

# **SOUTHWEST COMMUNITY HIGH SCHOOL**

(located 3<sup>rd</sup> floor Hagen Building)

## **Dickinson Public Schools**

**2017-2018 2018-2019**

### **Student Handbook**

404 4<sup>th</sup> St West

Dickinson, ND 58601-4951

Telephone/Fax: 701-456-0042

#### ***Vision***

***“Empowering All Learners to Succeed”***

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

This Handbook Belongs To:

Name:

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Address:

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City/Zip Code:

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Telephone:

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# *SOUTHWEST COMMUNITY HIGH SCHOOL*

*404 4<sup>th</sup> St West  
Dickinson, North Dakota*

*701-456-0042*

## ***STUDENT HANDBOOK***

### *INTRODUCTION*

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

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

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

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

### **Dickinson Public School District Core Values and Beliefs**

- Every student can learn.
- Students are unique individuals with a variety of learning styles.
- Positive and respectful home and school environments are essential for learning.
- Parents and guardians of students are responsible for preparing their children to come to school ready to learn and the school is responsible for educating all students.
- A rigorous and innovative curriculum prepares all students for a constantly changing world
- High standards and expectations should be set for all participants in the educational process
- The student shall be at the center of all educational decisions.

Kristy Goodall, Lead Teacher / Principal / Social Studies

Colin Kapelovitz ~~Brandon Gray~~, English

Jamie Wyant – Math / Science

*(Insert 2018-2019 School Calendar)*

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## **Process for Admission to Southwest Community High School (SWCHS)**

1. Visit with your school counselor **OR** the Dickinson High School principal to determine whether you are a candidate for the alternative school. -
2. Recommendation of the Dickinson High School principal – either approval or denial. – This is a form that is obtained from the DHS Principal or Vice Principal.
3. If approved, call Southwest Community High School – 701-456-0042 to make an appointment for parent(s) or guardian(s) and student to meet the principal and go over policies at Southwest Community High School.
4. Fill out application/registration forms at Southwest Community High School.
5. Return application and registration forms –
  - a. If there is no waiting list, and you are approved, the transfer will be processed.
  - b. If there is a waiting list, your name be placed on it.
    - i. The waiting list is taken as an **as-needed** basis – Those students with higher needs, i.e. age, credits etc. are taken into consideration first. They will have priority for admission once there is an opening, at the discretion and judgment of the principal. If the principal determines that the needs are equal across the board, then admission will be determined on a first-come, first-served basis.
6. Officially, withdraw from your high school and begin school at SWCHS – Any fines that you may owe to DHS still will need to be taken care of before graduation from either high school.

Selected students are those who are at risk of dropping out because of failure in a conventional school setting. The smaller school atmosphere fosters positive teacher/student relationships creating an atmosphere of optimism about student potential, focusing on student individualized learning, and student responsibility for attendance and achievement.

The curriculum at Southwest Community High School is tailored, but not downgraded, focusing on a student needs and interests by customizing and individualizing the curriculum.

Because students are held to high standards of accountability in all course work, those students who need additional support services beyond what is available in a typical classroom are generally not good candidates for the alternative high school, and enrollment at Southwest Community High School may be denied.

## Class Time Schedule

### *Class Time Schedule*

<b>Period 1</b>	8:30-10:05 AM
AM Break	10:05 – 10:15 AM
<b>Period 2</b>	10:15 – 11:50 AM
Lunch	11:50 AM – 12:50 PM
<b>Period 3</b>	12:50 – 2:25 PM
PM Break	2:25 – 2:35 PM
<b>Period 4</b>	2:35 – 3:30 PM

## Attendance

Students are expected to attend class every day and each class period. The principal will address attendance issues on a student-by-student basis. Students may be required to make up time for tardiness and or missing class periods. If attendance problems are an ongoing issue for any individual student, a meeting may be called with the school staff to discuss if this is the correct placement for the student. Students may be asked to un-enroll for a specified amount of time with the possible option to re-enroll at a later date if that decision is the best for the student.

Any student with five unexcused absences within a semester may be, at the discretion of the principal, dropped from enrollment and placed on the waiting list of Southwest Community High School. If no waiting list exists, the student may be required to drop/withdraw from their current courses for a 5-day period.

Students are expected to finish courses (except science) in 42 class periods. Science, because the nature of the course is extended to 52 class periods.

Any student that is behind 10 days in a class that they have attended, may, at the discretion of the instructor and administrator, be dropped or withdrawn from that course. That course will turn to an INC and arrangements possibly can be made with the instructor to finish the course. Any student with 2 drops/withdrawals **or receiving an “F” in any course** from Southwest Community High School in the period of a semester will be dropped from enrollment and placed at the bottom of the waiting list.

## Graduation Requirements

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

English	4 credits	Science	3 credits
Social Science	3 credits	Physical Education	1 credit
Mathematics	3 credits	*Elective Courses	10 credits

(\* = as needed to meet the required units of credit for graduation)

## **Grading/Progress Reports/Conferences**

Each class will begin with a joint agreement between the teacher and the student, which defines the required work to be completed and the expected period for completion. Students are given the opportunity to redo failed lessons, exams and other coursework if necessary.

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

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

92% – 100%	A – Superior
83% – 91%	B – Good/Above Average
74% – 82%	C – Average
65% – 73%	D – Passing/Below Average

Grade slips are issued at the completion of each class.

It is the policy of Southwest Community High School to maintain contact with the home through telephone contact and conferences. Individual appointments are scheduled so that all parent(s) or guardian(s) have an opportunity to confer with the teacher and principal. Parent(s) or guardian(s) are encouraged to contact Southwest Community High School as needed to request progress reports.

## **Correspondence Courses**

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

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

## **E-School**

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

## **Parking**

Please park in the parking lot adjacent to the building.

## **Storm Days**

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

## **Phone**

Students must obtain permission from the staff to use the school phone or personal cellular device. Student cell phones are to be used on a case-by-case basis.

### **Lunch Period**

Lunches are available from Berg Elementary for SWCHS students. Students are expected to pay for their lunch as if they were enrolled at DHS – Those students that qualify for free or reduced lunch can apply at the central office location

### **Dress Code**

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

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

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

### **Supplies**

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

### **Disciplinary Procedures**

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

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

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

### **Building Regulations**

1. If you feel you must leave the school building because of illness or an emergency, report to the teacher.

## **Board Policy FGCB – Searches of Students and Student’s Personal Property**

A search of a student's personal property or clothing shall only be undertaken when there is a reasonable suspicion that the student is concealing an object(s) or substance(s) in violation of school rules/policy, the law, or which may be detrimental to the health, safety, or welfare of enrolled students. The building principal or Superintendent must authorize all searches.

When the principal/Superintendent has reasonable suspicion that one or more students are carrying a prohibited object, article, or substance or are otherwise in possession of a prohibited object, article, or substance on school property or at a school-sponsored event, all personal property belonging to the suspected student(s) may be subject to inspection. When determining the scope of a search, the principal/Superintendent shall ensure that any measures adopted are reasonably related to the object of the search and not excessively intrusive in light of the age and sex of the student.

### **Search Procedure**

For the purposes of this policy, personal property includes, but is not limited to, a student’s vehicle, backpack, book bag, and/or purse. Students may also be asked to empty their pockets; however, strip searches shall not be conducted.

Searches of persons should be conducted in private by a school employee of the same sex as the student with a school employee present as a witness.

### **Searches of Vehicles**

The principal or designee shall conduct searches of student vehicles if the vehicle is parked on school property and if reasonable suspicion exists with a witness present. The principal shall make a reasonable attempt to contact the student who owns the vehicle and ensure he/she is present during the inspection unless an emergency situation is deemed to exist. If a vehicle is locked and its owner cannot be contacted or refuses to open it, the principal shall contact law enforcement.

### **Involvement of Law Enforcement**

The principal/Superintendent may request the assistance of law enforcement to conduct any portion of a school-initiated search of a student/student’s personal property that would pose a safety threat if conducted by school staff. In all other cases, law enforcement must have probable cause in order to search a student/student’s personal property.

Illegal substances found during searches of students/students’ personal property may be turned over to proper authorities.

### **Reporting Requirements**

The administrator who authorized the search shall notify the Superintendent whenever a search has been conducted and shall complete a search and seizure report form to be retained in the suspected student’s educational record.

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

## **Board Policy FGCA – Searches of Lockers**

The District retains ownership and control of all lockers. Access to all lockers is a legal right of school officials whose responsibility it is to protect the health, safety, and welfare of all students enrolled. Students shall have no reasonable expectation of privacy when using lockers. Student shall be given advanced notice of this policy through student handbooks or another form of notification.

Lockers may be subject to suspicion less searches, inspections for purposes such as routine maintenance, or searches where there is suspicion that locker(s) contain objects/substances that are illegal, violate school policy, or may be detrimental to the health, safety, or welfare of District students.

### **Search Procedure**

When a locker is subject to a search, the principal/Superintendent should be accompanied by at least one other school staff member.

Student's personal items stored in lockers such as, but not limited to, book bags, purses, and coats shall not be searched unless there exists reasonable suspicion that they contain an object(s) or substance(s) in violation of school rules/policy, the law, or which may be detrimental to the health, safety, or welfare of enrolled students.

The Superintendent should be notified whenever a search has been conducted if the Superintendent was not involved in the search.

### **Use of Trained Dogs and Involvement of Law Enforcement**

Trained dogs may be used to smell the outside of lockers. If the dog detects the possibility of objects/substances that are illegal or violate school policy, the principal/Superintendent shall search the locker in accordance with the search procedure above.

In the event a police officer or other law enforcement officer is to conduct a search of a student's locker, probable cause is necessary unless the search is school-initiated and would pose a safety threat if conducted by school staff. Illegal substances found in lockers may be turned over to proper authorities.

## **Board Policy ACEC – Vandalism**

### **Definition**

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

### **Remedies and Repercussions**

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

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

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

## **School Board Policy FF – Student Conduct and Discipline**

### **Discipline/Violence**

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

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

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

- restitution;
- detention;
- out-of-school suspension;

- expulsion;
- referral to proper authority and/or non-school agencies.

### **Conduct Standards**

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

### **Disciplinary Standards**

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

### **Disciplinary Standards for Special Education Students**

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

### **Prohibited Disciplinary Actions**

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

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

### **Disciplinary Authority**

Regulations on disciplinary standards and investigation procedures shall delineate the degree of disciplinary authority that the District shall grant to teachers and principals.

Other school personnel shall be granted disciplinary authority by the principal on a case-by-case basis based on the nature and scope of the employee's duties. Personnel granted such authority shall be required to comply with this policy and any disciplinary authority limits established by regulations. Employees unauthorized to administer student discipline shall report student misconduct to the appropriate school authority.

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

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

## **Board Policy ABBA- 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.

### **Definitions**

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

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

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

1. Reduce the high incidence of tobacco use in North Dakota.
2. Protect the health and safety of all students, employees, and the general public.
3. Set a non-tobacco-use example by adults.
4. Assist in complying with smoking restrictions in state and federal law (NDCC 23-12-10 and 20 U.S.C. 7973).

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

### **Use & Possession Prohibitions**

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

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

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

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

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

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

#### **Responsibility for Violations**

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

#### **Tobacco Cessation Services**

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

### **Board Policy FFD - Weapons**

#### Definitions

- *Firearm* is defined in accordance with 18 U.S.C. 921.
- *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.
- *Weapon* includes, but is not limited:
  - Any dangerous weapon as defined by NDCC 62.1-01-01
  - Any device designed to stun through use of voltage whether through direct contact or through a projectile
  - Any firearm look alike or dangerous weapon look alike brought on school property with the intent to threaten or intimidate
  - Any other object that a student used, attempted to use, or intended to use to threaten or intimidate, cause destruction to property, or to cause injury to self or others
  - Spray or aerosol containing ortho-chlorobenzamalonitrile or other irritating agent intended for use in the defense of an individual

#### **Prohibitions**

No student will knowingly possess, handle, carry, or transmit any firearm or weapon on school property.

#### **Disciplinary Consequences**

Violation of this policy will result in disciplinary action up to and including suspension or expulsion.

Bringing a weapon other than a firearm to school will require that proceedings for the suspension for up to 10 days and/or expulsion for up to 12 months be initiated immediately in accordance with the District's suspension and expulsion policy.

Bringing a firearm to school will require that the District immediately initiate proceedings for the expulsion of the student involved for a minimum of one calendar year in accordance with the District's suspension and expulsion policy. The Superintendent may modify the length of a firearms-related expulsion on a case-by-case basis based on the following criteria:

1. The totality of the circumstances, including the severity of the incident and the degree of endangerment of other students and staff.
2. The age and grade level of the student.
3. The prior disciplinary history of the student being expelled.
4. Relevant factors which contributed to the student's decision to possess a firearm in violation of this policy.
5. The recency and severity of prior acts resulting in suspension or expulsion.

6. Whether the optional provision of educational services in an alternative setting is a viable alternative to modifying the duration of the expulsion.
7. Input, if any, provided by licensed professionals (psychologists, psychiatrists, counselors) as to whether the expelled student would place himself/herself or others at risk by returning to the school prior to the expiration of the expulsion period.

Parent(s) or guardian(s) will be notified and all weapons will be confiscated and may be turned over to the student's parent(s) or guardian(s) or to law enforcement officials at the discretion of the administration.

Firearms will be confiscated and turned over to law enforcement.

### **Special Education Students**

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

### **Nonapplicable Provisions**

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

### **Citation for Disorderly Conduct**

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

- Engages in fighting, or in violent, tumultuous, or threatening behavior;
- Makes unreasonable noise;
- In a public place, uses abusive or obscene language, or makes an obscene gesture;
- Obstructs vehicular or pedestrian traffic, or the use of a public facility;
- Persistently follows a person in or about a public place or places;
- While loitering in a public place for the purpose of soliciting sexual contact, the individual solicits the contact;
- Creates a hazardous, physically offensive, or seriously alarming condition by any act that serves no legitimate purpose; or
- Engages in harassing conduct by means of intrusive or unwanted acts, words, or gestures that are intended to adversely affect the safety, security, or privacy of another person.

### **Citation for Truancy**

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

1. Any person who fails to ensure that a child is in attendance as required by this chapter is guilty of an infraction for a first offense and is guilty of a class B misdemeanor for a second or subsequent offense.

2. In a prosecution for an offense under this section, it is an affirmative defense if the person responsible for ensuring that the child is in attendance has made substantial and reasonable efforts to comply with the requirements of this section, but is unable to compel the child to attend school. If the court determines that the affirmative defense is valid, the court shall dismiss the complaint against the person.

### **Citation for Unruly Behavior**

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

“Unruly Child” means a child who:

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

**Citation for Willful Disturbance**

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

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

**Board Policy ACEA – Bullying Prevention**

**Definitions**

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

- “Bullying” means:
  - a. Conduct that occurs in a public school, on school District premises, in a District owned or leased school bus or school vehicle, or at any public school or school District sanctioned or sponsored activity or event and which:
    - (1) Is so severe, pervasive, or objectively offensive that it substantially interferes with the student’s educational opportunities;
    - (2) Places the student in actual and reasonable fear of harm;
    - (3) Places the student in actual and reasonable fear of damage to property of the student;
    - or
    - (4) Substantially disrupts the orderly operation of the public school; or
  - b. Conduct that is received by a student while the student is in a public school, on school District premises, in a District owned or leased school bus or school vehicle, or at any public school or school District sanctioned or sponsored activity or event and which:
    - (1) Is so severe, pervasive, or objectively offensive that it substantially interferes with the student’s educational opportunities;
    - (2) Places the student in actual and reasonable fear of harm;
    - (3) Places the student in actual and reasonable fear of damage to property of the student; or
    - (4) Substantially disrupts the orderly operation of the public school.
- “Conduct” includes the use of technology or other electronic media.
- *Protected* 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* shall include all employees of the Dickinson Public School District, school volunteers, and sponsors of school-sanctioned activities.
  - *True threat* is a statement that, in light of the circumstances, a reasonable person would perceive as a serious expression of intent to inflict harm.

**Prohibitions**

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

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

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

**Reporting Procedures for Alleged Policy Violations**

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

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

2. Reporting options for students and community members: Students and community members (including parents or guardians) 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 and Others Forms of Redress**

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

### **Documentation and 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 victim and alleged perpetrator during the investigation.

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

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

### **Victim Protection Strategies**

When the District confirms that a violation of this policy has occurred, it should notify the victim's parent(s) or guardian(s) 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 and Professional Development Activities**

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

## **Board Policy FFA – Student Alcohol and Other Drug Use/Abuse**

### **Philosophy**

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

### **Prohibited Activities**

It shall be against school policy for any student to:

1. Sell, deliver, or give, or attempt to sell, deliver, or give to any person any of the substances listed in this policy or sell, deliver, or give, or attempt to sell, deliver, or give to any person substances the student represents or believes to be a substance(s) listed in this policy.
2. Possess, procure, purchase, or receive, or to attempt to possess, procure, purchase or receive the substances listed in this policy or what is represented by or to the student to be any of the substances listed in this policy or what the student believes is any of the substances in this policy. A student will be determined to be "in possession" when the substance is on the student's person or in the student's locker, car, handbag, or when he/she owns it completely or partially.
3. Be under the influence of (legal intoxication not required), use, consume or attempt to use or consume the substances listed in this policy or what is represented by or to the student to be any of the substances listed in this policy or what the student believes is any of the substances in this policy.
4. Knowingly or intentionally aiding or abetting in any of the above activities.

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

### **Prohibited Substances:**

1. Alcohol, powdered alcohol, or any alcoholic beverage;
2. Any controlled substance or dangerous drug as defined by NDCC Sections 19-03.1-05 through 19-03.1-13 and 19-03.1-26 (paraphernalia) or as defined by Section 812, Schedules I-V, of Title 21, United States Code, Section 801, et seq., including but not limited to marijuana, any narcotic drug, any hallucinogen, any stimulant or depressant, and all other illicit drugs;
3. Any glue, aerosol paint, or any other chemical substance used for inhalation;
4. Any prescription or non-prescription drug, medicine, vitamin or other chemical including, but not limited to aspirin, other pain relievers, stimulants, diet pills, multiple or other type vitamins, pep pills, "no-doze" pills, cough medicines and syrups, cold medicines, laxatives, stomach or digestive remedies, depressants, sports or muscle-building supplements, and sleeping pills not administered and/or taken with appropriate consent and authorization from parents, guardians, school administration, and, if applicable, a health care provider.

The District has a separate policy dealing with tobacco use.

### **Reporting Violations**

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

### **Violation**

When a principal/Superintendent has reasonable suspicion that a student has violated this policy, he/she may search the student in accordance with the District's policy on searches of students' personal property. Such searches shall not include referral for mandatory alcohol/drug testing. Disciplinary sanctions will be imposed on, and additional actions may be taken (as listed below) in response to, any violation of this policy. These sanctions may include suspension or expulsion, intervention (as described below), and notification of proper authorities for prosecution. Prohibited substances will be confiscated and illegal substances will be turned over to law enforcement authorities.

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

### **Intervention**

It is acknowledged that the public school has neither the authority nor the responsibility to make medical or health determinations regarding chemical dependency; however, when observed behavior indicates that a problem exists which may affect the student's ability to learn or the educational climate of the school, the school has a right and a responsibility to refer the student for a formal chemical dependency diagnosis. The Superintendent shall develop a procedure for chemical dependency identification and referral for treatment.

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

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

The school may, through the use of available resources, provide follow-up counseling and supportive assistance to those students who return after successfully completing a therapeutic regimen, realizing that the student may need assistance in dealing with other environmental factors beyond the school's control which may remain unchanged.

### **Confidentiality**

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

### **Education**

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

In addition, the District will conduct staff orientation and training on drug and alcohol prevention, including a periodic overview of this policy and its procedures for implementation.

### **Asbestos Notice**

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

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

### **Administering Prescriptive Medicines**

1. No prescription or nonprescription medication will be administered by school personnel unless authorized by parent(s) or guardian(s) or prescribed by a licensed prescriber and an authorization form is signed by a parent or guardian (Form C FCAB-E).

2. Prescription medication must be in a container with a label prepared by a pharmacist. Nonprescription medication must be in the **original container** labeled with the student's name and dosage.
3. Medications are to be properly labeled with student's name, name of medication, dosage amount, frequency of administering, name and telephone number of pharmacy, prescription number and doctor's name. Prescription and nonprescription medications must be hand delivered to the school personnel by the parent(s) or guardian(s).
4. School personnel will keep a separate record of administering medication, noting date, time and initials of person administering the medication.
5. The parent or guardian is to make the school personnel aware of any side effects and whom to notify in case of emergency.
6. Any change in type or amount of medication must be approved by the parent(s) or guardian(s) and a new approval form must be signed and completed.

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

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

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

### **Title IX Policy**

**You are hereby notified** that 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 inquiries 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.

### **Harassment**

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

### **Board Policy AAC – 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:
  - a. For employees, when enduring the offensive conduct becomes a condition of continued employment, or the conduct is severe or pervasive enough to create a work environment that a reasonable individual would consider intimidating, hostile, or abusive
  - b. For students, when the conduct is sufficiently severe, persistent, or pervasive so as to limit the student's ability to participate in or benefit from the education program or to create a hostile or abusive education environment
- *Section 504* (Section 504 of the Rehabilitation Act of 1973, as amended, 29 U.S.C. 794) is a federal law designed to protect the rights of individuals with disabilities in programs and activities that receive federal financial assistance from the U.S. Department of Education.
- *Sexual harassment* is a form of harassment based on sex, 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:
  - a. It is quid pro quo, meaning submission to such conduct or communication is made a term or condition, either explicitly or implicitly, of the basis for employment decisions or educational decisions or benefits for students (e.g., receiving a grade)
  - b. It creates a hostile environment meaning unwelcome sexual conduct or communication that is sufficiently serious to deny or limit a student's ability to participate in or benefit from the school's program(s). For employees a hostile environment is created when submission to unwelcome sexual conduct is made either explicitly or implicitly a term or condition of an individual's employment.

- *Sexual harassment examples* include:
  - a. sexual or "dirty" jokes;
  - b. unwelcome sexual advances;
  - c. requests for sexual favors;
  - d. 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;
  - e. displaying or distributing of sexually explicit drawings, pictures, and written materials;
  - f. graffiti of a sexual nature;
  - g. sexual gestures;
  - h. touching oneself sexually or talking about one's sexual activity in front of others;
  - i. spreading rumors about or rating other's sexual activity or performance;
  - j. remarks about an individual's sexual orientation; or
  - k. sexual violence including, rape, sexual battery, sexual abuse, and sexual coercion.
  
- *Title II* of the Americans with Disabilities Act extends the prohibition on discrimination established by Section 504 to all services, programs, and activities of State and local government entities.
  
- *Title IX* is a federal law that protects people from discrimination, based on sex, in education programs or activities that receive federal financial assistance.

**Complaint Filing Procedure**

The Board shall create an informal and formal discrimination and harassment complaint filing procedure in board regulations 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 publish this policy in all student handbooks and employee policy and procedures manual.

**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 4<sup>th</sup> 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 4<sup>th</sup> 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, 504/Title II, 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.

### **School Board Regulation AAC – 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 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 and/or harassing conduct, the appropriate grievance coordinator shall contact the complainant, determine if an informal or formal investigation is appropriate, and determine if the complainant requests confidentiality. Requests for confidentiality must be handled in accordance with policy AAC.

#### **Prohibition on Meeting with the Accused**

At no time during the informal or formal resolution process shall the complainant be required to meet with the accused. If the appropriate grievance coordinator assigned to conduct or oversee the investigation is the accused, the Superintendent, or Board President (if the Superintendent is the accused) shall designate a different individual (which may be a third party) to carry out the accused's responsibilities associated with the investigation.

#### **Third-Party Assistance**

A school official responsible for conducting or overseeing discrimination, 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 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, coded 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 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 (AAC) 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 AAC;
3. Ages of the parties involved;
4. Relationship between the parties involved;
5. Severity of the conduct;
6. How often the conduct occurred, if applicable, and;
7. How the District resolved similar complaints, if any, in the past.

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

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

**Disciplinary Action**

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

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

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

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

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

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

**Notice of Outcome**

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

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

**Investigation Materials**

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

**Board Policy ABCA – Copyrighted Material and 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.

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

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

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

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

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

1. Be polite. Do not write or send abusive messages to others. Do not post anonymous messages.
2. Use appropriate language. Do not swear, use vulgarities or any other inappropriate language.
3. Do not reveal the personal home address or phone numbers of students or colleagues.
4. Note that electronic mail (email) is not guaranteed to be private. Messages relating to or in support of illegal activities may be reported to the authorities.
5. Do not use the internet in such a way that would disrupt the use of the internet or the network by other users (e.g. downloading large files during prime time, sending chain letters or mass email messages, annoying other users).

6. Do not post personal communications without the original author's consent.

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

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

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

To gain access to email and the internet all students under the age of 18 must obtain parental permission. Parent(s) or guardian(s) desiring their children to have access must sign and return the proper form. A new form will be signed when a student is first registered in the school District and upon entering the middle school and high school levels.

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

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

The internet safety policy must address:

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

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

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

### **Board Policy FGA—Student Education and Records 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**

1. 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.
  - *Eligible student* means a student who has reached the age of 18.
  - *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.
  - *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.
  - *School official* is defined as an individual who has a legitimate educational interest in accessing student educational records and is affiliated with the District in one of the following capacities:
    - a. An individual employed by the District in an administrative, instructional, or support staff position;
    - b. School board members;
    - c. Contractors, consultants, volunteers, service providers, or other party with whom the school or District has outsourced institutional services or functions for which the school or District would otherwise use employees; records provided to these third parties must remain directly under the District's control for purposes of maintenance and use and the third party must agree to comply with 34 C.F.R. 99.33(a). Examples include, but are not limited to, school resource officers, interns, student teachers, the District's attorney, PowerSchool, SLDS, learning management software, hot lunch tracking software, Viewpoint, and District alert systems.

#### **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;
4. Enforcing this and other applicable District confidentiality and data protection policies;
5. Providing a list of students who have opted-out of directory information to classroom teachers and other District staff who have a need to know.

### **Information Release Safeguards**

#### **1. Access by Parents and Eligible Students**

To ensure compliance with parental and eligible student access requirements under FERPA:

- a. The District shall comply with a request by a parent or eligible student to access education records within a reasonable period of time, not to exceed 45 days after receipt of a request.
- b. The Board shall develop procedures for a parent/guardian/student to review and amend educational records. These procedures shall include procedures to verify the identity of a requesting parent/eligible student. The regulations shall be delineated in board approved regulations 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, he/she 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 ~~release this information~~ without a parent/eligible student's consent if it has given parents/eligible students a reasonable amount of time to opt-out of directory information release. Opt-out notices should be provided at the beginning of the school year and when a student otherwise enrolls in the District. These notices shall contain a reasonable deadline of at least 10 days for parents/eligible students to opt out.

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.

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. Any school employee who wishes to share PII with a third party shall contact his/her privacy officer. The privacy officer shall determine if the Board has previously approved such release and, if not, deny the request or submit it to the Superintendent for board approval. Upon board approval of any PII release request, the applicable privacy officer shall inform the requestor of any parental consent requirements 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
- b. In connection with a health or safety emergency under the conditions described in 34 C.F.R. 99.36
- 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
- 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

- 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
- f. To accrediting bodies for purposes of accreditation
- 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
- h. To another school in which the student seeks, intends to, or is already enrolled
- i. To authorized representatives of the Comptroller General of the United States, the Attorney General of the United States, the U.S. Secretary of Education, and state and local educational authorities for audit or evaluation of federal or state supported education programs or for the enforcement of or compliance with federal legal requirements that relate to those programs
- 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
- k. To the parents of an eligible student who is also a "dependent student" as defined in IRS Section 152

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.

#### **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
- 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)

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.

## **Board Regulation FGA – Student Education Records Access and Amendment Procedure**

### **Reviewing an Educational Record**

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

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

### **Amending an Educational Record**

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

1. Any request to amend an educational record shall be made in writing and submitted to the building principal.
2. The principal shall review the request within a reasonable time and approve or deny it. The principal's decision shall be submitted to the parent/guardian/eligible student. If the principal denies the amendment request, he/she shall inform the parent/guardian/eligible student of his/her right to request an appeal hearing.
3. Requests for an appeals hearing shall be submitted to the Superintendent. The hearing shall be held within a reasonable time after the appeal request has been made.
4. The building principal shall require the requestor to submit/show a form of state or federally-issued identification to verify the identity of the requestor if the requestor is unknown to the principal.
5. The Superintendent shall serve as the hearing officer. A representative of the parent/guardian/eligible student's choosing may accompany the parent/guardian/eligible student at the parent/guardian/eligible student's expense. The parent/guardian/eligible student shall have a full and fair opportunity to present evidence related to the amendment request.
6. The Superintendent's decision is final and binding and shall be submitted to the parent/guardian/eligible student at a reasonable time after the hearing.
7. If the Superintendent denies the amendment request, he/she will notify the parent/guardian/eligible student within a reasonable time of his/her right to submit a written response commenting on the contested material and/or explaining the disagreement with the hearing officer's decision. This written response shall be retained and, when applicable, disseminated in accordance with law.

### **FGA-E- Notice of Directory Information**

The Family Educational Rights and Privacy Act (FERPA), a Federal law, requires that Dickinson School District, with certain exceptions, obtain your written consent prior to the disclosure of personally identifiable information from your child's education records. However, Dickinson School District may disclose appropriately designated "directory information" without written consent, unless you have advised the District to the contrary in accordance with District procedures.

The primary purpose of directory information is to allow the Dickinson School District to include this type of information from your child's education records in certain school publications. Examples include:

1. A playbill, showing your student's role in a drama production;
2. The annual yearbook;
3. Honor roll or other recognition lists;
4. Graduation programs; and
5. Sports activity sheets, such as for wrestling, showing weight and height of team members.

Directory information, which is information that is generally not considered harmful or an invasion of privacy if released, can also be disclosed to outside organizations without a parent's prior written consent. Outside organizations include, but are not limited to, companies that manufacture class rings or publish yearbooks. In addition, two federal laws require school districts receiving assistance under the Elementary and Secondary Education Act of 1965 (ESEA) to provide military recruiters, upon request, with three directory information categories--names, addresses and telephone listings--unless parents have advised the School District that they do not want their student's information disclosed without their prior written consent.

If you do not want Dickinson School District to disclose directory information from your child's education records without your prior written consent, you must notify the school/district in writing **within two weeks of the first day child is enrolled**. Dickinson School District has designated the following information as directory information: *Note: an LEA may, but does not have to, include all the information listed below.*

1. Address
2. Date and place of birth
3. Dates of attendance
4. Degrees, honors, and awards received
5. Electronic personal identifier
6. Grade level
7. Institutional electronic mail address
8. Major field of study
9. Participation in officially recognized activities and sports
10. Photograph
11. Student's name
12. Telephone listing
13. Weight and height of members of athletic teams
14. Most recent educational agency or institution attended.

An opt out request form is available at the schools and also the Dickinson Public Schools website.

### **FGA-E2 Model Notification of Rights under FERPA for Elementary and Secondary Schools**

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

1. The right to inspect and review the student's education records within 45 days after the day the school receives a request for access. Parents or eligible students should submit to the school principal, or appropriate school official, a written request that identifies the records they wish to inspect. The school official will plan for access and notify the parent or eligible student of the time and place where the records may be inspected in accordance with board regulation FGA-BR.

2. The right to request the amendment of the student's education records that the parent or eligible student believes are inaccurate, misleading, or otherwise in violation of the student's privacy rights under FERPA. Parents or eligible students who wish to ask the school to amend a record should write the school principal, or appropriate school official, clearly identify the part of the record they want changed, and specify why it should be changed. If the school decides not to amend the record as requested by the parent or eligible student, the school will notify the parent or eligible student of the decision and of their right to a hearing regarding the request for amendment. Additional information regarding the hearing procedures will be provided to the parent or eligible student when notified of the right to a hearing.
3. The right to provide written consent before the school discloses personally identifiable information (PII) from the student's education records, except to the extent that FERPA authorizes disclosure without consent.

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

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

Family Policy Compliance Office  
U.S. Department of Education  
400 Maryland Avenue, SW  
Washington, DC 20202

**Disclosure of PII without Consent**

FERPA permits the disclosure of PII from students' education records, without consent of the parent or eligible student, if the disclosure meets certain conditions found in §99.31 of the FERPA regulations. Except for disclosures to school officials, disclosures related to some judicial orders or lawfully issued subpoenas, disclosures of directory information, and disclosures to the parent or eligible student, §99.32 of the FERPA regulations requires the school to record the disclosure. Parents and eligible students have a right to inspect and review the record of disclosures. A school may disclose PII from the education records of a student without obtaining prior written consent of the parents or the eligible student:

1. To other school officials, as defined in #3 above, within the educational agency or institution whom the school has determined to have legitimate educational interests. This may include contractors, consultants, volunteers, or other parties to whom the school has outsourced institutional services or functions, provided that the conditions listed in §99.31(a)(1)(i)(B)(1) - (a)(1)(i)(B)(2) are met. (§99.31(a)(1))
2. To officials of another school, school system, or institution of postsecondary education where the student seeks or intends to enroll, or where the student is already enrolled if the disclosure is for purposes related to the student's enrollment or transfer, subject to the requirements of §99.34. (§99.31(a)(2))
3. To authorized representatives of the U. S. Comptroller General, the U. S. Attorney General, the U.S. Secretary of Education, or State and local educational authorities, such as the State educational

agency in the parent or eligible student's State (SEA). Disclosures under this provision may be made, subject to the requirements of §99.35, in connection with an 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. These entities may make further disclosures of PII to outside entities that are designated by them as their authorized representatives to conduct any audit, evaluation, or enforcement or compliance activity on their behalf. (§§99.31(a)(3) and 99.35)

4. In connection with financial aid for which the student has applied or which the student has received, if the information is necessary to determine eligibility for the aid, determine the amount of the aid, determine the conditions of the aid, or enforce the terms and conditions of the aid. (§99.31(a)(4))
5. To state and local officials or authorities to whom information is specifically allowed to be reported or disclosed by a state statute that concerns the juvenile justice system and the system's ability to effectively serve, prior to adjudication, the student whose records were released, subject to §99.38. (§99.31(a)(5))
6. To organizations conducting studies for, or on behalf of, the school, in order to: develop, validate, or administer predictive tests; administer student aid programs; or improve instruction. (§99.31(a)(6))
7. To accrediting organizations to carry out their accrediting functions. (§99.31(a)(7))
8. To parents of an eligible student if the student is a dependent for IRS tax purposes. (§99.31(a)(8))
9. To comply with a judicial order or lawfully issued subpoena. (§99.31(a)(9))
10. To appropriate officials in connection with a health or safety emergency, subject to §99.36. (§99.31(a)(10))
11. Information the school has designated as "directory information" under §99.37. (§99.31(a)(11))

### **Board Policy AAA – Dickinson Public School District Philosophy**

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

#### **We Believe:**

1. The purpose of education is to equip students with the knowledge and skills necessary to become active, informed, and productive members of society. Our public schools have a responsibility to foster the growth of intelligent and informed citizens.
2. All individuals are entitled to equal rights, freedoms, and opportunities regardless of economic, cultural, or intellectual differences. The District is committed to creating and preserving a learning and working environment that promotes tolerance and is free from discrimination and harassment.
3. Only through the study of basic subject matter, history, culture and fine arts will students be prepared for both the practical tasks and complexities of the world. The District will provide all students with opportunities to participate in varied curricular offerings.
4. Education should aid in the development of good character, self-respect and self-worth, and offer opportunities to form satisfying and responsible relationships with other people. The District will offer programs that allow students to practice the skills of family and community living and that promote an appreciation for health and safety.
5. Education must look to the future. The District will offer programs to help equip students with skills that may be demanded by our future society, that help students select appropriate occupations, and

that provide opportunities to develop worthwhile leisure time activities. The District will also offer programs that teach money, property, and resource management techniques and conservation practices in order to assist students with planning for the future.

6. Educational experiences should be timed in accordance with students' readiness for them. All District programs will take into account factors such as age, maturity, and readiness.
7. Appropriate discipline helps ensure that the educational program operates efficiently and helps mold students into upstanding citizens. The Board shall develop policies in accordance with law to ensure administrators are equipped to appropriately respond to disciplinary issues.
8. Parents and the community should serve as partners with schools. It takes the combined effort of all members of the community to develop and maintain an educational program that meets the objectives delineated above. District schools will embrace the support and reflect the expectations of the community.

### **Board Policy FG – Students Rights and Responsibilities**

The Board affirms those legal rights of students that are guaranteed under the federal and state constitutions and statutes. The Board reminds students that rights also are accompanied by responsibilities.

These rights and responsibilities include:

1. Civil rights, including the rights to equal educational opportunity and freedom from illegal discrimination; the responsibility not to discriminate against others.
2. The right to attend free public schools; the responsibility to attend school as required by law and to observe school rules and regulations essential for permitting others to learn at school.
3. The right to due process of the law with respect to expulsion, searches and seizures, or administrative decisions that the student believes have injured his/her rights.
4. The right to free inquiry and expression; responsibility to observe reasonable rules regarding these rights. Students may exercise their right to freedom of expression through speech, assembly, petition, and other lawful means. The exercise of this right may not interfere with the rights of others. Freedom of expression may not be utilized to present material that is vulgar, slanderous, defames character, advocates violation of law or is in violation of District policy.

The Superintendent shall ensure that students are made aware of the legal authority of the Board and the delegated authority of the staff to make rules and regulations regarding the orderly operation of the school, which uphold the legal rights of students.

### **Board Policy FFB – Attendance and Absences Policy**

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

#### **Definitions**

For purposes of compulsory attendance reporting under NDCC 15.1-20-02.1 (1-2):

- *Excused absence* is an absence that the District will not use in determining if a compulsory attendance violation occurred. Any absence may be excused if it is supported by either a verbal or written excuse supplied by the student's parent, teacher, or school administrator.
- *Unexcused absence* is any absence not supported by the verbal or written excuse required for an excused absence.

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

- *Approved absence* is an absence that the District believes is necessary and/or unavoidable and has received administrative approval. Necessary and/or unavoidable absences may be caused by illness, injury, family emergency, religious observance or instruction, suspension, participation in a school-related activity, court appearances when subpoenaed, or other reasons deemed necessary and/or unavoidable by the building principal or Superintendent. Students granted approved absences shall not be subject to the consequences contained in Section III of this policy. The Superintendent or

designee shall develop criteria for requesting and granting an approved absence and shall establish make up work requirements.

- *Unapproved absence* is defined as an absence that does not meet the above criteria for approved absences. If a student is absent for an unapproved reason, the parent(s) or guardian(s) shall still be responsible for calling the principal's office to explain the absence, and the student will be subject to the consequences contained in Section III of this policy.

### **Documentation Requirements**

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

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

### **Accumulated Unapproved Absence**

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

### **Compulsory Attendance Violations**

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

### **ACAA-AR – Emergency Closing Procedure**

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

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

### **First Aid/Accidents**

In the event an accident occurs within the schools or a student or other individual becomes suddenly ill, the responsibility of the school is to provide emergency care, notify parent or guardian, and in serious instances, summon necessary medical care.

The Superintendent will develop uniform procedures for giving first aid, arranging for necessary medical care, notifying parents, and officially reporting accidents.

The Board encourages its faculty and staff to become trained in first aid. First aid will not include treating infections or administering medicine except when special authorization for a particular student has been granted. Minor cuts and bruises may be treated.

In the event a child becomes acutely ill or is seriously injured during school hours, the school will inform the parents/guardian, who will make the decision whether to pick up the child at the school or meet the child at the hospital. If the school is unable to reach the parents or if they choose to meet the child at the hospital, the child may be transported by school personnel or by ambulance at the discretion of the principal or his/her designee. If the school is unable to reach the parents, an attempt will be made to contact the child's personal physician as designated on the student's record. The district's policy and regulations on concussion management shall supersede any district emergency response policies/regulations when the concussion management policy/regulations are applicable.

### **Immunizations**

The 1979 North Dakota Health Immunization Law requires that no child will be admitted to kindergarten, elementary school, middle school, or high school unless he/she has a Certificate of Immunization on file at the school or submits one prior to admission. The law, which became effective July 1, 1979, requires that the certificate be signed by a physician or local public health department representative and be presented to the school officials by the parent(s) or guardian(s) of the child. The Certificate of Immunization states that the child has been vaccinated against diphtheria, pertussis, tetanus, measles, rubella, mumps, polio, hepatitis B, and varicella (chicken pox), and meningococcal if applicable.

Two doses of chicken pox vaccine is required of children attending grades K-8. One dose of the chicken pox vaccine is required for children attending grades 9-12. A reliable history of chicken pox disease is an exemption to the vaccine requirement. As in previous years, a student must receive meningococcal, tetanus, diphtheria, and pertussis (Tdap) vaccine before being admitted into any middle school.

The law does allow exemptions for medical, philosophical, moral, or religious beliefs. However, when there is a danger of an epidemic from any of the communicable diseases for which immunization is required, those children who are not adequately immunized, including children exempt, will be excluded from school until the danger of the epidemic is over.

### **Board Policy FFK – Suspension and Expulsion Policy**

#### **Definitions**

For the purposes of this policy:

- *School property* is defined as all land within the perimeter of the school site and all school buildings, structures, facilities, and school vehicles, whether owned or leased by the District, and the site of any school-sponsored activity.
- *Suspension* includes out-of-school exclusion from school classes, buildings, grounds, and activities.

#### **Suspension/Expulsion Authority**

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

The Board designates the Superintendent to serve as the hearing officer for expulsion hearings unless not qualified to serve as defined in board regulations. In such cases, the Board shall appoint an alternative hearing officer. The hearing officer may expel a student for conduct that violates this policy after providing notice and a hearing as set forth in board regulations. When the hearing officer is someone other than the Dickinson Public School Board, the student may seek a review of the hearing officer's expulsion decision by the Board based on the record of the hearing.

Expulsion shall not be imposed beyond the maximum duration permitted by law.

#### **Conduct Subject to Suspension/Expulsion**

Conduct, including but not limited to the following, exhibited while on school grounds, during a school-sponsored activity, or during a school-related activity is subject to suspension or expulsion:

1. Causing or attempting to cause damage to school property or stealing or attempting to steal school property;
2. Causing or attempting to cause damage to private property or stealing or attempting to steal private property;

3. Causing or attempting to cause physical injury to another person except in self-defense;
4. Possessing or transmitting any firearms, knives, explosives, or other dangerous objects or weapons;
5. Possessing, using, transmitting, or being under the influence of any narcotic drug, hallucinogenic drug, amphetamine, barbiturate, marijuana, alcoholic beverage, or intoxicant of any kind;
6. Disobedience or defiance of proper authority;
7. Behavior that is detrimental to the welfare, safety, or morals of other students;
8. Truancy;
9. Offensive and vulgar language, whether or not it is obscene, defamatory, or inciteful to violence, where it is disruptive of the educational process;
10. Threats of violence, bomb threats, or threats of injury to individuals or property;
11. Any student behavior that is detrimental or disruptive to the educational process, as determined by the principal.

Copies of these rules shall be posted in a prominent place in each school and shall be published in student handbooks.

### **Suspension or Expulsion of Students with Disabilities**

Suspension or expulsion of students with disabilities must comply with the provisions of the Individuals with Disabilities Education Act.

The District is not required to refer a regular education student who has been suspended for violation of school rules and/or District policy for special education assessment and evaluation to determine if such a student might have a disability. A suspended regular education student is not entitled to reinstatement to classroom and campus privileges pending any assessment and evaluation that is to be made during the term of the student's suspension.

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

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

### **Dickinson Public Schools – Student Activities**

Southwest Community High School students are eligible to participate in Dickinson Public Schools activities and must follow the same policy and Code of Conduct as students at Dickinson High School. The code of conduct is also available on the Dickinson High School website.

### **Board Policy FFE – Extracurricular Participation Requirements**

#### **Philosophy**

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

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

#### **Activities Affected by this Policy**

Activities affected by this policy shall include extracurricular activities as listed in the student handbook, including those not sponsored by NDHSAA.

## **Academics**

NDHSAA requires that local districts establish a definition of what constitutes a failing grade. For the purposes of this policy, a failing grade is defined as receiving a letter grade of F in any curricular course as computed from the beginning of the semester for regular education students or, in the case of special education students, not meeting the goals of Individual Education Programs as assessed from the beginning of the semester.

## **Suspension Procedure**

When the principal or Superintendent, as a result of his/her investigation, concludes that a violation of this policy or NDHSAA bylaws has occurred, he/she shall notify the student of this suspension.

## **Violation of Other Misconduct Policies**

Students who violate student conduct policies not covered by NDHSAA bylaws may be subject to suspension from extracurricular activities for a period of time determined by coaches/advisors and administration. Such consequences shall be imposed in addition to other disciplinary consequences imposed under the applicable policy.

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

## **Dickinson Public Schools Student Activities ([www.westerndakotaassociation.org](http://www.westerndakotaassociation.org))**

### **Forward**

The purpose of this section of the handbook is to provide coaches/advisors, students, parent(s) or guardian(s), and the public with the necessary information pertaining to rules, regulations, policies, and guidelines relating to school activities in the Dickinson Public School System. Many important and common questions that arise from time to time are addressed. Dickinson Public Schools is very proud of the variety and number of activities available to our students and Dickinson Public Schools thanks the continued public support of our student activity programs.

### **A. Activity Director's Message**

Dickinson Public Schools supports all of its activity programs with great enthusiasm as a positive and valuable part of the total educational experience. Dickinson Public Schools is extremely proud of the multitude and variety of activity programs offered to all students. All student activity programs shall be organized and managed along the following guidelines:

- Participants shall be treated as regular students. No special consideration is given for grades, attendance, assignments, etc. Students involved in school activities should represent the best that the District has to offer in and out of the classroom.
- Full allegiance will be given to all rules and regulations of the North Dakota High School Activities Association as well as other policies set forth by Dickinson Public Schools.
- All activity programs will be conducted for the benefit of the participants, with maximum concern for their safety, health, and well-being.
- Coaches/advisors as regular faculty members, as well as those who are non-faculty, are expected to exhaust all legitimate channels for promoting the highest level of excellence in all programs. Keeping in mind that our students participate in a wide variety of activities, coaches/advisors are expected to promote and support all activity programs and will be evaluated on the basis of their loyalty and contribution to the total educational program.
- All participants involved in school activities must be mindful that participation in school activities is a privilege and therefore carries high levels of expectation. All participants must adhere to all rules and regulations of the NDHSAA, Dickinson Public Schools, and each individual program.

*From the: Activities Director, Dickinson Public Schools, 979 13<sup>th</sup> Ave. W., Dickinson, ND 58601*

## **B. Eligibility of Activity Participants**

The North Dakota High Schools Activities Association (NDHSAA) serves as the governing body for many of the activities offered by Dickinson Public Schools. In accordance with the NDHSAA and many other state-sponsored student organizations, Dickinson Public Schools has adopted eligibility requirements for all its activity participants. Participants and parent(s) or guardian(s) should take the time to become familiar with all eligibility requirements. The NDHSAA Constitution and By-Laws Manual contains thorough detailed information in regards to the activities they sponsor. These by-laws may be found at [www.ndhsaa.com](http://www.ndhsaa.com).

The following are selected policies of the NDHSAA and those policies adopted by Dickinson Public Schools pertaining to eligibility requirements of all Dickinson Public Schools student activity participants. Individual activity programs may have additional training rules/regulations that apply to participants. Program participants will be made aware of any specific program rules/regulations that exist. The Activities Director and building principal will approve specific individual program rules/regulations in addition to those specified below:

- 1) **PHYSICALS** – All athletes, cheerleaders, and dance team members are required to have an annual physical signed by a physician and the participant’s parent(s) or guardian(s) certifying that the participant has passed an adequate physical examination.
  - a. The above named participants are **not allowed to practice or participate in any contest, game, performance, or other interscholastic event** until a current physical is on file with the Activities Office at Dickinson High School.
  - b. Physicals must be completed annually on or after April 15 to be valid for the following school year. Physicals completed before April 15 are not valid for participation the following school year.
- 2) **PARTICIPATION FEES**
  - a. **Athletics** - All athletes, cheerleaders, and dance team members are required to pay an athletic participation fee as determined by Dickinson Public Schools.
    1. Athletic fees are based upon the grade level of the student, not the level at which they participate. For example, an 8th grade student participating on a high school team would pay the middle school fee, not the high school fee
    2. Fees for club funded sports, such as swimming and hockey, are determined by each club.
  - b. **Other Activities** – All non-athletic activity participants are required to pay a participation fee as determined by Dickinson Public Schools. This fee is in addition to any state and national dues for each activity group.
  - c. **All Activities** -
    1. Participation fees are due and payable on the first day of the activity. Participants are **not allowed to practice or participate in any contest, game, performance, or other interscholastic event** until the required fee is paid at the Activities Office at Dickinson High School.
    2. Fees should be paid at the Activities Office at Dickinson High School or may be given directly to the coach/advisor of the activity who will forward the payment to the Activities Office.
    3. Students who are not able to pay when payment is due or feel they cannot afford to pay the fee should make arrangements with the Activities Director.
    4. Each fee payer will receive a receipt for monies collected if requested.
    5. Student managers, statisticians, and scorekeepers are not required to pay activity fees.
    6. Students who voluntarily drop any activity will forfeit the fee.
    7. Students suspended from activities for disciplinary reasons or scholastic ineligibility will not receive refunds.
    8. Full or partial refunds may be granted due to illness, injury, or being cut from a team/group. No refunds will be granted if more than half of the activity is completed.
    9. Paying a participation fee **does not** guarantee any amount of playing time or other participation.
- 3) **CODE OF CONDUCT/MEDICAL RELEASE FORM** - All activity participants along with parent(s) or guardian(s) are required to read and sign a Code of Conduct/Medical Care Release Form.

- a. This form must be completed every year.
  - b. Activity participants are **not allowed to practice or participate in any contest, game, performance, or other interscholastic event** until a current Code of Conduct/Medical Care Release Form is on file with the Activities Office at Dickinson High School.
  - c. In order to provide for the health and safety of the individual participant and other extracurricular participants participating in a field trip, out-of-town contest or convention, or away game, the District may conduct a random search of all personal property of extracurricular participants before the students depart for the field trip, contest, convention, or game.  
To participate in any school-sponsored extracurricular field trip, out-of-town contest or convention, or away game, the student and the parent(s) or guardian(s) of the student must sign a consent form by which the student agrees that as a condition of participation in the extracurricular activity, he/she will consent to reasonable search of personal property or clothing including student's backpack, book bag, suitcase, and/or purse.
  - d. Coaches/Advisors will carry a copy of this form with them at all times in the event of a medical emergency.
- 4) **SCHOLASTIC ELIGIBILITY** - In accordance with the North Dakota High School Activities Association, Dickinson Public Schools has adopted the following academic requirements for eligibility in school activities.
- a. Dickinson High School Students: To participate, students must be passing **at least three** classes. Grades are checked at the midterm of each quarter and at the end of each quarter (eight times per year). If a student is not passing at least three classes, the student is declared academically ineligible for one week. The student's grades will then be checked weekly, and the student will remain academically ineligible until the required number of classes is being passed. Additionally beginning with the 9th grade, any student not earning at least two credits at the end of a semester is academically ineligible for the first four weeks of the following semester. In this case, grades for the following semester will be checked after four weeks and to be eligible that student must be passing at least three classes. If not, the student will remain academically ineligible for one week and the student's grades and eligibility status will be checked weekly.
- 5) **SCHOOL ATTENDANCE** - At both the middle school and high school level, a student must be in attendance at school all day on the day of a competition, event, or performance unless prior approval is given by the Activities Director or building principal.
- 6) **CITIZENSHIP/SPORTSMANSHIP** - School activity participants are expected to exhibit good citizenship while at school and in the community. The conduct and behavior of participants are closely observed in many areas of school life and is a direct reflection of themselves, their parent(s) or guardian(s), the coach/advisor, the school, and the community. Participants will be courteous and show respect for people and property. Poor citizenship and poor sportsmanship will be determined by coaches/advisors and school administration and may result in suspension from school activities.
- 7) **SPECIFIC TEAM/ACTIVITY RULES** - Individual programs may have additional training rules/regulations that apply to students. Program participants will be made aware of any specific program rules/regulations that exist. The Activities Director will approve specific program rules. Ability alone does not guarantee a position in any activity. Dedication, cooperation, practice, teamwork, fundamentals, and respect for team/activity rules are required.
- 8) **PRACTICE AND GAME/EVENT ATTENDANCE** - Activity participants are expected to attend all practices and games/events while in season. In certain situations, participants will need to be absent for justifiable reasons and are considered **excused absences**. However, excused absences may result in suspension from school activities. Excused and unexcused absences will be determined by coaches/advisors and school administrators and may vary from activity to activity depending on specific circumstances.
- 9) **SUSPENSIONS AND EXPULSIONS** - Students who receive an out-of-school suspension or expulsion for any part of the school day shall not be allowed to participate in any competition, event, or performance for the entire day. Furthermore, a participant shall not be allowed to practice or attend school-sponsored events until this type of suspension/expulsion is completed. A participant who receives an in-school suspension may be ineligible for participation in school activities. Participation will be decided by the administration and coach/sponsor of the activity affected based upon the severity and circumstances leading to the in-school-suspension.

**10) INJURIES** - Dickinson Public Schools will ensure that competent coaches/advisors, safe facilities, and safe equipment are utilized. Nevertheless, injuries may still occur. If an injury occurs, notify the coach/advisor. **Medical costs for injuries are not the responsibility of Dickinson Public Schools.** Dickinson Public Schools does not carry insurance to cover costs involved in an injury. Injury costs are the responsibility of the student and/or their parent(s) or guardian(s).

**11) SOCIAL MEDIA** - Dickinson High School students are representatives of Dickinson High and community. The athletic department requires student-athletes to exercise good judgment in their use of social media websites, and to conduct these activities in a responsible and respectful manner.

- It is impermissible for students involved in activities to post information, photos, inappropriate behavior or items that could be interpreted as demeaning or inflammatory.
- It is not permissible to comment on injuries, officiating, or team matters that could reasonably be expected to be confidential to team members.
- Students involved in activities are required to follow all respective social media website rules.

**Best Practices and Reminders**

- Think twice before posting. If you wouldn't want your coach, parents, guardians, or future employer to see your post, don't post it.
- Be respectful and positive.
- Remember, many different audiences view your posts including fans, alumni, kids, local authorities, parents, faculty, etc.
- The internet is permanent. Even if you delete something, it is still out there somewhere. Do not post with an emotional state of mind. Coaches and administrators monitor social media and websites. Potential employers use social media and websites to screen candidates. Use the privacy/security settings made available on these sites.

**12) LEADERSHIP ORGANIZATIONS** - Students that are elected to leadership organizations such as Student Council, National Honor Society, etc. are publicly recognized for outstanding scholastic achievement and the highest levels of student behavior, moral character, leadership, commitment, and respect for self and others both in school and in the community. Students that fail to meet these expectations as determined by advisors and school administrators are subject to disciplinary action, including removal from the organization.

**13) OUT SEASON CLUBS/ORGANIZATIONS** - Dickinson Public Schools encourages students to be involved in all available activities, including those not directly available through Dickinson High School. Clubs/organizations offering activities not directly available through Dickinson High School may be considered for activity leave upon request to the Activities Director from the coach/head of the club or organization.

***Note:** Dickinson High School will not approve activity leave for activities in which Dickinson High School currently makes available for our students to participate in.*

**14) SPECIAL NOTES:**

The Code of Conduct is in effect for the entire school year for all students whether or not they are currently in an activity. The Code of Conduct extends beyond the school year for those participants who are in an activity that either begins before school starts in the fall or ends after school ends in the spring. Each year, all activity participants are required to sign the Code of Conduct prior to participation. However, all students and parent(s) or guardian(s) are reminded that once the school year begins, all students are subject to the Code of Conduct whether they have signed a Code of Conduct or not for the current school year as these policies are a part of the student handbook. Students from other schools participating in activities sponsored by Dickinson Public Schools are required to follow all the same policies and procedures as set by this Code of Conduct and Dickinson Public Schools student handbooks.

**C. Dickinson Public Schools Alcohol, Tobacco, and Controlled Substance Use Policy and Code of Conduct.**

The purpose of this policy is to define the position and disciplinary procedures of Dickinson Public Schools and the North Dakota High School Activities Association regarding the use or possession of tobacco, alcohol, narcotics, drug paraphernalia, or other controlled substances by participants in activity groups sponsored by Dickinson Public Schools. All student activities sponsored by Dickinson Public Schools are affected by this policy. They shall include, but not be limited to all athletic teams and athletic-related

teams, performance groups, interscholastic groups, school-sponsored organizations, state-sponsored activity groups, and other school clubs/activities offered by Dickinson Public Schools.

Use or possession of tobacco, alcohol, narcotics, drug paraphernalia, or other controlled substances defined by North Dakota law is prohibited. Any activity group participant who uses or possesses any of these substances will be suspended from all competitions or public appearances from the notification date. Participants in activities which are an extension of the classroom and are grade related such as concert band and concert choir will be allowed to participate in public performances but will not be allowed to participate in any interscholastic competition event.

Penalties will be prescribed as shown below:

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

Notes:

- a. In addition to the suspensions listed above, Dickinson Public Schools also requires that participants must complete a substance abuse evaluation from a licensed addiction facility at the participant's expense beginning with the second offense and any subsequent offenses. This policy is in effect starting in the 6<sup>th</sup> grade and cumulative through 12<sup>th</sup> grade. This evaluation must be completed before ever participating in activities sponsored by Dickinson Public Schools again.
- b. Keep in mind that students get a "fresh start" every year the school year begins when dealing with suspensions only, not evaluations. The first offense in a single school year is six weeks and subsequent offenses in the same school year are 18 weeks. These suspensions start over every year. However, suspensions are cumulative from year-to-year when dealing with evaluation requirements. For example: A student is suspended for six weeks during his/her 8th grade year for tobacco. This same student is then again suspended during his/her junior year for alcohol. Because it is a different school year, the suspension would be six weeks. However, because this is the second offense by this same student since 7<sup>th</sup> grade, an evaluation would be required and would have to be completed before ever participating in activities sponsored by Dickinson Public Schools again.
- c. Dickinson Public Schools does provide an appeal process to ensure due process when students are suspended from school activities for alcohol, tobacco, and drug violations. Details of the appeal process and the entire Dickinson Public Schools Policy on Controlled Substance Use and Code of Conduct are available in Dickinson Public Schools student handbooks.

A student will be determined to have used one of the aforementioned substances when a witness has observed him/her ingesting the substance or under the influence of the substance and signs a statement to the effect. After the statement has been signed, school officials will make a determination of guilt or innocence.

A student will be determined to be in possession when he/she is found to have the substance on his/her person, such as in a pocket or in hand, or within an area which the participant controls, i.e. his/her vehicle, home, or person. Full or partial ownership shall also be evidence of possession. In order to show that a student is in possession of a prohibited substance, it is generally necessary to show that the student was aware of the presence and character of the particular substance and was intentionally and consciously in possession of it.

School administrators shall immediately investigate any alleged violation of the alcohol, tobacco, and controlled substance policy that is made known to the administration. If the administration finds probable cause to believe that this policy has been violated, the parent(s) or guardian(s) will be immediately notified of the violation and penalty.

### **Activity/Athletic Scheduling Conflicts**

Dickinson High School and Dickinson Middle School offer a multitude of activities for students. Because of the number of activities and limited days to hold events, scheduling conflicts are inevitable. Students/parents/guardians are to notify coaches/advisors immediately when they become aware that a conflict exists. The Activities Director is responsible for scheduling and will make every attempt to avoid scheduling conflicts. When conflicts exist, curricular events such as musical performances and singular qualifying events will have precedence over all sub-varsity

events and may have preference over varsity events. When a conflict arises between two qualifying events, the Activities Director will meet with the advisor/coach to decide which event the student should attend. Parental input will be considered. If the conflict remains unresolved, the building principal will conduct a meeting with the parties involved and render a final decision.

#### Church Night

As a courtesy to church organizations, no student activities, including practice, will be scheduled on Wednesday nights after 6:00 p.m. Exceptions can only be made by the Activities Director.

#### **D. Sundays/Holidays**

The NDHSAA allows contests to be scheduled on Sundays. However, it is the policy of Dickinson Public Schools that athletic contests will not be scheduled on Sundays unless there is no other option. Such athletic contests must be approved by the Activities Director.

Practices are allowed on Sundays for **varsity** level athletes and other activity groups provided that these practices do not conflict with church activities. Sunday practices for **sub-varsity** athletes are not permitted at any time. Practices are to never be held before 12:00 noon on Sundays. Additionally, coaches/advisors should provide leniency for those students who may have family obligations that conflict with Sunday practices. Furthermore, practices on holidays are to be approved by the Activities Director and/or building principal.

Computer Network - User's Agreement and Parent Permission Form

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

\_\_\_\_\_  
Student Signature                      Date                      Grade

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

\_\_\_\_\_  
Parent Signature                      Date                      Grade

\_\_\_\_\_  
Name of Student                      Grade                      Birth Date

\_\_\_\_\_  
Address                      City, State, Zip Code                      Home Telephone