined as methods used to identify students who exhibited past incidents of dangerous behavior or exhibit the potential to engage in such behavior in the future. Each school shall determine the appropriate scope and method of conducting a needs assessment for implementation of behavioral intervention strategies under this policy and should document completion of this assessment.

- **Seclusion** is placing a student in a room or limited space alone to deescalate dangerous behavior or as part of a parent-approved plan such as, but not limited to, BIP, IEP, or 504 Plan except for the presence of a staff monitor who shall monitor the student directly in the space or immediately outside it. This definition excludes timeouts, disciplinary sanctions designed to penalize students by separating them from the student population (such as, but not limited to, detention and in-school
suspension), and alternative placement (which is often used to separate the student from the student population for safety reasons).

- **Timeout** is a behavior intervention strategy that occurs when the ability of a student to receive normal reinforcement in the environment is restricted. Timeout may be inclusionary (where the student remains in sight and sound of others in the classroom) or exclusionary (where the student leaves the learning environment and goes to another location but is not isolated and prevented from leaving). Timeouts are not a form of seclusion.

Behavioral Intervention Strategies

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

1. Conduct a school-wide search of students in need of behavioral intervention strategies because of past incident(s) of dangerous behavior or the potential to engage in such behavior in the future; and

2. Train staff on identifying the need for behavioral intervention strategies and on implementing these interventions once established; and

3. Develop a behavioral intervention plan (BIP) for identified students. This plan should at least identify environmental triggers that cause the student to engage in dangerous behavior, include procedures for diminishing or removing such environmental factors, list interventions that will be used to maintain appropriate behavior and respond to inappropriate behavior, and contain an overview of self-regulating techniques on which the student will be trained; and

4. Involve parents in the development of the BIP and receive their consent on the document. In the case of mentally or physically disabled students, behavior intervention strategies, if necessary, should be addressed in the IEP or 504 Plan.

Prohibitions

The Dickinson Public Schools prohibits district employees, contractors, volunteers, and other individuals serving or working in any capacity for the District (hereafter district staff) from use of any form of restraint and/or seclusion on students except when the following conditions are met and then only in compliance with this policy: An emergency situation necessitates the use of physical restraint or seclusion to control violent, disturbed, or depressed behavior which may immediately result, or has resulted, in harm to that person or other persons or to control behavior that has or may immediately result in extreme or extensive damage to property. Restraint or seclusion may also be used when authorized by a parent-approved plan such as, but not limited to, BIP, IEP, or 504 Plan.

The District further prohibits district staff from the following:

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

Determining Appropriate Interventions when Need for Physical Restraint or Seclusion is Foreseeable
When the District identifies a foreseeable need for physical restraint or seclusion, it shall determine the appropriate physical restraint or seclusion intervention based on at least the following criteria:
1. Behavior at issue.
2. Age of the child.
3. Whether a proposed intervention would violate restraint or seclusion interventions prohibited by policy. Such interventions shall not be used.
4. The child’s needs.
5. Terms of the child’s BIP, IEP, and/or 504 Plan.
6. Whether staff have received appropriate training in the intervention proposed.
7. Number of staff needed to administer the intervention. At a minimum, two staff members should be on hand when physical restraint or seclusion is used—one to witness implementation of interventions.
8. Whether a staff member will be available to continually monitor a student who is restrained or placed in seclusion. The District requires continuous monitoring of a student placed in seclusion.
9. If seclusion is the recommended intervention, whether the school has a seclusion area free from any objects that the child could use to harm him/herself. If the District does not have such a room or area, alternative interventions must be used.

10. Whether the proposed interventions have been reviewed and approved by a qualified licensed or education specialist such as, but not limited to, a therapist, an individual certified in special education, or psychologist. The District recommends receiving this approval to ensure that proposed physical restraint or seclusion intervention does not substantially depart from accepted professional judgment, practice, or standards.

11. A review of physical restraint or seclusion interventions used to respond to the child in the past. Any interventions that were ineffective should be modified using the above criteria.

12. Whether parents have authorized the proposed physical restraint or seclusion intervention. Such authorization is required and should be documented in a BIP, IEP, or 504 Plan.

Determining Appropriate Interventions when Need for Physical Restraint or Seclusion is Unforeseeable
When a student engages in unforeseen dangerous behavior (i.e., dangerous behavior not covered by the BIP, IEP, or 504 Plan), trained staff members shall:
1. Implement physical restraint or seclusion interventions in compliance with all prohibitions contained in this policy;
2. Respond in at least a team of two;
3. Consider the age of the child and his/her needs when determining the appropriate intervention method; and
4. Take necessary measures to ensure the safety of the student including continuously monitoring a student placed in restraint or seclusion.

Staff administering restraint or seclusion under these circumstances are subject to administrator notification and reporting requirements contained in this policy.

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

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

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

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

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

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

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

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

**Policy Adoption & Review**
This policy shall be reviewed as necessary and in compliance with district practices and procedures. As part of the policy review, the committee should examine the following:

1. Frequency of use of restraint or seclusion.
2. Outcomes of restraint or seclusion interventions.
3. Demographics of students subject to restraint or seclusion, programs/settings in which such interventions are used, and frequency of each staff member’s use of these interventions to determine if policy is applied consistently.
4. Whether use of restraint or seclusion is reported accurately and consistently.
5. Whether data collected on restraint and seclusion are used to plan behavioral intervention strategies and staff development.
6. Whether policy continues to protect students and staff.
7. Whether policy is still aligned with any applicable law.
REQUIRED

(Student Education Records and Privacy)

The District believes that while collection and use of student information is necessary to provide education and student support services, the District must implement safeguards to ensure information is appropriately protected and used to serve the best interests of students. The purpose of this policy is to establish such safeguards.

Definitions

- **Directory Information** is defined as personally identifiable information contained in a student education record that is generally considered not harmful or an invasion of privacy if disclosed and includes:
  a. Address;
  b. Date and place of birth;
  c. Degrees, honors, and awards received;
  d. Electronic personal identifier;
  e. Dates of attendance;
  f. Grade level;
  g. Institutional email address;
  h. Major field of study;
  i. Most recent educational agency or institution attended;
  j. Participation in officially recognized activities and sports;
  k. Photograph;
  l. A student's name;
  m. Telephone listing;
  n. Weight and height of members of athletic teams.

- **Education Record** is defined as any record that directly relates to a student and is maintained by the District or by a party acting for the District. This definition excludes law enforcement records and records in the sole possession of the maker used only as a memory aid.\(^1\)

- **Eligible Student** means a student who has reached the age of 18.\(^2\)

- **FERPA** stands for the Family Educational Rights and Privacy Act.

- **Legitimate Educational Interest** is defined as access that is needed in order for a school official to fulfill his/her professional responsibility.

- **Parent** means a parent of a student and includes a natural parent, a guardian, or an individual acting as a parent in the absence of a parent or a guardian.

- **Permanent Record** is defined as a record containing a student’s name, address, phone number, record of grades, years enrolled, courses attended, and grades completed.

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\(^1\) 34 CFR 99.3

\(^2\) 34 CFR 99.3
- **Personally Identifiable Information (PII)** includes information maintained in the student's education record that could be used alone or in combination to trace a student's identity directly or indirectly and would allow a reasonable person, who does not have personal knowledge of the relevant circumstances, to identify the student with reasonable certainty.

- **Record** means any information recorded in any way including, but not limited to, handwriting, print, computer media, video or audio tape, film, microfilm, and microfiche.\(^3\)

- **School official** is defined as an individual who has a legitimate educational interest in accessing student educational records and is affiliated with the District in one of the following capacities:
  a. An individual employed by the District in an administrative, instructional, or support staff position;
  b. School board members;
  c. Contractors, consultants, volunteers, service providers, or other party with whom the school or District has outsourced institutional services or functions for which the school or District would otherwise use employees; records provided to these third parties must remain directly under the district’s control for purposes of maintenance and use and the third party must agree to comply with 34 C.F.R. 99.33(a). Examples include, but are not limited to, school resource officers, interns, student teachers, the district’s attorney, PowerSchool, SLD, learning management software, hot lunch tracking software, Viewpoint, and district alert systems.\(^4\)

**Designation and Responsibilities of Privacy Officers**
The Superintendent or designee shall serve as Chief Privacy Officer. In this role, the Superintendent is responsible for submitting to the Board for approval student information sharing requests from third-party individuals/entities other than parties to which the District reports student information under law. The Superintendent shall also maintain a master list of all individuals and entities having access to student information, including school district personnel listed by title. To ensure this list remains current and is manageable to maintain, it shall not contain names of individuals who have access to data.

The Superintendent may designate privacy officers at the district and building level. These privacy officers are responsible for:

1. Maintaining a list of school personnel by title who have access to student information; this list shall be provided to the Superintendent each time it is updated.

2. Submitting to the Superintendent for board approval new requests to share student information with third-party individuals and entities other than parties to which the District reports student information under law.

3. Ensuring that access to student information is granted only to the extent there is a legitimate educational interest and in accordance with this policy and any applicable agreements.

\(^3\) 34 CFR 99.3

\(^4\) 34 CFR 99.33(a)(1) and 06/28/06 FERPA Opinion
1. **Information Release Safeguards**
   1. **Access by Parents and Eligible Students**
      To ensure compliance with parental and eligible student access requirements under FERPA:
      a. The District shall comply with a request by a parent or eligible student to access education records within a reasonable period of time, not to exceed 45 days after receipt of a request.
      b. The Board shall develop procedures for a parent/guardian/student to review and amend educational records. These procedures shall include procedures to verify the identity of a requesting parent/eligible student. The regulations shall be delineated in board-approved regulations and shall be available upon request.
   2. **Classroom Use of Instructional Tools Requiring Release of Student Information**
      Teachers are encouraged to use instructional technological tools that allow for use of an alias or that do not require submission of directory information (other than or in addition to name) or PII. Whenever a teacher wishes to use an instructional tool that requires release of directory information, other than or in addition to name, or PII such as, but not limited to, software or an app, the teacher shall submit a request to the building-level privacy officer. The privacy officer shall check the district's master list of individuals and entities approved to receive student information. If the entity is not on this list or the teacher's request is beyond the scope of information sharing permission previously granted, the privacy officer shall either deny the teacher's request or submit an information-sharing request to the Superintendent for board approval. If the teacher is authorized to use the instructional tool, the building-level privacy officer shall ensure the teacher complies with any parental consent requirements and directory information opt-out requests before using the tool.
   3. **Data Breaches**
      District employees are responsible for informing a privacy officer of any known or suspected breach of PII. When a privacy officer becomes aware of a breach of student PII, s/he shall contact the Chief Privacy Officer. The Chief Privacy Officer shall determine if enactment of data breach response procedures contained in policy IDC and NDCC Ch. 51-30 is appropriate.
   4. **Information Storage and Destruction**
      Student education records shall be reviewed annually and any records unnecessary for progression to the next grade level, not needed for college entrance purposes, not needed for extracurricular participation, not needed for disciplinary purposes, and records that are not part of the permanent record will be shredded or destroyed. Exceptions apply for any content that may reasonably be related to litigation or anticipated litigation...
(retain for six years after a student turns eighteen), bullying reports (retain in accordance with policy ACEA), concussion documentation (retain in accordance with policy FCAF), executive session tapes (retain for at least six months), PowerSchool records, and special education records (retain in accordance with the Individuals with Disabilities Education Act).

5. **Directory Information**

The District may disclose directory information without a parent/eligible student's consent if it has given parents/eligible student's a reasonable amount of time to opt-out of directory information release. Opt-out notices should be provided at the beginning of the school year and when a student otherwise enrolls in the District. These notices shall contain a reasonable deadline of at least 10 days for parents/eligible students to opt out.\(^5\)

The Board approves release of directory information as follows:

a. Publication on the district’s website.

b. To board-approved vendors for purposes of sale of school-related items such as, but not limited to, yearbooks, school pictures, graduation items, district apparel, and book orders.

c. To military and college recruiters in accordance with applicable laws (NDCC 15.1-07-25.1 and 20 U.S.C. 7908).

d. To official district newspaper for purposes of recognizing student accomplishments and coverage of extracurricular events.

e. To school-affiliated groups for purposes of communicating and fundraising.

f. To school-sponsored student publications including, but not limited to, newspapers and yearbooks.

g. When the Board receives and approves a directory information release request; directory information shall only be released and used for purposes specified in the release request and the Superintendent shall add approved requestors to the district’s master list of individuals and entities having access to student information. The Board shall develop criteria in regulations for approving and denying these requests.\(^6\)

Any district employee who wishes to disseminate student directory information to a third party shall contact his/her privacy officer. The privacy officer shall determine if the Board has previously approved such release and, if not, deny the request or submit it to the Superintendent for board approval.

6. **Personally Identifiable Information (PII)**

Any third party requesting or receiving access to student PII must receive board approval unless the third party is required to receive PII under state or federal law.\(^7\) Any school employee who wishes to share PII with a third party shall contact his/her privacy officer. The privacy officer shall determine if the Board has previously approved such release and, if not, deny the request or submit it to the Superintendent for board approval. Upon board approval of any PII release request, the applicable privacy

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\(^5\) 34 CFR 99.37

\(^6\) 34 CFR 99.37(d)

\(^7\) SB 2326
officer shall inform the requestor of any parental consent requirements and ensure the requestor complies with such requirements.

Parental/eligible student consent is not required to release PII under the following circumstances:

a. The District receives information under 42 U.S.C. 14071 and applicable federal guidelines about a student who is a registered sex offender under section 170101 of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 14071), and the District has a need to disclose the student's status as a sex offender for safety purposes.\textsuperscript{8}

b. In connection with a health or safety emergency under the conditions described in 34 C.F.R. 99.36.\textsuperscript{9}

c. If records have been de-identified by the District; third party individuals and entities that receive de-identified information shall be included on the district's master list of individuals and entities having access to student information.\textsuperscript{10}

d. To a school official who has a legitimate educational interest in the education records if the following conditions are satisfied:
   i. Access shall be limited to only information the school official has a legitimate need to know;
   ii. School officials shall use the information only for the purposes for which the disclosure was made and shall not redisclose the information to any other party without proper consent or legal authority;
   iii. Titles of individuals and entities considered school officials shall be included on the district's master list of individuals and entities having access to student information.\textsuperscript{11}

e. To a court without a court order or subpoena when the District initiates legal action against a parent/student or a parent/student initiates legal action against the District.\textsuperscript{12}

f. To accrediting bodies for purposes of accreditation.\textsuperscript{13}

g. To an organization conducting a study for the District to develop, validate, or administer a predictive test; administer student aid programs; or improve instruction so long as the organization has entered into a written agreement with the Board in accordance with law; if the organization is conducting a survey of students, the District shall ensure parents are notified in compliance with policy GCC and shall obtain parental consent, if applicable (see #7).\textsuperscript{14}

h. To another school in which the student seeks, intends to, or is already enrolled.\textsuperscript{15}

i. To authorized representatives of the Comptroller General of the United States, the Attorney General of the United States, the U.S. Secretary of Education, and state and local educational authorities

\textsuperscript{8} 34 CFR 99.31(a)(16)
\textsuperscript{9} 34 CFR 99.36
\textsuperscript{10} 34 CFR 99.31(b)(1) and SB 2326
\textsuperscript{11} 34 CFR 99.31(a)(1)
\textsuperscript{12} 34 CFR 99.31(a)(9)(iii)(A)
\textsuperscript{13} 34 CFR 99.31(a)(1)
\textsuperscript{14} 34 CFR 99.31(a)(6)
\textsuperscript{15} 34 CFR 99.31(a)(2)
for audit or evaluation of federal or state supported education programs or for the enforcement of or compliance with federal legal requirements that relate to those programs.\textsuperscript{16}

j. To comply with a judicial order or lawfully issued subpoena; the District must make reasonable attempt to contact the parent/eligible student before disclosure unless the court order instructs otherwise.\textsuperscript{17}

k. To the parents of an eligible student who is also a "dependent student" as defined in IRS Section 152.\textsuperscript{18}

The District will take measures necessary to ensure that individuals and entities to which PII is released shall only have access to information necessary to fulfill their responsibilities under law and to the District. Measures may include, but not be limited to, controlling access to computer data through password restrictions, controlled access to paper records, and ensuring that any information access agreements required by law are properly executed by the Board.\textsuperscript{19}

7. When Parental Consent is Required
The District must obtain parental/eligible student consent to release student information under the following circumstances:

a. The Board has approved release of PII to an individual or entity not meeting the definition of school official under law and/or not meeting an exception to the parental consent requirement under FERPA.

b. The Board has approved release of directory information, other than or in addition to name, or PII to an online service provider for commercial purposes and the impacted students are under 13.\textsuperscript{20}

c. When administering a survey funded in whole or in part by the U.S. Department of Education and concerning any of the following areas:
   i. Political affiliations or beliefs of the student or the student's parent
   ii. Mental or psychological problems of the student or the student’s family
   iii. Sex behavior or attitudes
   iv. Illegal, anti-social, self-incriminating, or demeaning behavior
   v. Critical appraisals of other individuals with whom respondents have close family relationships
   vi. Legally recognized privileged or analogous relationships, such as those of lawyers, physicians, and ministers
   vii. Religious practices, affiliations, or beliefs of the student or student’s parent
   viii. Income (other than that required by law to determine eligibility for participation in a program or for receiving financial assistance under such program)\textsuperscript{21}

\textsuperscript{16} 34 CFR 99.31(a)(3)
\textsuperscript{17} 34 CFR 99.31(a)(9)
\textsuperscript{18} 34 CFR 99.31(a)(8)
\textsuperscript{19} 34 CFR 99.31(a)(3)(ii)
\textsuperscript{20} Children's Online Privacy Protection Act, 16 CFR 312

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If the District is unable to obtain this consent, it shall not release the impacted student's information.

504 Plans and Individual Educational Programs (IEPs)
Sharing of student information necessary for developing, amending, or implementing an IEP or 504 Plan and sharing student information needed to determine eligibility for special education or disability services are not subject to board approval requirements in NDCC Ch. 15.1-07-25.3 because the District provides these services in fulfillment of requirements under state and federal law.

Policy Violations
Failure by a district employee or volunteer to comply with this policy, other district confidentiality requirements, or any improper disclosure of student information by a school employee or volunteer shall result in disciplinary action up to and including dismissal in accordance with applicable law. Failure by a third party to comply with this policy, any information-sharing agreements between the District and third party, or any improper disclosure of student information by the third party may result in termination of the third-party's access to student information and termination of the district's agreement with the third party if permitted under the terms of such agreement.

Training
School officials employed or volunteering for the District shall receive information and/or training on confidentiality requirements pertaining to student education records and consequences for breaching confidentiality. The District shall also provide training to applicable school personnel on the procedures for requesting to release student information contained in this policy.

Complementary Documents
- ACE, Violent & Threatening Behavior
- ACEA, Bullying
- FACB, Transfer & Withdrawal Records
- FCAF, Concussion Management
- FGA-BR, Student Education Records Access & Amendment Procedure
- FGA-E, Notice for Directory Information
- FGA-E2, Notification of Rights Under FERPA for Elementary and Secondary Schools
- FGA-E3, FERPA Release Form for Parents
- FGA-E5, Student Information Sharing Request Form
- IDC, Data Protection & Security Breaches

End of Dickinson School District #1 Policy FGA........................................... Amended: 10/10/16

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SCHOOL OFFICIALS’ GUIDE TO FERPA AND DATA PRIVACY POLICY

Education Record

Definition: Education record is defined as any record that directly relates to a student and is maintained by the District or by a party acting for the District. This definition excludes law enforcement records and records in the sole possession of the maker used only as a memory aid.¹

Why the definition matters: Only information considered an education record is protected by the Family Educational Rights and Privacy Act (FERPA) and district policy. Information that is not considered an education record is not protected by law and is not governed by release requirements in policy or law.

Scenarios

1. You keep a personal log of a student’s behavior in class. Is this an education record?
   - Yes
   - No

   Answer and explanation: No. The FERPA definition of education record excludes records that are kept in the sole possession of the maker of the record and are not accessible or revealed to any other person.

2. You exchange emails with another teacher about a student’s performance. Are these emails education records?
   - Yes
   - No

   Answer and explanation: Probably not but treat emails as education records until clear legal guidance is available. Only two courts outside of North Dakota have addressed this matter; therefore, North Dakota does not have clear legal precedent on how emails should be classified under FERPA.

3. As part of an assignment, you ask students to create a video and post them on a blog. Are these videos education records?
   - Yes
   - No

   Answer and explanation: No. In Owasso Independent School Dist. No. I-011 v. Falvo, the Supreme Court found that students’ assignments are not educational records under FERPA. However, if the blog host requires submission of student directory information, other than or in addition to name, and/or personally identifiable information, this information is protected by law and may only be released in accordance with the district’s student data privacy policy.

¹ 34 CFR 99.3
4. You have a conversation with a student about a classroom incident that was not documented in the student’s education record. Is this conversation an education record?
   □ Yes □ No

   **Answer and explanation:** No. In a 2006 opinion, the U.S. Department of Education (ED) clarified that FERPA applies to actual records not to information derived from a source other than the education record such as a conversation.

5. Your district has surveillance cameras installed in buses and in hallways. Is footage from these cameras education records?
   □ Yes □ No

   **Answer and explanation:** Generally, no. Video footage captures everything and is therefore typically not considered an education record because it does not relate to a specific student. However, if video footage captures an incident that leads to disciplinary action, such as a fight, the footage becomes an education record for all students involved.

6. Your district tape records IEP meetings. Are these recordings education records?
   □ Yes □ No

   **Answer and explanation:** Yes. See the ED Office of Special Education and Rehabilitative Services memo dated June 4, 2003.

7. Student attendance records are recorded and stored in PowerSchool. Are these data education records?
   □ Yes □ No

   **Answer and explanation:** Yes. This information is considered personally identifiable information (PII) and can only be released if an exception applies under FERPA or with parental consent.

8. Parents are required to complete a student registration sheet at the beginning of the school year. Are these forms education records?
   □ Yes □ No

   **Answer and explanation:** Yes. This information will be placed in the student’s paper record and/or recorded in PowerSchool. While much of the information on this form is considered directory information, directory
information may only be released in accordance with the student data privacy policy.

**Directory Information v. Personally Identifiable Information (PII)**

**Definitions:**
- *Directory information* is defined as personally identifiable information contained in a student education record that is generally considered **not harmful or an invasion of privacy** if disclosed.
- *Personally Identifiable Information* (PII) includes information maintained in the student’s education record that could be used alone or in combination to trace a student’s identity directly or indirectly and would allow a reasonable person, who does not have personal knowledge of the relevant circumstances, to identify the student with reasonable certainty.

**Why understanding the definition matters:** Directory information can be released without parental consent. PII can only be released if an exception under FERPA applies or parental consent is obtained. District policy contains release requirements for both PII and directory information. The release protocols for directory information are less stringent.

In the following scenarios, is the information directory information or PII?

1. The local newspaper contacts the school to request the names of students involved in a fight at last night’s football game.
   - [ ] Directory Information
   - [ ] PII
   
   **Answer and explanation:** PII. Release of a student’s name would be considered an invasion of the student’s privacy because it would reveal portions of his/her disciplinary record.

2. A mother requests a list of names of all parents in her child’s classroom and their email addresses.
   - [ ] Directory Information
   - [ ] PII
   
   **Answer and explanation:** PII. FERPA regulations stipulate that parents’ names are considered PII.

3. The local newspaper covers your local science fair, takes pictures of students involved, and asks for their names.
   - [ ] Directory Information
   - [ ] PII
   
   **Answer and explanation:** Probably directory information but consult district policy. FERPA classifies names and photographs as directory information if release does not infringe on students’ rights to privacy. However, each school district policy defines directory information differently. The district’s definition of directory information may be more restrictive than law.
4. A university researcher asks for a list of student tests scores and expulsion records broken down by student ID.

☐ Directory Information ☐ PII

**Answer and explanation:** PII. Anytime test scores or disciplinary records can be linked to a specific student, release would infringe on student privacy.

5. Your district publishes a quarterly honor roll listing students’ names and designating if they earned highest honors, high honors, or honors based on GPA ranges contained in district policy.

☐ Directory Information ☐ PII

**Answer and explanation:** Probably directory information but consult district policy. FERPA classifies names and honors/awards received as directory information if release does not infringe on students’ rights to privacy. However, each school district policy defines directory information differently. The district’s definition of directory information may be more restrictive than law.

6. You are contacted by your local park district and asked to release the weights and heights of three students for purposes of a summer wrestling program.

☐ Directory Information ☐ PII

**Answer and explanation:** PII. FERPA only classifies weights and heights as directory information if released in relation to participation in an athletic team. In this case, the students are participating in non-school sponsored athletic program.

7. A classroom parent requests the names and dates of birth of all your students for party planning purposes.

☐ Directory Information ☐ PII

**Answer and explanation:** Probably directory information but consult district policy. FERPA classifies names and dates of birth as directory information if release does not infringe on students’ rights to privacy. However, each school district policy defines directory information differently. The district’s definition of directory information may be more restrictive than law.

8. A teacher from one of your student’s former schools contacts you to request the student’s grades to determine if her school’s response to intervention (RTI) program is working.

☐ Directory Information ☐ PII
Answer and explanation: PII. A specific student's grades are considered PII.

School Board Consent

Legal requirements: Under state law, school boards must approve release of student data to third parties. Local policy clarifies that student data are limited to directory information, other than or in addition to name, and PII.

Is school board consent required to release student educational records under the following scenarios?
1. You are using a new app that requires students to submit their names and email addresses to a third-party developer. Is approval required?
   □ Yes □ No

   Answer and explanation: Yes. Policy requires that any third-party receiving directory information, other than or in addition to student names, or PII must be approved by the school board. School boards are required to create a master list of all third parties who have been approved to receive student information. NDSBA advises consulting this list before submitting an information sharing request to the school board to avoid duplicative requests.

2. A parent requests names and addresses of all the students in your classroom for purposes of holding a classroom computer fundraiser.
   □ Yes □ No

   Answer and explanation: Yes. Policy requires that any third-party receiving directory information, other than or in addition to student names, or PII must be approved by the school board. School boards are required to create a master list of all third parties who have been approved to receive student information. We advise consulting this list before submitting an information sharing request to the school board to avoid duplicative requests.

3. You would like your students to complete a classroom survey on their opinions about e-cigarettes for your health class.
   □ Yes □ No

   Answer and explanation: No. The survey is for classroom purposes only, and this information will not be shared with a third party.

When is Parental Consent Required to Release PII

FERPA regulations: School districts are required to obtain parental consent to release PII unless an exception applies under FERPA. Such exceptions include, but are not limited to:
a. In connection with a health or safety emergency under the conditions described in 34 C.F.R. 99.362

b. To a school official who has a legitimate educational interest in the education records if the following conditions are satisfied:
   i. Access shall be limited to only information the school official has a legitimate need to know
   ii. School officials shall use the information only for the purposes for which the disclosure was made and shall not redisclose the information to any other party without proper consent or legal authority
   iii. Titles of individuals and entities considered school officials shall be included on the district's master list of individuals and entities having access to student information3

c. To an organization conducting a study for the District to develop, validate, or administer a predictive test; administer student aid programs; or improve instruction so long a the organization has entered into a written agreement with the Board in accordance with law; if the organization is conducting a survey of students, the District shall ensure parents are notified in compliance with policy GCC and shall obtain parental consent, if applicable4

d. To another school in which the student seeks, intends to, or is already enrolled5

e. To the parents of a student who is under 18 or a student who is over 18 and is a "dependent student" as defined in IRS Section 1526

Is parental consent required in the following scenarios?
1. A school board member contacts you to request documentation on a student disciplinary incident that led to suspension. The board member states that he needs this information to prepare to serve as a hearing officer at the student's expulsion hearing.

Is parental consent required to release this information? □ Yes □ No

Answer and explanation: Yes, based on the timing of the request. A school official must have a reasonable need to know in order to be granted access to PII. In this case, the school board member's request appears to meet this criterion; however, the school board member is not privy to this information from the student's educational record prior to the expulsion hearing. All the

2 34 CFR 99.36
3 34 CFR 99.31(a)(1)
4 34 CFR 99.31(a)(6)
5 34 CFR 99.31(a)(2)
6 34 CFR 99.31(a)(8)
facts should be presented during the hearing and expulsion decisions should be based solely on the facts as presented.

2. You are approached at the grocery store by the aunt of one of your students. She indicates that she helped her nephew prepare for his English exam and asks how he did.
Is parental consent required to release this information? □ Yes □ No

*Answer and explanation:* Yes. The student’s aunt does not meet FERPA’s definition of parent. Under FERPA, parent means a parent of a student and includes a natural parent, a guardian, or an individual acting as a parent in the absence of a parent or a guardian.

3. One of your students was the victim of bullying, and the victim’s parents contact you to inquire about the outcome of the bullying investigation. They specifically want to know if the bully was disciplined. You received a copy of the investigation report and consequently know that the bully was suspended and an expulsion hearing is currently being scheduled.
Is parental consent required to release this information? □ Yes □ No

*Answer and explanation:* Yes. FERPA does not permit you to inform the victim’s parents about specific discipline given to another child with the exception of information needed to protect the health and safety of other students or individuals.

4. You coach football, and one of your students is injured during practice. When first responders arrive, they ask you if the student has any known allergies or medical conditions.
Is parental consent required to release this information? □ Yes □ No

*Answer and explanation:* No. "If the educational agency or institution determines that there is an articulable and significant threat to the health or safety of a student or other individuals, it may disclose information from education records to any person whose knowledge of the information is necessary to protect the health or safety of the student or other individuals."

End of Dickinson Public School District Exhibit FGA-E7..............................07/2016
EduTech and Dickinson Public School District
Information Technology Staff Acceptable Use Policy

Introduction

EduTech and the Dickinson Public School District provide information technology resources to Dickinson Public Schools. These resources deliver electronic communications internally within school districts and externally to systems across the world. We provide these services solely to promote and enhance the quality of education in Dickinson Public Schools.

This acceptable use policy ensures that use of the EduTech and Dickinson Public School District resources by all users is done in an appropriate manner. Use of EduTech and Dickinson Public School District services is a privilege and not a right. All users are obligated to respect and protect the rights of every other user and act in a responsible, ethical and legal manner.

Acceptable Use

1. EduTech and Dickinson Public Schools accounts and affiliated services may be used for K-12 education related purposes only.
2. Logins and passwords are provided for the individual's use while they are affiliated with an EduTech member school or organization and the Dickinson Public School District.
3. Under no conditions shall any user provide another person with access to or use of their account. Similarly, users shall not examine, change, or use any account but their own. No user may represent themselves as another individual or entity in electronic communication.
4. Users shall not deliberately attempt to degrade system performance or capability. Knowledge of system or special passwords does not convey permission or privilege to use such passwords. No account shall be used to damage a system or file or remove information without authorization.
5. EduTech and Dickinson Public School District services may be used only for lawful purposes. Transmission, distribution or storage of any material in violation of any applicable law or regulation is prohibited. This includes, without limitation, material protected by copyright, trademark, trade secret or other intellectual property right used without proper authorization and material that is obscene, defamatory, or constitutes an illegal threat, or violates export control laws.
6. Under no circumstances may EduTech and Dickinson Public School District services be used to send material that is intended to threaten, harass, annoy or alarm another person without legitimate purpose—this includes chain mail.
7. Use of computer system and databases shall be limited to the purpose(s) for which access was granted. Use of services for political (lobbying) purposes, for gaining
business contacts or for personal or private profit is prohibited. Organizations
may not use any EduTech or Dickinson Public School District service for
increasing their membership or gaining additional contacts.

8. Users should expect only limited privacy in the contents of their personal files and
communications. Files may be searched if there is reasonable cause that a user
has violated EduTech or Dickinson Public School District policies or the law.
Investigations will be reasonable and related to the suspected violation. EduTech
and Dickinson Public School District will cooperate with external networks and
authorities in the resolution of an investigation within the restrictions of federal
and state law and the Family Educational Right to Privacy Act (FERPA).

9. Any user of EduTech or Dickinson Public Schools services who violates this
policy may be denied access to the system. Users may also be denied access
based on their local school district's acceptable use policy.

Failure to abide by this policy may result in the loss of privileges as well as further
disciplinary and/or legal action. All accounts are the sole property of EduTech and
Dickinson Public School District and are provided to the user's organization or school
district as a service, as such final determination of account status is up to EduTech and
Dickinson Public Schools staff and may not be appealed. If account access is denied for
disciplinary reasons, users forfeit all information in the account.

**Lobbying and Political Activity**

For the purpose of this acceptable use policy, lobbying includes but is not limited to:

- Group efforts to contact state officials regarding policies and legislation
- Contacting state officials to a degree outside the normal functions of your district
  responsibilities
- Contacting others to encourage or instruct them in performing political/lobbying
  actions

For the purposes of this acceptable use policy, the following actions are NOT considered
political purposes or lobbying and are considered acceptable use of EduTech or
Dickinson Public School District services:

- Contacting your legislator or appropriate state officials to respond to requests for
  information
- Contacting your legislator or appropriate state officials if such contact is a
  function of your district responsibilities
- Providing information to your peers regarding legislative actions
Dickinson Public School District #1
Notice of Eligibility to Participate in the 403(b) Plan

The Dickinson Public School District #1 (the "District") maintains a 403(b) plan for eligible employees of the District. The plan allows eligible employees to make pre-tax salary reduction contributions into investments selected by each employee from a list of authorized investment vendors available under the plan. These contributions grown tax deferred until withdrawn by you from the plan.

All common law employees of the District, except student teachers and student workers, are immediately eligible to participate by making salary reduction contributions on a pre-tax basis under the plan.

For administrative reasons, any eligible employee wishing to participate in the plan must contribute at least $200 per calendar year.

For more information on the plan, investment options, and procedures on how you can enroll, contact Kent Anderson, Business Manager, at 701-456-0002 or email at kanderson@dpsnd.org.

July 31, 2017

Asbestos Notice

The Asbestos Hazard Emergency Response Act (AHERA) requires all public school buildings be inspected or reinspected for the presence of asbestos every three years after a management plan is in effect. The same statute also required initial and annual notification 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.
TITLE IX

You are hereby notified that the Dickinson Public School District #1 does not discriminate on a basis of race, color, religion, sex, gender identity, sexual orientation, national origin, ancestry, disability, age, marital status, and other status protected by law in its educational programs/activities and employment 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. This notice includes Title VI Civil Rights Act of 1964 and the Americans With Disabilities Act of 1990.

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, 48-02, 19, or PL94-142, Section 504 of the Vocational Rehabilitation Act of 1973, and as amended.

You are further notified that inquires concerning the application of Title IX, Title VI, ADA, and Part 86 or other issues of equal opportunity may be referred to the Human Resources Director, who has been designated as the person responsible for coordinating the efforts of 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.
Preventing Sexual Harassment
and
Title IX: Beyond Equity in Opportunity Sexual Misconduct Issues.

Preventing Sexual Harassment/
Sexual Misconduct

- The Dickinson Public Schools is committed to maintaining a learning and working environment free from discrimination and harassment in all employment and education programs, activities, and facilities. The District prohibits discrimination and harassment based on a student and/or employee's race, color, religion, sex, gender identity, sexual orientation, national origin, ancestry, disability, age, marital status, or other status protected by law.

- Educating employees and students to have an awareness and understanding of what is sexual harassment and sexual misconduct and how to address it – is part of this commitment.
Objective of the Training

✓ The purpose of this training is to help you identify what is and is not sexual harassment and sexual misconduct behaviors...because knowing the facts, the policies and the laws can help all of us keep Dickinson Public Schools free of sexual harassment.

Training Agenda

This training first provides information about sexual harassment and our policies to establish a basis of knowledge to further train on sexual misconduct under Title IX.
Dickinson Public Schools Policy AAC-Nondiscrimination and Anti-Harassment

Dickinson Public School District does not discriminate on the basis of race, color, religion, sex, gender identity, sexual orientation, national origin, ancestry, disability, age, marital status, or other status protected by law.

Direct inquiries to the assistant superintendent who is designated as the Title IX and nondiscrimination coordinator.

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The Law

- Title IX of the Education Amendments of 1972 prohibits sexual harassment of students and employees of our institution as it is considered a form of gender discrimination when it creates a hostile environment or represents quid pro quo.

- Title VII of the Civil Rights Act of 1964 prohibits sexual harassment in an employment setting as it is considered a form of gender discrimination when it creates a hostile environment or represents quid pro quo.
**Dickinson Public Schools Policies**

- Non-Discrimination & Anti-Harassment (Policy AAC)
- Recruitment, Hiring, & Background Checks for new Classified Personnel (Policy DBAA)

Dickinson Public Schools policies at:  
[http://www.ndsba.org/policies/dickinson](http://www.ndsba.org/policies/dickinson)

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**Sexual Harassment in School Districts**

Sexual harassment is:

- illegal;
- harmful to the victim;
- harmful to the community; and
- can lead to harsh consequences for offenders.
Sexual Harassment is Any Attempt to:

• coerce a person into a sexual relationship;

• subject a person to unwanted sexual attention;

• punish a refusal to comply with sexual demands; or

• create a hostile education/employment environment.

Dickinson Public Schools Policy AAC Defines Sexual Harassment as:

"Unwelcome sexual advances, requests for sexual favors, and/or other verbal, written, or physical conduct or communication of a sexual nature when:

1) 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);

2) It creates a hostile environment meaning unwelcome sexual conduct or communication that is sufficiently serious to deny or limit a student's ability to participate in or benefit from the school's program(s). For employees a hostile environment is created when submission to unwelcome sexual conduct is made either explicitly or implicitly a term or condition of an individual's employment."
Basic Elements of Sexual Harassment

All elements must be present:

✓ Unwelcome
✓ Sexual Content
✓ Offensive nature
✓ Limits or denies educational/academic environment/condition

Sexual Harassment Manifests Itself As:

- Hostile Education/Employment Environment Harassment;
- Third Party Harassment; or
- Quid Pro Quo Sexual Harassment.
Hostile Work Environment Harassment

Includes conduct that interferes with an individual's academic or professional performance or creates an intimidating, hostile, or demeaning employment or academic environment.

Third Party Harassment

Any form of harassing behavior that is unwelcome to individuals who see or hear it, even though it is not directed at them.
Recognizing that sexual harassment can occur:

✓ At school
✓ At a school-sponsored athletic, club, or social event
✓ On a bus
✓ Activity off school property (at a conference, dinner meeting, holiday get together)

The following behaviors may contribute to a sexually hostile environment...

Objectionable verbal behaviors
- persistent unwanted requests for dates;
- intrusive questions about personal/sexual life;
- lewd comments or whistling;
- posting of sexually suggestive pictures;
- telling "dirty" jokes or stories;
- sending sexually explicit messages via text, email, etc.;
- tolerating staff or students who make sexually suggestive remarks about other staff or students; or
- allowing the use of derogative terms with a sexual connotation to be used by others.
Objectionable Physical Conduct

- Patting
- Grabbing
- Hugging
- Ogling/Staring
- Pinching
- Caressing
- Kissing
- Violating space — lean over, invading a person's space
- Inappropriate touching
- "Accidentally" brushing parts of the body
- Indecent exposure
- Blocking someone's path to make a sexual advance
- Uninvited massage
- Wandering eyes
- Looking over a person's body
- Suggestive hand gestures

"I Didn't Mean It That Way?"
(An Ineffective Defense)

Intent does not matter

- The impact of the behavior matters

- "I didn't mean anything by it" is not a valid defense for harassing behavior
Supervisor Responsibilities

- Maintain a harassment free environment
- Address complaints brought to your attention
- Prevent retaliation
- Provide information
- Report to Title IX Coordinator all incidents of sexual misconduct.

Liability

☐ School districts can be held liable for harassment when:

- The harassment is so offensive that it can be said to deprive the victim of access to educational opportunities or benefits provided by the district;
- The district has control over the context in which the harassment arose;
- The district has disciplinary control over the harasser; and
- The district had actual knowledge of the harassment and responded with deliberate indifference to the complaint.
Retaliation

- Dickinson Public Schools prohibits retaliation for an individual's participation in and/or initiation of a harassment/discrimination complaint investigation, including instances when a complaint is not substantiated.

- Retaliation is taking adverse action against an employee or student who has complained of harassment, sexual harassment, or discrimination. Retaliation is just as illegal as harassment, sexual harassment, or discrimination and is strictly prohibited by law and Dickinson Public Schools Policy.

- Dickinson Public Schools will not tolerate adverse actions/retaliation toward anyone who, in good faith, alleges harassment or who provides information related to a grievance. Such retaliation may be the basis for an additional grievance.

- There will be consequences for retaliating against an individual up to and including dismissal from employment with Dickinson Public Schools.

What Can You Do?

- Build and maintain appropriate relationships with co-workers and students
- Monitor your own behavior
- Communicate clearly and appropriately
- Avoid "mixed signals" about co-workers or students' behavior
- Address concerns promptly
- Report immediately to the Title IX Coordinator all alleged sexual misconduct issues.
Title IX

“No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any educational program or activity receiving federal financial assistance.”

Title IX of the Education Amendments of 1972
Implementing Regulations at:

Title IX

• Sexual violence, such as sexual assault is a form of sexual harassment prohibited by Title IX.

• All forms of sexual misconduct are prohibited by Dickinson Public Schools policy regardless of intent to harm.

• Retaliation toward anyone who, in good faith, alleges concerns under Title IX or who participates in any manner, in an investigation or Title IX proceeding is prohibited.
**Dickinson Public Schools Sexual Misconduct and Nondiscrimination and Anti-Harassment Policy AAC Protects All From Sexual Misconduct**

- Sexual misconduct is prohibited in all forms, regardless of intent to harm.
- Also prohibited under Title IX:
  - Any rule violated on the basis of the recipient of the behavior’s sex/gender which is severe enough to cause a discriminatory effect.

Examples:
- Sexual assault
- Sexual exploitation
- Coercion
- Sexual harassment

- Respond to sexual violence regardless of the sex(es) of parties involved.
- Title IX’s sex discrimination prohibition extends to claims of discrimination based on gender identity or failure to conform to stereotypical notions of masculinity or femininity.

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<thead>
<tr>
<th>Examples:</th>
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<tbody>
<tr>
<td>- Bullying</td>
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<td>- Cyber-bullying</td>
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<tr>
<td>- Relationship violence</td>
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<td>- Stalking</td>
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**Sexual Assault**

Any sexual act between two or more people to which one person does not or cannot consent. This includes sexual acts or contacts with others that can involve:

1) **Compelling a person** to submit to sexual acts or contacts by force, threat of force, or intimidation or;

2) Engaging in such acts when the person suffers from a mental state that renders him or her incapable of understanding the nature of the contact. This includes, but is not limited to, situations when an individual is intoxicated, “high”, scared, **physically or psychologically pressured or forced**, passed out, unconscious, intimidated, coerced, mentally or physically impaired, beaten, isolated, or confined; or a victim under fifteen (15) years of age.
Sexual Exploitation

Taking sexual advantage of another person without consent. Examples include, but are not limited to:

- distributing or publishing sexual information;
- engaging in indecent exposure;
- engaging in voyeurism (the viewing of another for sexual gratification);
- invasion of sexual privacy;
- knowingly exposing another to an STD or HIV;
- prostituting another person; or
- recording, photographing, or relaying sexual sounds or images.

Tips for Intervening

- Approach everyone as a friend
- Do not be antagonistic
- Avoid using violence
- Be honest and direct when possible
- Recruit help if necessary
- Keep yourself safe
- If things get out of hand or become too serious, contact the police.
Reporting Responsibilities

A “Responsible Employee” is one who:

[✓] has authority to take action,

[✓] has the duty to report harassment, or

[✓] is someone a student could reasonably believe has this authority or responsibility.

Title IX Reporting Requirements

If you become aware of sexual harassment, sexual assault or discrimination based on gender, you must promptly notify the Title IX and Nondiscrimination Coordinator who will take the responsibility of notifying other appropriate District administrators.
Responsible Employee

Before a student or employee discloses an incident of sexual violence the responsible employee should make every effort to ensure the student or employee understands:

1. the employee’s obligation to report the name(s) of the alleged perpetrator and person(s) involved in the alleged sexual violence, as well as relevant facts regarding the alleged incident including the date, time, and location, to the Title IX Coordinator;
2. the person(s) option to request that the school maintain his or her confidentiality, which the Title IX Coordinator will consider; and
3. the person(s) ability to share the information confidentially with counseling, advocacy, health, mental health, or sexual-assault-related services (e.g., sexual assault resource centers, the Vital Work Life Employee Assistance Program [EAP], and pastoral counselors).

Compliance and Federal Enforcement

The U.S. Department of Education’s Office for Civil Rights (OCR) requires that once a school has notice of possible sexual harassment or sexual assault of a student the school should take immediate and appropriate steps to:
Notice Standard

- The District will be held responsible for any complaints it knew or should have known.

- A district may be held accountable for harassment if any person perceived to be a responsible district employee knew of the complaint and took no corrective action.
Reporting Requirements

What do I have to report?

- Name of the recipient of the behavior
- Name of the alleged perpetrator if known
- Approximate date and time it occurred
- Location in which it occurred
- Any additional information you may have about the incident including whether confidentiality was requested.

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Reporting Requirements Cont.

- **Responsible employees** do not need to determine whether the alleged sexual harassment or sexual violence actually occurred or that a hostile environment has been created before reporting an incident to the Title IX Coordinator.
Confidentiality

- Dickinson Public Schools will make every attempt to safeguard the privacy of the complainant.
- Dickinson Public Schools, however, can’t ensure confidentiality as it has an obligation to protect the safety and security of not only the complainant but also the entire district.
- The District is still required to take all reasonable steps to investigate and respond.

Investigation

- Separate from a criminal investigation
- Prompt and impartial
- Trained investigators
- Interview the recipient, the accused, potential witnesses, etc.
- Compile a report that is submitted to the Title IX Coordinator
- Resolution – generally within 60 Days
Handling Title IX Grievances

- Rights afforded equally to both parties

- Preponderance of evidence standard
  ("more likely than not")

- Notification of outcome

- Either party may appeal

It’s important to know...

- Dickinson Public Schools’ Nondiscrimination and Anti-Harassment Policy AAC, and
  - when to tell.
    - As soon as you are aware
    - We are held to a “constructive notice” standard not an “actual notice” standard ("knew or should have known" meaning if you become aware of anything relating to the Title IX issues we are discussing, no matter how you learn about it, the District can be held responsible.)
    - If criminal activity is involved, individuals are encouraged to contact law enforcement.
It’s important to know about...

- What does confidentiality mean?
  Dickinson Public Schools may be required to respond to an incident, even if confidentiality has been requested. Therefore, Dickinson Public Schools employees cannot guarantee absolute confidentiality. Individuals desiring confidentiality should be encouraged to contact one of the following:
  — Domestic Violence and Rape Crisis Center 701-225-4506 or 1-888-225-4506 (Available 24 hours) dvrcc@nds supper.net.com
  — Employee Assistance Program (EAP) Vital Work Life 1-800-383-1908 or VITALWorkLife.com

Remedies Under Title IX

An individual may also assert a Title IX claim via an internal or external action:

Internal
An individual may file a Dickinson Public Schools internal grievance under Dickinson Public Schools Policy AAC-BR: Discrimination and Harassment Grievance Procedure.

External
An individual may file an administrative complaint (grievance) with U.S. Department of Education, Office of Civil Rights (OCR).