



Fessenden-Bowdon School District

STUDENT HANDBOOK

The mission of the Fessenden-Bowdon Public School is the commitment to provide educational opportunities that challenge all students to reach their potential in a nurturing environment.

Contents

DISCLAIMERS & DEFINITIONS	6
BULLYING DEFINITION	6
HANDBOOK LANGUAGE DISCLAIMER	6
SAVINGS CLAUSE (BDAB)	6
ACADEMICS, GRADES, HONORS	6
GRADING (GCBA)	6
GRADUATION EXERCISES (GDB)	7
STUDENT PROGRESS REPORTS TO PARENTS (GCBB)	8
ATTENDANCE, ENROLLMENT	8
ATTENDANCE & ABSENCES (FFB)	8
ATTENDANCE & ABSENCES GUIDELINES (FFB-AR)	9
EARLY ENTRANCE REQUIREMENTS (FAAB)	10
ENROLLMENT OR SUSPENDED OR EXPELLED STUDENTS (FAAC)	10
PLACEMENT & ADJUSTMENT OF TRANSFER STUDENTS (FACA)	11
SCHOOL ASSIGNMENT (FAB)	11
CONDUCT	12
ACCEPTABLE USE (ACDA)	12
BULLYING POLICY (ACEA)	13
BUS CONDUCT (FFC)	16
CARRYING WEAPONS (FFD)	17
HAZING (ACEB)	18
STUDENT ALCOHOL & OTHER DRUG USE/ABUSE (FFA)	20
STUDENT CONDUCT & DISCIPLINE (EXCERPTS FROM FF)	23
STUDENT CONDUCT STANDARDS & DISCIPLINARY PROCEDURES (FF-AR)	23
STUDENT CONDUCT VIOLATIONS EXAMPLES (FF-E)	24
SPORTSMANSHIP (ABCB)	25
STUDENT DRESS CODE (FFH)	25
STUDENT USE OF PERSONAL TECHNOLOGY (FFI)	25
SUSPENSION AND EXPULSION (FFK)	28
TOBACCO USE (ABBA)	29

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VIOLENT & THREATENING BEHAVIOR (ACE)	31
EXTRACURRICULAR ACTIVITIES	32
EXTRACURRICULAR PARTICIPATION REQUIREMENTS (FFE)	32
EXTRACURRICULAR TRANSPORTATION (IEAF)	33
SPORTSMANSHIP (ABCB) – SEE CONDUCT SECTION	34
HEALTH AND SAFETY	34
ACCOMMODATING STUDENTS WITH ALLERGIES & SPECIAL DIETARY NEEDS (FCAA)	34
AUTOMATED EXTERNAL DEFIBRILLATORS {AED} (ACBA)	34
BUS CONDUCT (FFC) – SEE CONDUCT SECTION	34
CARRYING WEAPONS (FFD) – SEE CONDUCT SECTION	34
CONCUSSION MANAGEMENT POLICY - (EXCERTS FROM POLICY FCAF)	34
CONCUSSION MANAGEMENT PROGRAM (FCAF-AR)	35
HAZING (ACEB) – SEE CONDUCT SECTION	36
SCHOOL MEDICATION PROGRAM (EXCERPTS FROM ACBD)	36
SEX OFFENDERS ON SCHOOL PROPERTY (ACCA)	36
SIGNIFICANT CONTAGIOUS DISEASES (ACBB)	38
STUDENT CUSTODY (FCBD)	40
STUDENT DISMISSAL PRECAUTIONS (FCBA)	41
STUDENT TRANSPORTATION SAFETY & SUPERVISION (FCBB)	41
SUICIDE PREVENTION (FCAE)	41
VIOLENT & THREATENING BEHAVIOR (ACE) – SEE THE CONDUCT SECTION	42
REPORTING CONCERNS AND COMPLAINTS	42
REVIEW & COMPLAINTS OF INSTRUCTIONAL & RESOURCE MATERIAL (GAAC)	42
DISCRIMINATION & HARASSMENT GRIEVANCE PROCEDURE (AAC-BR)	42
NONDISCRIMINATION & ANTI-HARASSMENT (AAC)	45
PATRON COMPLAINTS ABOUT PERSONNEL (KACB)	48
TITLE PROGRAMS DISPUTE RESOLUTION PROCEDURE (GABDB)	49
WHISTLEBLOWER PROTECTIONS POLICY (ACF)	50
STUDENT RIGHTS AND RESPONSIBILITIES (FG)	51
ACCOMMODATING STUDENTS WITH ALLERGIES & SPECIAL DIETARY NEEDS (FCAA) – SEE HEALTH AND SAFETY SECTION	51
COPYRIGHTED MATERIAL & INTELLECTUAL PROPERTY (ABCA)	51
EDUCATION OF HOMELESS STUDENTS (FDB)	52

EDUCATION OF HOME SCHOOLED STUDENTS (FDA)	52
EDUCATION OF SPECIAL EDUCATION/DISABLED STUDENTS (FDE)	53
NONDISCRIMINATION & ANTI-HARASSMENT (AAC) – SEE REPORTING CONCERNS AND COMPLAINTS	53
PATRIOTIC EXERCISES (GACB)	53
PREGNANT & PARENTING STUDENTS (FDD)	53
RELEASED TIME FOR OUTSIDE INSTRUCTION (FGBA)	54
RESTRAINT AND SECLUSION (FCC)	55
SCHOOL MEDICATION PROGRAM (EXCERPTS FROM ACBD) – SEE HEALTH AND SAFETY SECTION	58
SEARCHES OF LOCKERS (FGCA)	59
SEARCHES OF STUDENTS & STUDENTS’ PERSONAL PROPERTY (FGCB)	59
SECTION 504 DISPUTE RESOLUTION POLICY (AACA)	60
SEX OFFENDERS ON SCHOOL PROPERTY (ACCA) – SEE THE HEALTH AND SAFETY SECTION	60
SIGNIFICANT CONTAGIOUS DISEASES (ACBB) – SEE THE HEALTH AND SAFETY SECTION	60
STUDENT ASSEMBLIES (FFG)	60
STUDENT DISTRIBUTION & POSTING OF NON-CURRICULAR MATERIAL IN SCHOOL (FGDE)	61
STUDENT EDUCATION RECORDS & PRIVACY (FGA)	62
STUDENT INTERVIEWS, INTERROGATIONS, & CUSTODY BY OUTSIDE AUTHORITIES (FGCC)	67
STUDENT PRAYER DURING NON-INSTRUCTIONAL TIME (FGBB)	68
STUDENT PUBLICATIONS & FREEDOM OF EXPRESSION (FGDD)	68
STUDENT RIGHTS & RESPONSIBILITIES (FG)	69
STUDENTS OF LEGAL AGE (FGDC)	69
USE OF ANIMALS IN SCHOOL & IN CURRICULAR PROGRAMS (ACBC)	69
STUDENT SUPPORT PROGRAMS AND SERVICES	71
SPECIAL EDUCATION/DISABLED STUDENTS (FDE)	71
SUICIDE PREVENTION (FCAE) – SEE HEALTH AND SAFETY SECTION	71
USE OF ANIMALS IN SCHOOL/CURRICULAR PROGRAMS (ACBC) – SEE HEALTH AND SAFETY SECTION	71
STUDENT HANDBOOK NOTICES	71
ASBESTOS HAZARD EMERGENCY RESPONSE ACT:	71
FREE AND REDUCED MEALS:	71
MEAL CHARGING PROCEDURE (IB-BR)	71
MODEL DISCLOSURE TO PARENTS OF DEPENDENT STUDENTS:	72
MODEL NOTICE OF RIGHTS UNDER FERPA:	72
MODEL NOTIFICATION OF RIGHTS UNDER THE PROTECTION OF PUPIL RIGHTS AMENDMENT (PPRA):	72

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NOTICE OF DIRECTORY INFORMATION (FGA-E1)	72
PARENT & FAMILY ENGAGEMENT POLICY (KAB)	74
FESSENDEN-BOWDON SCHOOL-PARENT COMPACT (KAB-E)	76
TITLE I QUALIFICATIONS NOTIFICATION REQUIREMENT (DHAB)	77
PPRA MODEL NOTICE AND CONSENT/OPT-OUT FOR SPECIFIC ACTIVITIES:	77
WELLNESS POLICY (ABCC)	77
HANDBOOK ACKNOWLEDGEMENT FORM	82

DISCLAIMERS & DEFINITIONS

BULLYING DEFINITION

NDCC 15.1-19-17. Bullying - Definition.

As used in sections 15.1-19-17 through 15.1-19-22:

1. "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.
2. "Conduct" includes the use of technology or other electronic media.

HANDBOOK LANGUAGE DISCLAIMER

The provisions of this Student Handbook do not constitute a contract, expressed or implied, between the Fessenden-Bowdon School District, its faculty, a staff member, any students, or student's family. The District reserves the right to change policies, procedures, rules, regulations, and information in the handbook at any time. This Handbook does not contain all the regulations that relate to student behaviors.

SAVINGS CLAUSE (BDAB)

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

ACADEMICS, GRADES, HONORS

GRADING (GCBA)

The grading system shall be fair and applied consistently in each district school. Grades shall not be assigned in an unreasonable, discriminatory, arbitrary, or capricious manner and shall not be influenced by parental or

community pressure. Grades shall reflect students' ability to master educational goals and objectives as established by administration and the teaching staff.

Grades will be based on a number of factors: quizzes, tests, oral and written assignments, daily work, classroom participation, and attendance.

Each principal shall monitor grading practices in his/her building to ensure compliance with this policy.

Grading Grievances

A student or parent who believes that s/he/his/her student has received a grade that has been assigned in an unreasonable, discriminatory, arbitrary, or capricious manner or that is the result of a clerical mistake may contest the grade using the following procedure:

1. Appeals must be initiated within 30 days of receiving the grade. Failure to timely present the grievance in accordance with this procedure shall be deemed to be a waiver of the grievance process.
2. Appeals may be filed orally or in writing, must be filed with the student's building principal, and must cite one of the reasons listed above as a basis for the grievance.
3. The principal shall initiate an investigation upon receipt of a grievance filed in accordance with the procedure listed above. The principal shall review grading criteria, attendance records, grade books, lesson plans, and student's graded assignments and tests. The principal may consult with the classroom teacher during this process and the student. Based on the findings, the principal shall render a decision within a reasonable time not to extend past the end of the current quarter. The principal's decision to affirm or alter a grade shall be final and binding.

GRADUATION EXERCISES (GDB)

The Board wishes to recognize the achievement of high school graduation by annually holding a graduation ceremony.

Participation Criteria

Only students who have completed all district graduation requirements shall participate in the ceremony. The Superintendent is authorized to make exceptions to this policy under the following circumstances:

1. A student who is within one semester credit of meeting graduation requirements at the end of the school year will be permitted to participate in the graduation ceremonies with his/her class if he/she has made arrangements to complete the credit. His/her diploma will be awarded when the requirement has been met.
2. Homeschooled students who have satisfied the district's requirements for obtaining a district-issued diploma.
3. A foreign exchange student, upon successful completion of the school year.
4. A special education student who is unable to meet graduation requirements but will receive a certificate of attendance or special education diploma.

Additional exceptions may be approved by the Board, upon recommendation of the Superintendent. Students allowed to participate in graduation as a result of one of these exceptions shall not be issued a diploma unless the student has met district graduation standards, and is attending the Fessenden-Bowdon School

Participation in the graduation ceremony is a privilege not a right. Students who violate student conduct policies/regulations may be denied the privilege of participation in the ceremony at the principal's or superintendent's discretion.

Graduation Speakers

Student graduation speakers shall be selected based on neutral criteria. Student speakers shall have primary control over their speech and the district's policy on student speech at student assemblies shall apply to graduation ceremonies. Speeches must be turned into the principal one week before graduation for review.

STUDENT PROGRESS REPORTS TO PARENTS (GCBB)

Student progress reports will be available to parents electronically.

The Fessenden-Bowdon Public School shall hold parent/teacher conferences. The principal is responsible for setting up the conferences. Conferences shall be under the direction and supervision of the principals and conference dates shall be placed on the school calendar.

Teachers may arrange additional conferences with parents in instances when children are having learning or behavioral problems, and parents are encouraged to initiate conferences at any time. Deficiency notices will be mailed to the parents of those children doing failing or unsatisfactory work at the mid-term of each quarter. A teacher is not required to notify parents more than once during any quarter of a student's possible failure. After being notified, it becomes the parent's duty to check periodically with the school.

ATTENDANCE, ENROLLMENT

ATTENDANCE & ABSENCES (FFB)

North Dakota law contains compulsory attendance requirements for students ages seven through sixteen. In order to comply with and enforce these requirements, the Board establishes the following attendance policy for all students of the Fessenden-Bowdon School District.

Section I: Definitions

- A. 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.
- B. For the purposes of imposing disciplinary sanctions under Section III of this policy as authorized by NDCC 15.1-20-02.1(3):
- *Approved absence* is an absence that the District believes is necessary and/or unavoidable and has received administrative approval. Necessary and/or unavoidable absences may be caused by illness, injury, family emergency, religious observance or instruction, suspension, participation in a school-related activity, court appearances when subpoenaed, or other reasons deemed necessary and/or unavoidable by the principal or Superintendent. Students granted approved absences

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shall not be subject to the consequences contained in Section III of this policy. The Superintendent or designee shall develop criteria for requesting and granting an approved absence and shall establish make-up work requirements.

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

Section II: Documentation Requirements

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

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.

Section III: Accumulated Unapproved Absence

Disciplinary Sanctions

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

Compulsory Attendance Violations

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

Dissemination

This policy shall be published in all student handbooks and distributed to parents annually.

ATTENDANCE & ABSENCES GUIDELINES (FFB-AR)

1. Students are expected to remain in the building at all times. If a student needs to leave the building, the principal or office personnel must grant permission. The student must report to the main office before departure and sign the check-out form. Upon returning to the school, the student must report to the main office and sign the check-in form. Fessenden students that reside within city limits must have a signed note or call from the student's parent/guardian to consume lunch at home.
2. Students must be in school the entire day, with the exception of an excused absence (such as medical, dental and orthodontic treatment, etc.).

- a. If dental or doctor appointments have been made during the school day, they will be considered an excused absence.
 - The principal should be contacted to help the student prepare for the absence.
 - The student should get an absence slip and assignments before the absence occurs.
 - b. If a student becomes ill, or must leave the school building for another reason, they must sign the check-out form in the main office. Administration or office personnel must speak with parents who need to give permission for their student to leave.
 - c. No student will be excused for employment purposes unless previous arrangements have been made with the principal. Written permission or a telephone call from the student's parent or guardian will be required for the student to leave school for employment.
 - d. A student pass to go downtown to obtain something for parents will be honored if the student has written permission, or if their parent calls. The principal shall contact the parent to verify the need and urgency of the request.
3. Penalties imposed for tardiness:
- a. First time tardy – a verbal warning;
 - b. Subsequent tardies – student will serve fifteen minutes for each tardy with the respective classroom teacher

EARLY ENTRANCE REQUIREMENTS (FAAB)

A parent/guardian may apply for early admission of his/her child to the Fessenden-Bowdon Public Schools if the child meets early entrance age requirements established by law. The Superintendent shall develop a procedure for testing and evaluating early entrance applicants in accordance with law. The procedure shall, at a minimum:

1. Require that applicants be evaluated using developmental and readiness tools developed by the Superintendent of Public Instruction.
2. Contain a prohibition disallowing an applicant from applying for early admission more than once during a 12-month period.
3. Require a mandatory nine-week probationary period for all approved applicants at the end of which reassessment shall be made.
4. Contain a notice that application denial decisions are binding for a 12-month period.

Fees

The Board will assess the costs of early admission evaluations for students residing in the District. Out-of-district applicants will be charged a fee as determined by the Board and such monies will revert to the District.

Transfer Students

The District will honor early admission evaluation decisions made by other North Dakota school districts. The District shall also honor early admission decisions made by other U.S. school districts for military children governed by 15.1-04.1-01 and worldwide for military children governed by 15.1-04.1-01. Despite these exceptions, the District will still require a nine-week probationary period for any student who transfers into the District and is younger than the state minimum age of attendance for kindergarten or first grade.

Final determination of placement is at the discretion of the Superintendent or Principal.

ENROLLMENT OR SUSPENDED OR EXPELLED STUDENTS (FAAC)

Any student who has been suspended or expelled from another district will not be permitted to enroll in the District until eligible to re-enroll in his or her former district or until the Board or the Superintendent has reviewed

the prior suspension or expulsion and determines that the suspension or expulsion was illegal or improperly imposed.

PLACEMENT & ADJUSTMENT OF TRANSFER STUDENTS (FACA)

Students new to the District shall be required to produce records required of students for admission in accordance with state law. Students who are unable to produce transcripts within a reasonable time shall be subject to testing for placement purposes. Students whose transcripts or educational records do not indicate proper placement shall also be subject to testing. The Superintendent shall develop testing procedures and standards for determining placement.

The Superintendent may also adjust a transfer student's placement and shall develop procedures and standards for making adjustment determinations.

Students believed to have a disability which impairs their learning shall be tested and placed in accordance with law and applicable policy.

The Compact on Educational Opportunity for Military Children, which contains requirements related to the enrollment and placement of qualifying military children, supersedes this policy; however, this law does not preclude the District from performing subsequent placement evaluations after initially honoring a sending school's placement decision.

Registration and ELL identification procedures for English Language Learners (ELLs) shall comply with the district's ELL policy (GABAA) and regulations.

SCHOOL ASSIGNMENT (FAB)

The Superintendent shall establish, and the Board shall approve, attendance boundaries for each district school.

Students shall attend the school to which they are assigned; however, the Board authorizes the Superintendent to grant or deny requests for individuals to attend schools outside of their designated attendance areas after consideration of the following criteria:

1. The change appears to be in the best interests of the student and the District.
2. No bus route will be extended beyond its normal run.
3. Principals of both schools involved approve of the change.
4. The transfer will not create overcrowding.

The Board reserves the authority to transfer students from the assigned school to a different school when enrollment must be balanced because of classroom space requirements or class size. Transfer decisions shall comply with 20 U.S.C. 1703.

Extracurricular Eligibility

The District shall comply with all North Dakota High School Activities Association (NDHSAA) regulations regarding transfer student's eligibility for NDHSAA sponsored programs and events.

CONDUCT

ACCEPTABLE USE (ACDA)

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

Education

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

Monitoring Use

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

Prohibitions

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

1. Using obscene language;
2. Accessing or creating pornographic files or sites and/or other inappropriate material;
3. Harassing, insulting, threatening, alarming, or attacking others;
4. Damaging computers, computer systems, or computer networks;
5. Violating copyright, trademark, trade secret, or other intellectual property laws;
6. Using or participating in chat lines, chat rooms, and social networking sites for personal and/or non-curricular purposes;
7. Using another's password or representing oneself as another;
8. Trespassing into another's folders, work, or files;
9. Intentionally wasting network resources including, but not limited to, emailing chain letters and/or broadcasting inappropriate messages;
10. Employing the network for political purposes as defined by state law, financial gain, and/or commercial purposes;
11. Revealing anyone's personal information such as, but not limited to, an address or phone number without appropriate consent. Students are prohibited from revealing personal information about themselves and/or others without obtaining written consent in accordance with the Federal Education Rights and Privacy Act and receiving administrative approval;
12. Other activities or actions deemed inappropriate and not in the best interest of the District, its employees, and students.

Violations

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

1. First offense (Level I)

- a. Loss of EduTech (k12.nd.us) /email, Fessenden-Bowdon School Google Apps for Education account, and Internet privileges for four weeks,
 - b. Parents contacted.
1. Second offense (Level II)
 - a. Loss of EduTech (k12.nd.us)/email, Fessenden-Bowdon School Google Apps for Education account, and Internet privileges for at least the remainder of the year.
 - b. Parents contacted.
 3. A student may be subject to Level II disciplinary action on his/her first offense if administration deems this necessary based on the severity of the offense.

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

Consent

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

BULLYING POLICY (ACEA)

For the purposes of this policy:

- *Bullying* is defined as conduct prescribed in NDCC 15.1-19-17. The Superintendent should place this definition, in its entirety, in student and staff handbooks and should develop guidelines to assist students and staff with identifying this conduct.
- *Protected status* are classifications/characteristics protected from discrimination by NDCC 14-02.4-01 and federal law. The following statuses are protected: race, color, religion, sex, national origin, age, disability (physical or mental), and status with regard to marriage or public assistance.
- *School property* or the term *on-campus* refers to all property owned or leased by the District, school buses and other vehicles, or any school district sponsored or school-sanctioned activity.
- *School-sanctioned activity* is defined as an activity that:
 - a. Is not part of the district’s curricular or extracurricular program; and
 - b. Is established by a sponsor to serve in the absence of a district program; and
 - c. Receives district support in multiple ways (i.e., not school facility use alone); and
 - d. Sponsors of the activity have agreed to comply with this policy; and
 - e. The District has officially recognized through board action as a school-sanctioned activity.
- *School-sponsored* activity is an activity that the District has approved through policy or other board action for inclusion in the district’s extracurricular program and is controlled and funded primarily by the District.
- *School staff* include all employees of the Fessenden-Bowdon Public School, school volunteers, and sponsors of school-sanctioned activities.
- *True threat* is a statement that, in light of the circumstances, a reasonable person would perceive as a serious expression of an intent to inflict harm.

Prohibitions

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

1. Engage in bullying;

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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.
1. 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.

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

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

Reporting to Law Enforcement & Others Forms of Redress

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

Documentation & Retention

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

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

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

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

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

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

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

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

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

Disciplinary & Corrective Measures

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

1. Require the student to attend detention;

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

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

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

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

Victim Protection Strategies

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

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

Prevention Programs & Professional Development Activities

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

BUS CONDUCT (FFC)

The District has disciplinary authority over students while being transported in district owned, leased, and/or contracted vehicles to and from school and during school-sponsored curricular and extracurricular events. The Superintendent shall determine the level of disciplinary authority that shall be given to school vehicle driver and develop regulations for handling student misconduct on school vehicles.

Conduct Requirements

Students shall be required to abide by all applicable district conduct and safety policies while in district vehicles. The Superintendent or designee may develop additional, specific regulations related to conduct in school vehicles.

Violations

Students who violate any of these policies or rules may be subject to the consequences contained in applicable student discipline policies.

When the conduct of a disabled and/or special education student transported in a school vehicle poses a transportation safety risk or when the conduct otherwise violates policy to the extent that it compels the District to reconsider the student's transportation arrangements, prior to making a removal decision, the District shall determine the following:

1. If transportation is part of the student's 504 Plan and/or Individual Education Program (IEP).
2. If removal would constitute a removal from the education program as determined by the following factors:
 - a. There is a significant distance between the student's home and school.
 - b. There are no alternative means of public or private transportation.
 - c. The school has not made appropriate arrangements to provide for the student's education.

If criteria one or two above is applicable, the 504/IEP Team will develop an alternative means of providing transportation to the disabled and/or special education student in accordance with federal law and regulations or will treat such student's removal from school transportation as suspension from the educational program and will follow the procedure for suspension contained in the district's suspension/expulsion policy and in federal regulations.

CARRYING WEAPONS (FFD)

Definitions

- *Dangerous weapon* as defined by NDCC 62.1-01-01(1)
- *Firearm* as 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.

Prohibitions

Students are prohibited from knowingly possessing, or transmitting on school property a firearm, dangerous weapon, or any object that is used, attempted to be used, or threatened to be used to intimidate or cause bodily harm.

Disciplinary Consequences

Violation of this policy will result in disciplinary action up to and including suspension or expulsion. Bringing a dangerous weapon other than a firearm to school will require that proceedings for up to 10 days suspension and/or expulsion for up to 12 months be initiated immediately in accordance with the district's suspension and expulsion policy.

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

1. The totality of the circumstances, including the severity of the incident and the degree of endangerment of other students and staff.
2. The age and grade level of the student.
3. The prior disciplinary history of the student being expelled.
4. Relevant factors that contributed to the student's decision to possess a firearm in violation of this policy.
5. The recency and severity of prior acts resulting in suspension or expulsion.
6. Whether or not the optional provision of educational services in an alternative setting is a viable alternative to modifying the duration of the expulsion.
7. Input, if any, provided by licensed professionals (psychologists, psychiatrists, counselors) as to whether or not the expelled student would place himself/herself or others at risk by returning to the school prior to the expiration of the expulsion period.

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

Special Education Students

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

Nonapplicable Provisions

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

A student who finds a firearm or dangerous weapon on the way to school, on or in school property, or discovers that they accidentally have a firearm or dangerous weapon in their possession shall not be considered to possess it if they turn it over to an administrator, teacher or head coach or immediately notifies an administrator, teacher, or head coach of its location.

HAZING (ACEB)

Definitions

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

Prohibitions

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

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

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

Reporting Requirements

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

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

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

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

STUDENT ALCOHOL & OTHER DRUG USE/ABUSE (FFA)

This policy pertains to alcohol and other drug use/abuse. Tobacco use is defined in a separate policy (see ABBA.)

Philosophy

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

Definitions

This policy defines the following:

- *Alcohol* – See Prohibited Substances.
- *Drug* – See Prohibited Substances.
- *Possession* shall mean:
 - a. Actual physical possession of the alcohol or drug while on school property;
 - b. Use or consumption of the alcohol or drug while on school property;
 - c. In the student's locker, car, handbag, backpack, or other belongings while on school property; or
 - d. Appearance by a student on school property after having consumed or ingested alcohol or a drug that is noticeable by breath odor, speech alterations, unsteadiness of gait or posture, or like symptoms of chemical intoxication.
- *Use* shall mean that a student is reasonably known to have ingested, injected, inhaled or otherwise taken into the body a prohibited substance, or is reasonably found to be under the influence of such a substance.
- *School property* is defined in NDCC 15.1-19-10 (6)(b) as all land within the perimeter of the school site and all school buildings, structures, facilities, and school vehicles, whether owned or leased by a school district, and the site of any school-sponsored event or activity.

Prohibited Activities

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It shall be against school policy for any student to:

1. Sell, deliver, or give, or attempt to sell, deliver, or give to any person any of the substances listed in this policy or sell, deliver, or give, or attempt to sell, deliver, or give to any person substances the student represents or believes to be a substance(s) listed in this policy.
2. Possess, procure, purchase, or receive, or to attempt to possess, procure, purchase, or receive the substances listed in this policy or what is represented by or to the student to be any of the substances listed in this policy or what the student believes is any of the substances listed in this policy.
3. Be under the influence of (legal intoxication not required), use, consume, or attempt to use or consume the substances listed in this policy or what is represented by or to the student to be any of the substances listed in this policy or what the student believes is any of the substances listed in this policy.
4. Knowingly or intentionally aiding or abetting in any of the above activities.

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

Prohibited Substances

Prohibited substances include, but are not limited to:

1. Alcohol, powdered alcohol, or any alcoholic beverage as defined in NDCC 5-01-01;
2. Any controlled substance or dangerous drug as defined by NDCC Sections 19-03.1-05 through 19-03.1-13 and 19-03.1-26 (paraphernalia) or as defined by Section 812, Schedules I-V, of Title 21, United States Code, Section 801, et seq., including but not limited to marijuana, any narcotic drug, any hallucinogen, any stimulant or depressant, and all other illicit drugs;
3. Any glue, aerosol paint, or any other chemical substance used for inhalation;
4. Any prescription or non-prescription drug, medicine, vitamin or other chemical including, but not limited to aspirin, other pain relievers, stimulants, diet pills, multiple or other type vitamins, pep pills, "no-doze" pills, cough medicines and syrups, cold medicines, laxatives, stomach or digestive remedies, depressants, sports or muscle-building supplements, and sleeping pills not administered and/or taken with appropriate consent and authorization from parents, school administration, and, if applicable, a health care provider.

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 shall notify a school official (i.e., a teacher or administrator if the reporter is a student; a school administrator if the reporter is a district staff member). Except in limited circumstances under law, a teacher is required to report known or suspected violations of this policy to the school principal or Superintendent.

Violation

When a principal/Superintendent has reasonable suspicion that a student has violated this policy, they may search the student in accordance with the district's policy on searches of students' personal property.

As part of this search, the principal or Superintendent may require the student to submit to a drug/alcohol test if:

1. The principal and/or Superintendent has reasonable suspicion that the student is under the influence of drugs/alcohol.

2. The mandatory drug/alcohol test is reasonable at inception based on criteria established by the Board and not excessively intrusive in light of the age and sex of the student.

All drug/alcohol testing shall be performed in accordance with federal law on Transportation Workplace Drug Testing. This language in no way authorizes random drug testing in district schools as part of the curricular program.

Disciplinary sanctions will be imposed on, and additional actions may be taken (as listed below) in response to, any violation of this policy. These sanctions may include suspension or expulsion, intervention (as described below), and notification of proper authorities for prosecution. Prohibited substances will be confiscated and illegal substances will be turned over to law enforcement authorities.

Intervention

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

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

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

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

Confidentiality

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

Education

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

In addition, the District will conduct staff orientation and training on drug and alcohol prevention, including a periodic overview of this policy and its procedures for implementation. The District will also provide parent and community education on the topic of drug and alcohol prevention.

Policy Implementation

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Student handbooks shall contain a statement of sanctions required concerning the possession, use, or distribution of drugs and/or alcohol.

The Fessenden-Bowdon School District will review this policy and its implementation periodically to ensure that disciplinary sanctions are consistently applied and to determine the effectiveness of the program for the prevention of alcohol and other drug use/abuse.

Each building administrator and/or department manager will annually conduct inservice training sessions for school district employees, which will include a review of this policy and procedures for implementation thereof. In the event an employee is unable to attend such inservice sessions, the administrator will cause this policy to be individually reviewed with such employee.

The building administrator and/or department manager will maintain a list of all employees with whom this policy has been reviewed, whether individually or through inservice training, along with the dates of such review or training.

In addition, student handbooks will be used to inform students that the use of alcohol and other drugs is wrong and harmful and is not permissible. Students, employees and parents will be given a copy of the standards of conduct and the statement of sanctions required concerning the possession, use or distribution of illicit drugs and alcohol. Compliance with these standards of conduct is mandatory. The handbook will include a form for parents to sign and return indicating that the information in the handbook has been received and read by the student and the parents. Each principal will maintain a file of returned forms.

STUDENT CONDUCT & DISCIPLINE (EXCERPTS FROM FF)

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

STUDENT CONDUCT STANDARDS & DISCIPLINARY PROCEDURES (FF-AR)

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

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

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

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

Investigation & Disciplinary Procedures

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

Minor offenses:

1. Require the student to attend detention;
2. Withdraw student privileges;
3. Contact the student's parents;
4. Develop a behavior adjustment plan;
5. Hold a conference with the student's parent/guardian;
6. Other options recommended by administration.

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

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

Moderate offenses

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

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

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

Detention

If a student is required to serve detention, his/her parent shall be notified by the school at least 1 day prior to the student serving the detention.

STUDENT CONDUCT VIOLATIONS EXAMPLES (FF-E)

Below are examples of minor, moderate, and major conduct violations. The examples are organized categorically based on their general degree of severity but shall serve as guidelines only. In accordance with student disciplinary regulations, school officials with disciplinary authority must take into account the totality of circumstances associated with student misconduct before classifying and responding to it.

1. Minor student conduct violations may include, but are not limited to: tardiness, cheating, behavior that creates a slight disruption of classroom operations, failure to complete an assignment.
2. Moderate student conduct violations may include, but are not limited to: use of profane or abusive language, excessive tardiness, plagiarism, cutting class, intermediate forms of insubordination, intermediate forms of disorderly conduct, habitual indolence.
3. Major student conduct violations may include, but are not limited to: violations of state or federal law, violating drug/alcohol/tobacco policies, bullying, hazing, violent or threatening behavior as defined in policy, violating district prohibitions on weapons in school, violating district policy on discrimination/harassment, vandalizing school property, extreme forms of disorderly conduct, extreme forms of insubordination, extreme habitual indolence.

SPORTSMANSHIP (ABCB)

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

Rules of Conduct

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

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

STUDENT DRESS CODE (FFH)

The Board encourages students to use sound judgment in dress and grooming. While attention seeking devices in dress and grooming are discouraged, students shall not be prevented from attending school or a school-sponsored activity because of appearance if style, fashion, or taste is the sole criterion for such action.

Prohibitions

The District prohibits the following articles of clothing or decoration at school-sponsored functions and/or on school property. Clothing/decoration that:

1. Is reasonably likely to substantially disrupt the educational environment;
2. Poses a health or safety risk;
3. Is destructive to school property and/or causes excessive maintenance problems;
4. Is intended to identify the student as a member of a gang;

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- Promotes illegal activities and/or the use of tobacco or alcohol.

The administration will make reasonable efforts to notify students of these rules. The administration has the authority to handle and discipline students in violation of these rules.

While the school administration may require students participating in physical education classes to wear certain apparel which meets reasonable health and safety standards as established by the Board, they may not prescribe a specific brand that students must buy.

STUDENT USE OF PERSONAL TECHNOLOGY (FFI)

Definitions

For the purposes of this policy:

- *Inappropriate content* is defined as content that:
 - Violates a district student conduct policy;
 - Attacks ethnicity, race, religion, or other legally protected status;
 - Promotes violence, terrorism, or other illegal activities including, but not limited to, tobacco, drug, and/or alcohol use by minors;
 - Is obscene or pornographic as defined by community standards;
 - Is reasonably forecasted to materially or substantially disrupt the educational environment;
 - Poses a direct threat to the physical safety of the school population.
 - Infringes on the rights of others, such as (but not limited to) material that is potentially libelous or invades an individual's privacy.
- *Personal technology* is defined as a device that is not owned by the District, is in the possession of a student, and contains one or more of the following features:
 - Has the capability to connect to one or more networks including but not limited to, a cellular network, Internet, Ethernet, and/or Bluetooth
 - Has a digital camera and/or video recording device
 - Has a microphone
 - Has data storage capability
 - Has an operating system and/or the capability of running software, apps, and/or electronic games.
- *School day* is defined as beginning and ending school day times according to the current school year Student Handbook.
- *School property* is defined as all property owned or leased by the District, school buses, and other district-owned or contracted vehicles.

Prohibitions

The Fessenden-Bowdon Public School prohibits students from using personal technology as follows:

- Students are prohibited from using personal technology to violate a student conduct policy including, but not limited to, policies on cheating and bullying while on school property or at a school-sponsored event.
- Students are prohibited from using personal technology to photograph or video record any person during the school day. Students are furthermore prohibited from transmitting any photo or video using personal technology during the school day. Administration and teachers are authorized to make exceptions to this rule for bona fide classroom activities and in accordance with the "exceptions" section of this policy.

3. Students are prohibited from using personal technology to photograph or video record inappropriate content and/or transmit inappropriate content while on school property and/or participating in school-sponsored events.
4. Students are prohibited from displaying and/or using personal technology in areas where there is a reasonable expectation of privacy on school property and at school-sponsored events. Students are also strongly discouraged from possessing personal technology in areas where there is a reasonable expectation of privacy on school property and at school-sponsored events.
5. Students are prohibited from using personal technology to compromise district networks or access confidential material on district networks. The District may also take disciplinary action against a student who has used personal technology to engage in hacking, trolling, accessing or transmitting inappropriate material, spamming, sending viruses, and/or engaging in illegal or other inappropriate activity while on school property or participating in school-sponsored activity.
6. Students are prohibited from using personal technology disruptively or in a manner that potentially compromises the safety of others on district property and during school activities.

Classroom Use

Teachers may prohibit possession and/or use of personal technology in the classroom.

Use During the School Day Outside Classroom

Elementary students are prohibited from using personal technology during lunch and recess unless granted an exception by the building principal or classroom teacher.

Middle school and high school principals shall establish rules regarding student use of personal technology during lunch, break periods, and study hall.

Disciplinary Consequences & Confiscation

Students in violation of any portion of this policy will be subject to disciplinary procedures in accordance with the district's student conduct policies. In addition, teachers may confiscate personal technology when a student is reasonably suspected of using it to violate this policy or classroom rules. Teachers may keep the personal technology until the end of class or turn it over to the building principal for further action. Teachers shall make this determination based on the severity of the suspected offense. Under no circumstances shall a teacher or ancillary staff member search personal technology.

The building principal shall determine how long to keep confiscated personal technology based on the following criteria:

- The nature of the offense; if illegal activity is suspected, the administrator shall contact law enforcement and the Superintendent and retain the device until further directed by law enforcement or the Superintendent.
- If the confiscate item is a phone, the principal should consider if the student walks or drives to and from school and potential safety considerations associated with not having the phone in the student's possession.
- Other considerations of significance based on the nature of the device confiscated and the student's disciplinary history.

Searches of Personal Technology

The building principal or Superintendent is authorized to search student personal technology only when s/he has credible, specific, and timely reason to believe that the device contains evidence of wrongdoing by a student or potential harm to self or others. Only areas of the device reasonably related to the purpose of the search will be subject to a search (e.g., if a student is texting inappropriate photos, only the device's text messages will be

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searched). The building principal and Superintendent are authorized to contact legal counsel to help determine the appropriate scope of the search.

If the building principal or Superintendent suspects or finds that a student's personal technology contains content that violates NDCC 12.1-27.1-03.3 or other laws, s/he shall contact law enforcement. Under no circumstances shall school officials download or transfer sexually explicit content from a student's personal technology. Law enforcement, including school resource officers, must have probable cause to search the device, preferably in the form of a search warrant.

Exceptions

The Superintendent and/or his/her designee is authorized to make exceptions to the prohibitions set forth in this policy for health, safety, or emergency reasons, for students in attendance as active members of a volunteer firefighting organization or volunteer emergency medical service organization, and when use of electronic devices is provided for in a student's Individualized Education Program (IEP).

Emergencies

Students are encouraged to use any available cellular telephone in the event of an emergency that threatens the safety of students, staff, or other individuals.

SUSPENSION AND EXPULSION (FFK)

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, including those owned and leased by the District, and the site of any school-sponsored event or activity.
- *Suspension* includes in-school suspension from classes and out-of-school exclusion from classes, school property, and activities.
- *Dangerous weapon* as defined by NDCC 62.1-01-01
- *Firearm* as defined by NDCC 62.1-01-01

Suspension/Expulsion Authority

The Board hereby delegates to the Superintendent and 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 Fessenden-Bowdon 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

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

1. Causing or attempting to cause damage to school property or stealing or attempting to steal school property of value;
2. Causing or attempting to cause damage to private property or stealing or attempting to steal private property;
3. Causing or attempting to cause physical injury to another person except in self-defense;
4. Possessing or transmitting on school property a firearm dangerous weapon, or any object that is used, attempted to be used, or threatened to be used to intimidate or cause bodily harm;
5. Possessing, using, transmitting, or being under the influence of any narcotic drug, hallucinogenic drug, amphetamine, barbiturate, marijuana, alcoholic beverage, or intoxicant of any kind;
6. Disobedience or defiance of proper authority;
7. Behavior that is detrimental to the welfare, safety, or morals of other students;
8. Truancy;
9. Offensive and vulgar language when it is obscene, defamatory, or inciteful to violence and disruptive of the educational process;
10. Threats of violence, bomb threats, or threats of injury to individuals or property;
11. Student behavior that is detrimental or disruptive to the educational process, as determined by the principal.

Information regarding the conduct subject to suspension or expulsion must be posted in a prominent place in each school and must be published in student handbooks.

Suspension or Expulsion of Students with Disabilities

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

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

TOBACCO USE (ABBA)

Definitions

For purposes of this policy:

- *Electronic smoking device* means any device that can be used to deliver aerosolized or vaporized nicotine to the person inhaling from the device, including, but not limited to, an e-cigarette, e-cigar, e-pipe, vape pen or e-hookah.
- *Possession of Tobacco Products means:*
 - a. Actual physical possession of the tobacco product while on school property;

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

Rationale for Regulating Possession & Use

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

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

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

Use & Possession Prohibitions

1. **Students:** Possession and/or use of tobacco products by students on district property is prohibited at all times.
2. **Staff/Visitors:** The use of tobacco products by all school employees and visitors on district property is prohibited.

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

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

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

Communicating to Students, Staff, & Public

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

Responsibility for Violations

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

Tobacco Cessation Services

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

VIOLENT & THREATENING BEHAVIOR (ACE)

Threatening Behavior

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

Reporting

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

Threat Assessment

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

1. The detail, specificity, context, and content of the threat;
2. The amount of disruption the threat has caused or may cause to the educational environment;
3. Whether or not the Superintendent can identify the source of the threat; anonymous threats may be turned over to law enforcement;
4. When the source of the threat can be identified, the Superintendent shall consider, to the extent possible, the individual's:
 - a. State of mind;
 - b. Relationship with peers;
 - c. Age;
 - d. Domestic life;
 - e. Ability to carry out the threat (e.g., access to weapons);
 - f. Past behavior.
1. If any laws have been violated;

1. The identity and potential motives of the individual reporting the threat.

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

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

Disciplinary Consequences for Threatening Behavior

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

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

Violent Behavior

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

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

EXTRACURRICULAR ACTIVITIES

EXTRACURRICULAR PARTICIPATION REQUIREMENTS (FFE)

Philosophy

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

The District will enforce the requirements placed on extracurricular participants by the North Dakota High School Activities Association (NDHSAA), which govern both on- and off- campus behavior. In addition, the Board has established the following extracurricular participation requirements.

Activities Affected by this Policy

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

Tobacco, Alcohol & Other Drug Use

In addition to the tobacco, alcohol, and other drug prohibitions contained in NDHSAA bylaws, the District prohibits student presence at a gathering where alcohol, tobacco, or a controlled substance is being illegally used. Student presence at such a gathering will be regarded as possession. The principal Superintendent will take into consideration whether or not the student was at a gathering where the student had knowledge that alcohol, tobacco, or a controlled substance was being illegally used, and whether or not the student had a reasonable opportunity to remove him/herself from said location. The disciplinary consequences for violating this rule shall be suspension from extracurricular participation for the same duration as prescribed for tobacco, alcohol, and other drug possession by NDHSAA bylaws.

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 below a 70% or lower in any curricular course as computed from the beginning of the semester for regular education students or, in the case of special education students, not meeting the goals of Individual Education Programs as assessed from the beginning of the semester.

In addition to NDHSAA academic standards, the Fessenden-Bowdon School District also requires that no student may participate in a contest if he or she is considered failing according to the eligibility guidelines as stated in the Activities Handbook.

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 up to six consecutive weeks for the first offense and a period of eighteen weeks for any subsequent offense(s). Such consequences shall be imposed in addition to other disciplinary consequences imposed under the applicable policy.

Suspension Procedure

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

Practice and Travel while Suspended

Students who are under suspension are encouraged to practice and travel with their respective teams. However, suspended students will not be allowed to miss school time to travel with the team.

Period of Enforcement

This policy shall be in effect 12 months per year, running June 15th – June 14th, including those days and months when school and extracurricular activities are not in session. It shall be in effect for all extracurricular activities including those of junior high students.

EXTRACURRICULAR TRANSPORTATION (IEAF)

The District shall provide transportation to students participating in extracurricular activities to/from practice and to/from extracurricular events. Students are prohibited from transporting themselves or sharing a ride with other students when transportation is for the purpose of practicing for or participating in an extracurricular activity unless prior approval has been given by the student's parents and the administration.

Parents may request administrative approval to transport his/her child to/from practice and/or to/from extracurricular events. The administration shall only approve such requests if the following criteria are met:

1. The request is made in writing, or sent electronically, by the parent;
2. The student's parent signs a waiver of district liability in the event of an injury and/or accident that occurs while the parent/student is providing extracurricular transportation;
3. The student's parent signs an agreement that s/he will only provide extracurricular transportation to his/her own child.

SPORTSMANSHIP (ABCB) – SEE [CONDUCT SECTION](#)

HEALTH AND SAFETY

ACCOMMODATING STUDENTS WITH ALLERGIES & SPECIAL DIETARY NEEDS (FCAA)

Each building principal shall implement procedures for identifying students with life-threatening allergies and shall develop general exposure avoidance measures.

The Board recognizes that students with medically documented life-threatening allergies are considered disabled and are covered by the Americans with Disabilities Act and Section 504 of the Rehabilitation Act. A clearly defined 504 Accommodation Plan will be developed and implemented for all such identified students. Appropriate staff, the parent/guardian of the student, and the student's physician shall sign these plans.

Relevant staff shall be made aware of 504 plans, the measures needed to implement them, methods to reduce risk of exposure, and emergency response procedures in the event of exposure.

AUTOMATED EXTERNAL DEFIBRILLATORS {AED} (ACBA)

The Superintendent shall develop regulations to maintain, test, and implement the use of AEDs in the District in accordance with NDCC 32-03.1-02.3. The regulations shall include a requirement that in the event of a cardiac arrest emergency, a district responder shall contact an emergency medical service provider as soon as possible. A copy of these regulations shall be kept with the district's emergency response plan.

The authorization of AED's in district schools shall not be deemed to create a guarantee or obligation to use the AED in the case of an emergency nor any expectation that an AED or trained employee will be present, able to use an AED in an emergency, or any expectation that the AED will operate properly.

Training

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The Superintendent will determine the number of AED certified responders needed for each school and develop procedures for selecting and training staff on AED use and cardiopulmonary resuscitation. The frequency of recurrent training will be required in accordance with criteria established by the issuing organization of each employee’s certification. Unless unavailable in the event of cardiac arrest, only personnel trained and qualified in accordance with law shall operate the AED unit.

BUS CONDUCT (FFC) – SEE CONDUCT SECTION

CARRYING WEAPONS (FFD) – SEE CONDUCT SECTION

CONCUSSION MANAGEMENT POLICY - (EXCERTS FROM POLICY FCAF)

The District shall comply with the concussion management program requirements contained in law (NDCC 15.1-18.2). The District has placed concussion signs and symptoms; removal from practice, training, and/or game requirements; return to play requirements, and staff, student, and parental training requirements in administrative regulations (FCAF-AR). These regulations shall be published in staff and student handbooks.

CONCUSSION MANAGEMENT PROGRAM (FCAF-AR)

Concussion Signs & Symptoms

The signs and symptoms of a concussion are as follows:

Signs*	Symptoms*
Athlete appears dazed or stunned	Double vision, blurry vision
Balance problems	Headache
Confusion	Fatigue
Forgets events after the hit	Feels “foggy”
Forgets events prior to hit	Feels sluggish
Forgets plays	Nausea or vomiting
Loss of consciousness (any duration)	Problems concentrating
Moves clumsily (altered coordination)	Problems remembering
Personality change	Sensitive to light or noise
Responds slowly to questions	
Unsure about game, score, opponent	

Requirements when Signs & Symptoms are Observed/Reported

1. Removal

- a. An official district designee with direct responsibility for a student athlete during practice, training, or competition shall remove a student from practice, training, or competition if the student:
 - i. Reports any sign or symptom of a concussion; or
 - ii. Exhibits any sign or symptom of a concussion
- b. High school students and minors who serve as coaches or officials are encouraged to work with an adult who has removal-from-play authority prior to removing a student from play.
- c. A licensed, registered, or certified healthcare provider whose scope of practice includes the recognition of concussion signs and symptoms has removal-from-play authority if s/he determines, after observing the student, that the student may have a concussion.

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- d. If two or more individuals with removal-from-play authority disagree on whether or not a student must be removed, the determination must be made in the interest of the student's safety, meaning that the student shall be required to sit out and comply with return-to-play requirements contained in law.

1. When to Call for Emergency Assistance*

A district employee, sports authority (e.g., coach, assistant coach, trainer, referee), or designee must call 911 for emergency medical assistance if an athlete exhibits:

- a. Unequal pupils;
- b. Bleeding or fluid leakage from the nose or ears;
- c. Signs or symptoms of a fractured skull and/or spine;
- d. Changes in level of consciousness for more than a few seconds;
- e. Deteriorating neurological function or changes in mental status (lethargic, confused, agitated, difficulty maintaining focus);
- f. Decreasing or irregular respiration;
- g. Persistent vomiting; or
- h. Seizure activity.

3. Transportation when Emergency Assistance is NOT Activated

A student with a suspected head injury may not be sent home or allowed to drive. A student removed from play in accordance with this procedure whose condition appears stable (i.e., not worsening) should be transported by his/her parent to a medical facility as soon as possible. If the student's parent is unavailable, the coach shall make arrangements to have the student transported to a medical facility by a school employee as soon as possible. The coach or designee shall make a continued effort to notify the student's parent of the student's possible injury, transportation arrangements, and destination.

4. Examination

A student removed from practice, training, or competition must be examined as soon as practical by a licensed healthcare provider who is acting within his/her scope of practice and trained in evaluation and management of concussions, as determined by the provider's licensing board.

5. Return-to-Play Requirements

A student who is removed from play in accordance with this procedure may not be allowed to return to practice, training, or competition until the student or the student's parent obtains written authorization from a licensed healthcare provider who is acting within his/her scope of practice and trained in evaluation and management of concussions as determined by the provider's licensing board. This written authorization must be given to the Activities Director and retained in accordance with policy.

Training

Upon initial employment (or selection, in the case of volunteers) and every two years thereafter, each district coach, official, and other individuals designated by the District who have removal-from-play authority must receive training regarding the nature and risk of concussions. The Activities Director shall determine the method most suitable for carrying out this training requirement and place in each applicable personnel file, documentation of the date(s) the staff member/district designee completed concussion training.

The District shall develop information on concussions incurred by athletes and disseminate this information to student athletes and their parents. Before allowing a student to participate in an athletic activity, the District must require the student and the student's parent to submit written or electronic documentation verifying that they have viewed the concussion management information disseminated by the school district.

SCHOOL MEDICATION PROGRAM (EXCERPTS FROM ACBD)

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

SEX OFFENDERS ON SCHOOL PROPERTY (ACCA)

Definitions

For the purpose of this policy:

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

1. Nonparent Sexual Offenders

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

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

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

1. Parent Sex Offenders

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

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

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

1. Student Sex Offenders

The Superintendent shall determine the appropriate educational placement for student sex offenders except those identified as having a disability. When determining educational placement, the Superintendent shall consider such factors as the safety and health of the student population. The Superintendent shall develop guidelines for managing each student sexual offender in district schools. If the Superintendent determines that, in the best interest of district schools, the student sexual offender should be placed in an alternative educational setting, the District shall pay for the costs associated with this placement.

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

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

1. **General Provisions**

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

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

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

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

SIGNIFICANT CONTAGIOUS DISEASES (ACBB)

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

Definitions

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

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Universal Precautions

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

Nondiscrimination & Anti-Harassment

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

Confidentiality

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

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

Spokesperson

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

Reasonable Accommodations & Public Health Threats

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

1. **Students:** When a student's personal physician or the multidisciplinary team (in the case of a student who is defined as having a disability under state or federal law) determines that the student is unable to participate in regular classroom instruction, the District will provide either reasonable accommodations, special provisions, or an individualized education program. The Superintendent shall establish procedures for the development of special provisions.
2. **Employees & Contractors:** When an employee's, prospective employee's, or independent contractor's personal physician determines that the employee, prospective employee, or independent contractor is able to perform job duties and does not constitute a public health threat, the District will consider and implement reasonable accommodations to allow the affected individual to become/continue as an employee or become/continue as an independent contractor.

Education

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

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

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

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

Those employees designated to teach significant contagious disease prevention to students will receive additional inservice from qualified health education professionals.

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

STUDENT CUSTODY (FCBD)

Section I: Parent's/Legal Guardian's Rights at School

The Fessenden-Bowdon School District assumes that both of a student's biological or adopted parents and all other legal guardians (hereafter parents) have equal access to their child at school, play an equal role in educational decisions related to their child, and have equal access to their child's educational record. Such access is restricted only by limitations delineated in district policies and regulations that are applicable to all parents/guardians. Access will be restricted when access/participation is reasonably predicted by the Superintendent or principal to disrupt the educational environment. Exceptions to these assumptions exist when criteria in Section II of this policy have been satisfied.

Section II: Restricting Parent/Guardian Access and Rights

A parent is responsible for providing the District with legally binding documentation (e.g., court order) restricting parent rights. Such documentation must be current and a parent is responsible for ensuring that the documentation remains up-to-date. District personnel shall not initiate a request for or otherwise actively seek information pertaining to student custody.

The District will act in good faith to comply with the terms and restrictions of any current legally binding document pertaining to student custody that is provided to one of its schools. However, it shall not be responsible for validating the authenticity of such documentation or interpreting and implementing any provision that is unclear.

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If a parent makes a student access request that is not addressed clearly by the legal documentation on file, the District shall notify both parents that the documentation on file is unclear, that the District needs further clarification from the court on this matter, and that the District will consult with its attorney on how to respond to the request in the interim while additional documentation is being sought by the parent(s).

Section III: Student Visitation and Release

A request by a parent to visit or otherwise access his/her child at school shall be handled in accordance with applicable district policy and rules (e.g., rules on visitors in schools, parent visits to school, phone calls at school, etc.). The District shall deny any request that the Superintendent or principal reasonably predicts will disrupt the educational environment or any request that is prohibited by current legally binding custody documentation on file with the school.

A request by a parent to have a designee pick up or drop off his/her child shall be handled in accordance with district policies and rules governing this matter; however, the District shall deny any request that the Superintendent or principal reasonably predicts will disrupt the educational environment or any request that is prohibited by current legally binding custody documentation on file with the school.

The District prohibits on school property exchange of children for visitation purposes (i.e., exchanges that are condition of a custody order).

Section IV: Release of Student Educational Records

In accordance with the Federal Educational Rights and Privacy Act (FERPA), the District shall assume that both parents have equal rights to student educational records (as established by FERPA), including the right to authorize a designee access, unless:

1. Restricted by current legally binding custody documentation on file with the school, or
2. The District is aware that a student or his/her parent is participating in domestic violence or sexual assault program. In such cases, the District should contact its legal counsel to determine if any information from the student's educational record should be released to the requesting parent/designee.

Section V: Responding to Parent/Guardian Disagreements

In the event that parents engage in a custody or visitation dispute on school property, a school official, if possible, shall remove the student from the dispute to ensure the child's safety (e.g., escort the child inside the school building, move the child to the school office) and contact law enforcement.

Parent requests related to his/her child's education shall be handled in accordance with applicable district policy except when the parent does not have authority to make such requests as stipulated in current legally binding custody documentation on file with the school. Neither parent has a fundamental right generally to direct how a public school teaches their child.

The consent of both parents is required before the District places a student on an Individual Education Program if:

1. The student's parents are divorced or separated, and
2. Both have the right to make educational decisions on behalf of their child as stipulated in legally binding custody documentation on file with the school.

STUDENT DISMISSAL PRECAUTIONS (FCBA)

To assure that children are released only for proper reasons and into proper hands, each school shall set up procedures for dismissal, entering and exiting schools during the school day and at lunchtime, and establish

procedures to approve requests for early dismissal. No staff member shall excuse any student from school prior to the end of the school day without a request for the early dismissal by the student's parents or without contacting the parents prior to releasing the child.

Dismissal Precautions for Children of Separated/Divorced Parents

Dismissal of students governed by a legally binding custody order shall be handled in accordance with policy FCBD.

STUDENT TRANSPORTATION SAFETY & SUPERVISION (FCBB)

Although the District provides transportation to and from school, parents are responsible for supervision of their children until students board the bus and after students leave the bus at the end of the school day. The responsibility for district supervision of a student begins upon a student boarding a district vehicle at the beginning of the school day and ends when the student exits the vehicle.

The Superintendent shall develop regulations containing additional transportation-related safeguards for students.

SUICIDE PREVENTION (FCAE)

Students identified as suicidal shall receive appropriate help as quickly as possible. School personnel working with a depressed or suicidal student shall provide support, parental contact, and referral. To that end, student confidentiality may be waived in life-threatening situations.

With the intent of contributing to the prevention of suicide among its students where possible, the Board directs that an Adolescent Suicide Awareness Program be initiated, including:

1. Staff in-service education on suicide prevention that at least complies with state law.
2. Establishment of referral/response procedures in each school to facilitate assisting students identified as possibly suicidal.
3. Infusion into the curriculum (K-12) of appropriate information to help students deal appropriately with their emotions, recognize possible suicide warning signs in themselves and others, and increase their awareness of alternatives and resources available for assistance.
4. Parental awareness program to increase their understanding about the problem and the resources available.
5. Procedures in each school for dealing appropriately with tragedies to ease the impact on students, staff, and community in the event of a student suicide.

VIOLENT & THREATENING BEHAVIOR (ACE) – SEE THE [CONDUCT](#) SECTION

REPORTING CONCERNS AND COMPLAINTS

REVIEW & COMPLAINTS OF INSTRUCTIONAL & RESOURCE MATERIAL (GAAC)

In order to consider the opinions of those persons in schools and the community who are not directly involved with the instructional and resource material selection process, and to avoid the possibility of a biased or

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prejudicial attitude influencing selection, a board-appointed district review committee shall deal with formal complaints about and/or requests for reconsideration of library and instructional materials.

This committee shall be responsible for reviewing all selection standards and procedures and shall work with all departments in clarifying selection criteria.

All citizen requests for reconsideration of and complaints about instructional and resource material will be processed through the District Review Committee.

A procedure for processing and responding to criticism of approved material shall be established and followed. This procedure shall include the use of a formal signed "Request for Reconsideration of Instructional Resources" form.

The District subscribes to the philosophy stated in the School Library Bill of Rights.

DISCRIMINATION & HARASSMENT GRIEVANCE PROCEDURE (AAC-BR)

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

Retaliation Prohibited

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

Complaint Filing Format and Deadlines

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

With Whom Complaints May be Filed

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

Initiating Complaint Resolution Procedure

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

Prohibition on Meeting with the Accused

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

Third-Party Assistance

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

Investigation Timeframes

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

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

Interim Measures

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

Informal Resolution Procedure

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

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

The appropriate grievance coordinator shall monitor the implementation and effectiveness of the informal resolution procedure and initiate the formal resolution procedure if discrimination and/or harassment persists.

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

Formal Resolution Procedure

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

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

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

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

Investigation Report:

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

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

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

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

Disciplinary Action

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

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

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The appropriate grievance coordinator along with the 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.

NONDISCRIMINATION & ANTI-HARASSMENT (AAC)

General Prohibitions

The Fessenden-Bowdon Public School 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, parents, guardians, or employee's race, color, religion, sex, gender identity, national origin, ancestry, disability, age, or other status protected by law.

It is a violation of this policy for any district student, parent, guardian, employee, or third party to harass or discriminate 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 harassment or discrimination of a district student or employee by a third party. The District also prohibits aiding, abetting, inciting, compelling, or coercing discrimination or harassment; discriminating against or harassing any person affiliated with a person protected by this policy and/or law; knowingly making a false discrimination and/or harassment report; and retaliation against individuals who report and/or participate in a discrimination and/or harassment investigation, including instances when a complaint is not substantiated.

The District shall promptly investigate any harassment or discrimination complaint and act on findings as appropriate, which may include disciplinary measures such as—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 other, if appropriate.

Definitions

- *Complainant* is the individual filing the complaint. If the complainant is not the victim of the alleged harassment/discrimination, 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).

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- *Discrimination* means failure to treat a person equally due to a protected status. Protected status is defined in applicable state (NDCC 14-02.4-02 (6)) and federal laws.
- *Employee* is defined in accordance with NDCC 14-02.4-02 (7).
- *Harassment* is a specific type of discrimination based on a protected status. It occurs under the following conditions:
 - a. For employees when enduring the offensive conduct becomes a condition of continued employment, or the conduct is severe or pervasive enough to create a work environment that a reasonable person would consider intimidating, hostile, or abusive
 - b. For students when the conduct is sufficiently severe, persistent, or pervasive so as to limit a student's ability to participate in or benefit from the education program or to create a hostile or abusive education environment.
- Section 504 (Section 504 of the Rehabilitation Act of 1973, as amended, 29 U.S.C § 794) is a federal law designed to protect the rights of individuals with disabilities in programs and activities that receive federal financial assistance from the U.S. Department of Education
- *Sexual harassment* is a form of harassment based on sex or gender identity. It is defined as unwelcome sexual advances, requests for sexual favors, and/or other verbal, written, or physical conduct or communication of a sexual nature when:
 - a. It is quid pro quo, meaning submission to such conduct or communication is made a term or condition, either explicitly or implicitly, of the basis for employment decisions or educational decisions or benefits for students (e.g., receiving a grade).
 - b. It creates a hostile environment meaning unwelcome sexual conduct or communication that is sufficiently serious to deny or limit a student's ability to participate in or benefit from the school's program(s). For employees a hostile environment is created when submission to unwelcome sexual conduct is made either explicitly or implicitly a term or condition of an individual's employment.
- *Sexual harassment examples* may include, but are not limited to:
 - a. Sexual or "dirty" jokes
 - b. Sexual advances
 - c. Pressure for sexual favors
 - d. Unwelcome touching, such as patting, pinching, or constant brushing against another's body
 - e. Displaying or distributing of sexually explicit drawings, pictures, and written materials
 - f. Graffiti of a sexual nature
 - g. Sexual gestures
 - h. Touching oneself sexually or talking about one's sexual activity in front of others
 - i. Spreading rumors about or rating other's sexual activity or performance
 - j. Remarks about a person's sexual orientation
 - k. Sexual violence including 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

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

Confidentiality

An individual wishing to file an anonymous harassment and/or discrimination complaint must be advised that confidentiality may limit the district's ability to fully respond to the complaint and that retaliation is prohibited. The Superintendent 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 received a discrimination or harassment complaint, the employee shall forward it to the appropriate grievance coordinator. All district employees must receive appropriate training on their reporting duties.

Policy Training and Dissemination

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

Grievance Coordinators

The Title IX Coordinator's responsibilities include overseeing the district's response to Title IX reports and complaints and identifying and addressing any patterns or systemic problems revealed by such reports and complaints. The Title IX Coordinator must have knowledge of the requirements of Title IX, of the district's policies and procedures on sex discrimination, and of all complaints raising Title IX issues throughout the District. To accomplish this, the Title IX Coordinator must be informed of any report or complaint raising Title IX issues, even if the report or complaint was initially filed with another individual or office or if the investigation will be conducted by another individual or office. The Board designates Superintendent as the Title IX Coordinator. S/he can be contacted at: 500 North 2nd Street, Fessenden, ND 58438, 701-547-3296.

The 504/Title II Coordinator's responsibilities include overseeing the district's response to disability discrimination reports and complaints. The 504/Title II Coordinator must have knowledge of the requirements of Section 504 and Title II, of the district's policies and procedures on disability discrimination, and of all complaints raising Section 504/Title II issues throughout the District. To accomplish this, the 504/Title II Coordinator must be informed of any report or complaint raising Section 504/Title II issues, even if the report or complaint was initially filed with another individual or office or if the investigation will be conducted by another individual or office. The Board designates the Superintendent as the 504/Title II Coordinator. He/She may be contacted at: 500 North 2nd Street, Fessenden, ND 58438, 701-547-3296..

The Nondiscrimination Coordinator's core responsibilities include overseeing the district's response to discrimination and harassment reports and complaints that do not include sex or disability, but instead the other protected statuses. The Board designates the Superintendent as the Nondiscrimination Coordinator. He/She may be contacted at: 500 North 2nd Street, Fessenden, ND 58438, 701-547-3296.

The Title IX, 504/Title II, and Nondiscrimination Coordinators, and any other school official responsible for the investigation of discrimination complaints, shall receive training. This training must include:

1. The definition of discrimination, harassment, and retaliation;
2. The handling of complaints under the Discrimination and Harassment Grievance Procedure (AAC-BR); and
3. The applicability of confidentiality requirements.

PATRON COMPLAINTS ABOUT PERSONNEL (KACB)

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

Filing Procedure

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

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

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

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

Deadlines

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

Prohibition: Retaliation

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

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Prohibition of False Claims

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

TITLE PROGRAMS DISPUTE RESOLUTION PROCEDURE (GABDB)

Process

Any individual who believes that the Fessenden-Bowdon Public School has violated the regulations or law governing a Title program should submit a complaint to the principal at 500 North 2nd Street, Fessenden, ND, 701-547-3296. The Principal shall investigate the complaint and provide the individual with a written response within 30 days or as soon as practicable.

The complaint must include:

1. The date;
2. A detailed description of the complaint, including specific facts;
3. The signature of person making the complaint.

If the complainant is dissatisfied with the response, the complainant may submit an appeal request to the Title Program Director. The Title Program Director shall issue a written response to the complainant as soon as practicable not to exceed 30 days.

Reconsideration

If the complaint is not resolved to the satisfaction of the complainant at the district level, the complainant may forward the complaint to the Title Program Director, Department of Public Instruction, 600 East Boulevard, Bismarck, ND 58505. DPI has established a reconsideration procedure in the event that a complainant is dissatisfied with the State Title Program Director's decision.

Once the state-level complaint review process has been exhausted, a complainant may forward the complaint to the Secretary of Education, U.S. Department of Education, 555 New Jersey Avenue, NW, Washington, DC 20208.

WHISTLEBLOWER PROTECTIONS POLICY (ACF)

Protections: Employees

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

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

Protections: False Claims Act (FCA)

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

Protections: Students & Community Members

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

Grievance Procedure

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

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

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

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

Policy Violation Consequences

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

Prohibition of False Claims

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

Notice of Policy

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

STUDENT RIGHTS AND RESPONSIBILITIES (FG)

ACCOMMODATING STUDENTS WITH ALLERGIES & SPECIAL DIETARY NEEDS (FCAA) – SEE [HEALTH AND SAFETY SECTION](#)

COPYRIGHTED MATERIAL & INTELLECTUAL PROPERTY (ABCA)

Copyright Prohibitions

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

Compliance

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

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

Intellectual Property

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

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

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.

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EDUCATION OF HOMELESS STUDENTS (FDB)

The District must comply with the McKinney-Vento Homeless Education assistance Improvements Act. The District shall seek to eliminate barriers to school attendance for homeless students as defined by law. When feasible and consistent with a parent, guardian, or unaccompanied youth's wishes, the homeless student must be enrolled in his/her school of origin and transportation must be provided in accordance with law.

When not feasible for a homeless student to attend his/her school of origin, as determined by the Superintendent in consultation with the parent, guardian, or student, the student must be placed in a school that is in the "best interest of the student." The Superintendent must submit such placement decisions to the parent/guardian in writing along with notice of the right to appeal and a dispute resolution procedure.

Dispute Resolution

The District shall comply with all interim measures required by law during the dispute resolution process. The parent, guardian, or student wishing to file an appeal of a determination made through the district-level dispute resolution procedure shall notify the homeless student liaison. The liaison shall follow the dispute resolution procedure created by the state.

Homeless Student Liaison

The Board designates the counselor as the homeless student liaison. This individual must perform all duties required by law including participation in professional development and technical assistance activities.

EDUCATION OF HOME SCHOOLED STUDENTS (FDA)

The Fessenden-Bowdon School District acknowledges the right of a parent to provide their own child's education in a home-based setting. The Superintendent will accept as correct the information on the statement of intent filed with the District in accordance with North Dakota law.

Homeschooled students are eligible to transfer into Fessenden-Bowdon School District schools and/or participate in individual district classes and/or extracurricular activities on the same basis as students already enrolled.

Transfers

Homeschooled students transferring into district schools will be required to produce documentation containing a list of courses taken, grades earned, and the results of standardized achievement tests unless the student is exempt from such testing under law. Placement will be determined in accordance with district placement standards.

Students without records or whose records do not indicate proper placement shall be subject to placement testing. Placement testing is at the discretion of the administration.

Students believed to have a disability impairing learning shall be tested and placed in accordance with law and applicable policy.

Diplomas

The Fessenden-Bowdon School District shall not award diplomas to homeschooled students. Students must enroll full-time in the regular Fessenden-Bowdon School District educational program by their freshman year and complete all the necessary requirements to be eligible for graduation honors and earn a diploma, or by their junior year to earn a diploma.

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EDUCATION OF SPECIAL EDUCATION/DISABLED STUDENTS (FDE)

The Fessenden-Bowdon Public School assures that all students with disabilities, ages 3 through 21, have the right to a free and appropriate public education in accordance with the Individuals with Disabilities Education Act and North Dakota law. In addition, the District complies with Section 504 requirements. For the purpose of compliance with state and federal laws concerning special education/disabled students and providing this assurance, the Fessenden-Bowdon Public School is a member of the East Central Special Education Unit and subscribes to its policies and procedures. These policies and procedures include those required to comply with IDEA and Section 504, such as but not limited to child find and procedural safeguards.

NONDISCRIMINATION & ANTI-HARASSMENT (AAC) – SEE [REPORTING CONCERNS AND COMPLAINTS](#)

PATRIOTIC EXERCISES (GACB)

The principal of each school and/or any teacher is allowed to provide a daily program for the voluntary pledge of allegiance. Students may also receive instruction concerning the words and music of the national anthem so they are able to recite or sing the words and recognize the music.

The Board recognizes that the beliefs of some students and teachers prohibit their participation in these patriotic exercises. No person shall be required to participate in these exercises. All persons, however, are expected to show respect to the flag and to the participation of others in the exercise.

Schools may hold ceremonies and/or integrate information into the curriculum related to historically significant and/or patriotic holidays such as Martin Luther King Day, President's Day, Flag Day, and Columbus Day.

PREGNANT & PARENTING STUDENTS (FDD)

Pregnant and parenting students shall be entitled to all protections contained in the district's nondiscrimination and anti-harassment policy and should report any violations of these protections using the district's discrimination and harassment grievance procedure. These students shall be allowed to participate in all school programs and activities on the same basis as any other student enrolled in Fessenden-Bowdon Public Schools.

Attendance Standards for Pregnancy and Post-Pregnancy Conditions

Absences due to pregnancy and post-pregnancy related conditions shall be excused and approved so long as the student and/or her parent/guardian complies with any district documentation requirements associated with the absence as stated in the attendance policy. Documentation requirements for pregnancy and post-pregnancy related absences shall be no more stringent than documentation requirements the District has instituted for student absences due to illness.

Students shall not be disciplined or their status as a student otherwise demoted due to absences resulting from pregnancy or a post-pregnancy condition. Furthermore, students absent due pregnancy/a post-pregnancy condition shall not be barred from participating in district programs and activities except when absences result in ineligibility to participate in activities covered under North Dakota High School Activities Association bylaws. Students will be given a reasonable time to make up missed work or participate in a credit recovery program. Failure by the student to complete any make up work requirements or credit recovery program(s) may result in a demotion in grades, retention, extracurricular ineligibility, or other appropriate recourse as determined by district administration in accordance with applicable district policy.

Accommodations for Pregnant Students

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The District shall provide reasonable accommodations to pregnant students and students recovering from pregnancy upon request by the student, her parent/guardian, or her medical provider.

Alternative Curricular Participation

The District shall encourage pregnant and parenting students to remain enrolled in the regular school program; however, the District will provide educational options to those students who are unable or who elect not to remain in their regular schools. Those options may include homebound tutoring, an alternative day school program, and/or attendance at adult evening classes. Pregnant and parenting students electing one of these options shall be permitted reenter the regular education program upon request. If a request to re-enroll is made near the end a semester, the District may elect to re-enroll the student in the regular education program at the beginning of the subsequent semester.

Medical Documentation Requests and Participation in Physical Activities

Pregnant students involved in programs involving physical activity will be required to provide medical documentation certifying fitness for participation **only** on the same basis as the District requires such documentation from other students. Any medical documentation required for a pregnant student to participate in physical activities shall be no more stringent than when medical documentation is required to be provided by any other student as a condition of participation in physical activities.

Disclosure

If a student discloses her pregnancy status to a district employee, the employee will refer the student to a school counselor. The school counselor shall encourage the student to inform her parent(s)/guardian of the pregnancy if such advice is in the best safety interest of the student.

If a student refuses to inform her parent(s)/guardian of her pregnancy within a reasonable time, the counselor, in conjunction with the Superintendent, shall make a decision about whether or not to inform the student's parent(s)/guardian. The decision shall be made on a case-by-case basis, taking into account the student's age and safety. Before acting on the decision, the counselor shall contact the student and provide her with an opportunity to appeal the decision to the Superintendent.

RELEASED TIME FOR OUTSIDE INSTRUCTION (FGBA)

Released time for off-campus religious instruction shall be granted to students of all religious groups in a nondiscriminatory manner in accordance with North Dakota law so long as released time does not exceed one hour per week and the parent or guardian of the student has submitted a written request to the building principal. Such absences shall be deemed excused. Students will be responsible for completing all make-up work in accordance with administrative regulations.

A parent may request release time for other forms of outside instruction for a child. The Superintendent shall review and either deny or approve all such requests. Requests that are reasonable and do not seriously interfere or impair a student's academic performance shall be granted. Release time for outside instruction shall be limited to one hour per week, and students will be responsible for completing all make-up work in accordance with administrative regulations. Such absences shall be deemed excused.

RESTRAINT AND SECLUSION (FCC)

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

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Definitions

For the purposes of this policy:

- *Dangerous behavior* is violent, disturbed, or depressed behavior which may immediately result, or has resulted, in harm to that person or other persons or behavior that has or may immediately result in extensive or extreme damage to property.
- *Chemical restraint* is medication used to control behavior or restrict freedom of movement that is not a standard treatment for the student's medical or psychological condition.
- *Mechanical restraint* is any device or object used to restrict or limit a student's body movement or any normal function of any portion of his/her body to prevent or manage dangerous behavior. Mechanical restraints are prohibited in Fessenden-Bowdon Public Schools. Mechanical restraints do not include devices used by trained school personnel or by a student him/herself for approved therapeutic or safety purposes for which devices were designed and, if applicable, prescribed.
- *Physical restraint* is the use of physical intervention intended to hold a student immobile or limit a student's movement by using body contact as the only source of restraint to deescalate dangerous behavior or used as part of a parent-approved plan such as, but not limited to, a behavioral intervention plan (BIP), Individualized Education Program (IEP), or 504 Plan. This definition excludes physical prompts and physically escorting a student so long as the physical prompt/escort does not render a student immobile.
- *Behavioral intervention strategies* shall not be construed to mean a name-brand method of identifying and assessing students potentially in need of a behavioral intervention plan. Under this policy, it is defined as methods used to identify students who exhibited past incidents of dangerous behavior or exhibit the potential to engage in such behavior in the future. The Superintendent shall determine the appropriate scope and method of conducting a needs assessment for implementation of behavioral intervention strategies under this policy and should document completion of this assessment.
- *Seclusion* is placing a student in a room or limited space alone to deescalate dangerous behavior or as part of a parent-approved plan such as, but not limited to, BIP, IEP, or 504 Plan except for the presence of a staff monitor who shall monitor the student directly in the space or immediately outside it. This definition excludes disciplinary sanctions designed to penalize students by separating them from the student population (such as, but not limited to, detention and in-school suspension), and alternative placement (which is often used to separate the student from the student population for safety reasons).
- *Timeout* is a behavior intervention strategy that occurs when the ability of a student to receive normal reinforcement in the environment is restricted. Timeout may be inclusionary (where the student remains in sight and sound of others in the classroom) or exclusionary (where the student leaves the learning environment and goes to another location but is not isolated and prevented from leaving). Timeouts are not a form of seclusion.

Behavioral Intervention Strategies

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

1. Conduct a school-wide search of students in need of behavioral intervention strategies because of past incident(s) of dangerous behavior or the potential to engage in such behavior in the future; and
2. Train staff on identifying the need for behavioral intervention strategies and on implementing these interventions once established; and

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3. Develop a behavioral intervention plan (BIP) for identified students. This plan should at least identify environmental triggers that cause the student to engage in dangerous behavior, include procedures for diminishing or removing such environmental factors, list interventions that will be used to maintain appropriate behavior and respond to inappropriate behavior, and contain an overview of self-regulating techniques on which the student will be trained; and
4. Involve parents in the development of the BIP and receive their consent on the document. In the case of mentally or physically disabled students, behavior intervention strategies, if necessary, should be addressed in the IEP or 504 Plan.

Prohibitions

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

The District further prohibits district staff from the following:

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

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

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

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

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

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

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

Staff Training

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

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

Documentation, Notification, & Re-Evaluation

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

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

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

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

Policy Violations

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

SCHOOL MEDICATION PROGRAM (EXCERPTS FROM ACBD) – SEE [HEALTH AND SAFETY SECTION](#)

SEARCHES OF LOCKERS (FGCA)

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

Search Procedure

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

Students' personal items stored in lockers such as, but not limited to, book bags, purses, and coats shall not be searched unless there exists reasonable suspicion that they contain an object(s) or substance(s) in violation of school rules/policy, the law, or which may be detrimental to the health, safety, or welfare of enrolled students. Administrators shall make a reasonable attempt to have students present during searches of personal items contained in lockers except when an immediate search is necessary in the event of an emergency.

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

Use of Trained Dogs & Involvement of Law Enforcement

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

In the event a police officer or other law enforcement officer is to conduct a search of a student's locker, probable cause is necessary unless the search is school-initiated and would pose a safety threat if conducted by school staff.

Illegal substances found in lockers may be turned over to proper authorities.

SEARCHES OF STUDENTS & STUDENTS' PERSONAL PROPERTY (FGCB)

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

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

Search Procedure

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

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

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Searches of Vehicles

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

Involvement of Law Enforcement

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

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

Reporting Requirements

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

SECTION 504 DISPUTE RESOLUTION POLICY (AACAA)

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

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

SEX OFFENDERS ON SCHOOL PROPERTY (ACCA) – SEE THE [HEALTH AND SAFETY SECTION](#)

SIGNIFICANT CONTAGIOUS DISEASES (ACBB) – SEE THE [HEALTH AND SAFETY SECTION](#)

STUDENT ASSEMBLIES (FFG)

Note: This minor wording should be changed in the policy, and should be addressed BEFORE including this in the handbook.

Generally, school administrators will determine or substantially control the content of what is expressed at student assemblies. In such cases religious expression will not be permitted as the religious expression may be attributed to the school or seen as an endorsement of a particular religious belief or expression. However, in the instances where students are selected to speak at assemblies based upon neutral selection criteria and where the student speaker has primary control over the content of the oral presentation, the school will not restrict the student speech because of its religious or anti-religious content. In such cases, school authorities will publicly clarify that the content of the student's speech is the speaker's opinion and not the school's.

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For the purposes of this policy, primary control is defined as authority by a student to include any content in a speech so long as it is not profane, sexually explicit, defamatory, disruptive, and/or does not infringe on the rights of others. Students may speak on individual religious views and experiences but [prayer and](#) proselytizing (preaching) shall be prohibited because such speech may infringe on the rights of the audience. Administration shall review student speeches prior to delivery. In the event that a speech contains potential prohibited content, administrators shall contact legal counsel to seek guidance before asking a student to remove such content.

STUDENT DISTRIBUTION & POSTING OF NON-CURRICULAR MATERIAL IN SCHOOL (FGDE)

Students shall be permitted to distribute non-curricular material that meets the following criteria and receives district approval as described below:

1. The material is submitted to the Superintendent within a reasonable time frame before the proposed distribution date. The request must indicate the time and place where the student wishes to distribute material and the ages of students that are the requestor's target audience.
2. The Superintendent shall approve or disapprove the material. If the Superintendent rejects a request to distribute material, the decision may be appealed to the Board. The decision to approve material shall not be based on the viewpoint expressed; however, material containing the following shall not be approved for dissemination:
 - a. Attacks on ethnicity, race, religion, or other class protected by law;
 - b. Promotes violence, terrorism, or other illegal activities, including, but not limited to, tobacco, drug, and/or alcohol use by minors;
 - c. Is obscene or pornographic as defined by community standards;
 - d. Is reasonably forecasted to materially or substantially disrupt the educational process or environment;
 - e. Poses a direct threat to the physical safety of the school population;
 - f. Infringes on the rights of others, such as (but not limited to) material that is libelous or invades an individual's privacy.
1. Requests to distribute non-curricular material in the classroom and/or in areas that are reasonably forecasted to substantially disrupt the educational environment shall be denied.
1. Material approved for distribution must include a disclaimer stating that the District does not endorse, approve, or sponsor the activities, views, or events promoted in the material. This disclaimer shall be affixed in a prominent location on the material.

The Superintendent shall document reasons for denying a student's request to distribute non-curricular material.

The Superintendent shall provide notice of his/her decision to approve or deny a non-curricular material distribution request to the requestor within in a reasonable timeframe.

STUDENT EDUCATION RECORDS & PRIVACY (FGA)

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

Definitions

- *Directory information* is defined as personally identifiable information contained in a student education record that is generally considered **not** harmful or an invasion of privacy if disclosed and includes:

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- a. Address
 - b. Date and place of birth
 - c. Dates of attendance
 - d. Degrees, honors, and awards received
 - e. Grade level
 - f. Most recent school attended
 - g. Name (first and last)
 - h. Participation in officially recognized activities and sports
 - i. Photograph
 - j. School email address
 - k. Student identification number if it cannot be used alone to access an educational record and is not the student's social security number
 - l. Telephone listing
 - m. 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, and district alert systems.

Designation and Responsibilities of Privacy Officers

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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 and disseminated annually in accordance with law.

1. 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.

1. Data Breaches

District employees are responsible for informing a privacy officer of any known or suspected breach of PII. When a privacy officer becomes aware of a breach of student PII, s/he shall contact the Chief Privacy Officer. The Chief Privacy Officer shall determine if enactment of data breach response procedures contained in policy IDC and NDCC Ch. 51-30 is appropriate.

1. 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).

1. Directory Information

The District may disclose directory information without parental/eligible student consent if it has given parents/eligible students a reasonable amount of time to opt-out of directory information release. Opt-out notices should be provided at the beginning of the school year and when a student otherwise enrolls in the District. These notices shall contain a reasonable deadline of at least 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. Upon board approval, the Superintendent shall instruct the privacy officer to ensure compliance with any opt-out requests made by parents.

1. 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

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inform the requestor of any parental consent requirements (see #7) and ensure the requestor complies with such requirements.

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

- 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 re-disclose 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
 - a. To accrediting bodies for purposes of accreditation
 - a. To an organization conducting a study for the District to develop, validate, or administer a predictive test; administer student aid programs; or improve instruction so long as the organization has entered into a written agreement with the Board in accordance with law; if the organization is conducting a survey of students, the District shall ensure parents are notified in compliance with policy GCC and shall obtain parental consent, if applicable (see #7)
 - a. To another school in which the student seeks, intends to, or is already enrolled
 - a. 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
 - a. 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
 - a. 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.

1. When Parental Consent is Required

The District must obtain parental/eligible student consent to release student information under the following circumstances:

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- 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.

STUDENT INTERVIEWS, INTERROGATIONS, & CUSTODY BY OUTSIDE AUTHORITIES (FGCC)

General Provisions

For all action permitted by this policy and/or law, it is the responsibility of law enforcement officials, not district employees, to assure compliance with procedural and constitutional safeguards.

Police Interviews and Interrogations

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To minimize disruptions to the school environment and embarrassment to students involved, all police interviews and interrogations of students on school property shall be held in private unless the urgent nature of the situation prevents compliance with this requirement as determined by the building principal or designee in consultation with law enforcement. Students shall not be subject to coercion or illegal restraint during police interviews and interrogations.

1. **When the student is the suspect of a crime (police interrogation):** The Superintendent or building principal shall only grant the interrogation request if the following conditions are met:
 - a. The officer properly identifies him/herself to the building principal or designee if the officer is unknown to the school, confirms the identity of the student to be interrogated, and confirms the reason and purpose of the interrogation.
 - b. The interrogation relates to a school matter or needs to be held at school because of justifiable law enforcement need that is explained to the building principal or designee.
 - c. The student's parent, guardian, or attorney is present for the interrogation. This requirement does not apply to students of legal age.
 - d. The student is read *Miranda* rights.

These requirements do not apply to crimes in progress, which are covered under this policy's section on taking students into custody.

1. **When a student is a witness or victim of a crime:** The Superintendent, building principal, or designee may grant requests for a police interview of a student who is a witness or victim of a crime if the following conditions are met:
 - a. The officer properly identifies him/herself to the building principal or designee if the officer is unknown to the school, confirms the identity of the student to be interview, and confirms the reason and purpose of the interview.
 - b. The interview relates to a school matter or needs to be held at school because of justifiable law enforcement need that is explained to the building principal or designee.
 - c. At a minimum, a school official is available to be present at the police interview. The building principal or designee should attempt to contact the student's parent or guardian and allow them to attend the interview unless the urgent nature of the situation demands that the interview be conducted as soon as possible. The building principal or designee, in consultation with law enforcement, shall make the determination of whether or not to contact parents/guardians on a case-by-case basis.
 - d. If, during the interview, the student becomes a suspect of a crime, the requirements in #1 shall be implemented as soon as this suspicion arises.

Interviews of Students by Officials of Other Agencies

When the Department of Human Services or an officer acting on the agency's behalf requests to interview a student as part of a child/abuse neglect investigation, the building principal shall:

1. Verify that the purpose of the interview is to investigate child abuse/neglect;
2. Require that the interviewer identify him/herself;
3. Allow a student to be interviewed if the student is the subject of, sibling of, or living with a child the subject of abuse/neglect;
4. School staff shall not share information related to a child abuse investigation with the public or the child's parents.

Students taken into Custody at School

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In all of the situations listed below, efforts should be made to minimize embarrassment or loss of class time for the student. The office of the Superintendent and principal should be notified immediately when any of the actions listed below has occurred if not previously aware that these actions were to occur.

1. Student Taken into Custody: Police officers, counselors of the juvenile court, or other authorized law enforcement officials have the right to enter the school to take a student into custody or to make a lawful arrest of a student, provided the officer displays an order signed by a judge of the juvenile court authorizing the taking of the student into custody, displays a warrant for the student's arrest, or has probable cause to make an arrest. If the student is arrested and/or taken into custody at a school, the school officials should make every effort to notify the parents immediately.
2. Right to Serve Subpoena in School: While police officers have the legal right to serve a subpoena at school, the serving officials should be strongly urged to serve these subpoenas off campus whenever possible.

STUDENT PRAYER DURING NON-INSTRUCTIONAL TIME (FGBB)

The District shall comply with state law concerning student recitation of prayer/student-initiated religious speech in school, which allows such activity before, during, and after the school day to the same extent that the District allows secular speech. Any time, place, and manner restrictions that the District places on recitation of prayer/student religious speech shall not exceed those placed on student's secular speech.

The decision to participate or not participate in religious expression is a matter of individual choice. No student will be permitted to harass or intimidate other students to participate or refrain from participating in religious expression. School staff shall refrain from encouraging or discouraging students from participating in such activity.

STUDENT PUBLICATIONS & FREEDOM OF EXPRESSION (FGDD)

School-sponsored media, as defined by NDCC 15.1-19-25, shall be supervised by a student media advisor but shall not be reviewed by an administrator unless the publication is believed to contain restricted content as listed below.

The following material is prohibited from being published in school-sponsored media:

1. Material that is profane or pornographic
2. Material that is slanderous or libelous in nature
3. Material that infringes or may infringe on the privacy rights of others
4. Material that violates federal or state law, promotes violence, terrorism, or other illegal activities including, but not limited to, material that promotes tobacco and/or drug and alcohol use by minors
5. Material that is reasonably forecasted to materially and substantially disrupt the educational environment
6. Material that violates or incites the violation of policy including, but not limited to, the district's policies on bullying and harassment
7. Material that poses a direct safety threat to the District, its students, and/or staff

A decision to prohibit publication and distribution of a student publication with restricted content shall be made by the building principal and may be appealed to the Superintendent. The Superintendent shall investigate and issue a decision in a timely manner. The Superintendent's decision is binding.

The following time, place, and manner restrictions apply to dissemination of school-sponsored media (e.g., student newspapers) shall only be placed on the shelf by the library, no school-sponsored media shall be distributed in the classroom unless approved by the classroom teacher.

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STUDENT RIGHTS & RESPONSIBILITIES (FG)

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. A
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.

STUDENTS OF LEGAL AGE (FGDC)

Students of legal age shall be required to abide by all district policies pertaining to students. Students of legal age are permitted to inspect their personal educational record and may represent themselves at an expulsion hearing without parental involvement if they sign a waiver to this effect.

The building principal may also grant students of legal age authority to report their absences and sign authorization forms. Students of legal age must request this permission in writing.

If a student of legal age is claimed as a dependent by his/her parent for tax purposes, the parent is entitled to access to the student's educational record under FERPA. The District will assume that all students of legal age are claimed as dependents unless a student produces documentation demonstrating otherwise.

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

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

Definitions

For purposes of this policy:

- *Disability* is defined in 28 CFR Part 35.108 with respect to an individual, as a physical or mental impairment that substantially limits one or more of the major life activities of such individual; a record of such an impairment; or being regarded as having such an impairment.

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- *Service animal* is defined in NDCC 25-13-01.1 as any guide dog, signal dog, or other animal trained to do work, perform tasks, or provide assistance for the benefit of an individual with a disability. The term includes an animal trained to provide assistance or protection services to an individual with a disability, pull a wheelchair, lend balance support, retrieve dropped objects, or provide assistance in a medical crisis
- *School property* means all land within the perimeter of the school site and all school buildings, structures, facilities, and school vehicles, whether owned or leased by a school district, and the site of any school-sponsored event or activity.

Use of Animals for Educational Purposes

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

Use of Service Animals by the Disabled

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

Would the presence of the service animal:

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

A disabled student's parent may be given the option of changing the student's educational placement if alternative placement will remedy the infringement of other's rights.

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

Revocation of Animal Use

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

1. The animal poses a direct health and/or safety threat to others;
2. The animal is is not properly controlled;
3. The animal's presence has fundamentally altered an educational program or activity.

Animal Related Injuries

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

STUDENT SUPPORT PROGRAMS AND SERVICES

SPECIAL EDUCATION/DISABLED STUDENTS (FDE)

The Fessenden-Bowdon Public School assures that all students with disabilities, ages 3 through 21, have the right to a free and appropriate public education in accordance with the Individuals with Disabilities Education Act and North Dakota law. In addition, the District complies with Section 504 requirements. For the purpose of compliance with state and federal laws concerning special education/disabled students and providing this assurance, the Fessenden-Bowdon Public School is a member of the East Central Special Education Unit and subscribes to its policies and procedures. These policies and procedures include those required to comply with IDEA and Section 504, such as but not limited to child find and procedural safeguards.

SUICIDE PREVENTION (FCAE) – SEE HEALTH AND SAFETY SECTION

USE OF ANIMALS IN SCHOOL/CURRICULAR PROGRAMS (ACBC) – SEE HEALTH AND SAFETY SECTION

STUDENT HANDBOOK NOTICES

Note: These notices apply to all students. Federal law also has notification requirements specific to special education and English learning students.

ASBESTOS HAZARD EMERGENCY RESPONSE ACT:

<https://www.epa.gov/asbestos/asbestos-and-school-buildings#comply>

FREE AND REDUCED MEALS:

<https://www.nd.gov/dpi/students-parents/FreeReducedPriceMeals/>

MEAL CHARGING PROCEDURE (IB-BR)

This board regulation outlines procedures for a student to charge meals. Adults are prohibited from charging meals.

Dissemination

The Superintendent must ensure that uniform meal account procedures are provided in writing, to all parents of students at the start of each school year and to the parents of students transferring to the school mid-year. The Superintendent shall also provide procedures to all school and district-level staff members responsible for the enforcement of this regulation.

The District may use additional methods to disseminate the procedure on an ongoing basis throughout the school year.

Payment Options

Parents are responsible to ensure that students have sufficient funds to purchase school meals each day or pre-pay for meals, to avoid accruing meal charges. District payment options for student meal accounts include in person, online payment, or automatic payment.

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Charging Procedure

In the event a student does not have sufficient funds, the District shall allow the student to charge up to 5 reimbursable meals, the cost of which must be deducted from the student's meal account. After the student has exceeded the number of allowable reimbursable meal charges, the student will not receive second servings.

Payment Reminders

Whenever a student incurs a charge, or the District serves the student an alternate meal, district personnel shall notify the parents of the student by letter, phone, text, etc. If a pattern of charging continues, administration shall attempt to contact the student's parents and encourage the parents to complete a free and reduced meal application. Nothing in this procedure prohibits school district personnel from reporting suspected abuse or neglect of a student as required by law.

Unpaid Meal Charges

Parents are expected to pay all charges within 60 days. If they fail to do so, the District may rollover debt or refer the debt to collections. The District may use an alternative funding source (e.g., nonfederal funding or charitable funding source) to offset costs incurred from unpaid meal charges and collection fees.

Balance

Funds in the student's meal account may be carried over to the next school year.

A written request must be submitted to the district office for a refund of monies remaining in a student's meal account. A student who is graduating shall be given the option to transfer meal funds to a sibling's account.

MODEL DISCLOSURE TO PARENTS OF DEPENDENT STUDENTS:

<https://www2.ed.gov/policy/gen/guid/fpco/erpa/parents.html>

MODEL NOTICE OF RIGHTS UNDER FERPA:

<https://www2.ed.gov/policy/gen/guid/fpco/erpa/lea-officials.html>

MODEL NOTIFICATION OF RIGHTS UNDER THE PROTECTION OF PUPIL RIGHTS AMENDMENT (PPRA):

<https://www2.ed.gov/policy/gen/guid/fpco/doc/ppra-gen-not.doc>

NOTICE OF DIRECTORY INFORMATION (FGA-E1)

NOTICE OF DIRECTORY INFORMATION (FGA-E1)

The Family Educational Rights and Privacy Act (FERPA), a Federal law, requires that Fessenden-Bowdon School District, with certain exceptions, obtain your written consent prior to the disclosure of personally identifiable information from your child's education records. However, Fessenden-Bowdon 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 Fessenden-Bowdon 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;

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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 Fessenden-Bowdon School District to disclose directory information from your child's education records without your prior written consent, you must notify the District in writing by **[insert date]**. Fessenden-Bowdon 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. This list must be consistent with policy.*

1. Address
2. Date and place of birth
3. Dates of attendance
4. Degrees, honors, and awards received
5. Grade level
6. Most recent school attended
7. Name
8. Participation in officially recognized activities and sports
9. Photograph
10. School email address
11. Telephone listing
12. Weight and height of members of athletic teams

Request to Withhold Directory Information for the **[List year]** School Year:

- Please do not release **any** directory information. (See definition above)
- Please do not release the following **part or parts** of directory information: (check all that apply)
 - Name
 - Telephone
 - Photograph
 - Other (specify): _____
- Please do not release directory information to:
 - Military Recruiters
 - Colleges & Universities
 - Other (specify): _____

Student's Name: _____

School: _____

Grade: _____

Parent/Guardian Signature: _____

Date: _____

NOTE: If the student is a high school senior or is otherwise scheduled to graduate, this opt-out request will continue to remain effective after the student has graduated from high school.

PARENT & FAMILY ENGAGEMENT POLICY (KAB)

For the purposes of this policy, parents and family members (hereafter parent(s)/family) means parents and family members of students attending schools that receive Title I funds. Parent means a biological, adoptive, step or foster father or mother, or any other individual who stands in loco parentis to the student. Family/family members are adults living in a student's household who are related to the student and/or adult relatives living outside the student's household who, based on a school administrator's knowledge, play a direct and active role in the student's education (e.g., volunteer in school, attend school meetings).

Development and Scope of Policy

This policy has been jointly developed and agreed upon by the Fessenden-Bowdon Public School Board and parents/family of students served by Title I funds.

This policy only applies to Fessenden-Bowdon Public School schools receiving Title I funds.

Family have no right to receive information concerning a student's educational records unless authorized by a parent or eligible student in accordance with the Family Educational Rights and Privacy Act or unless an exception applies under this law.

Expectations and Objectives for Parental Involvement

To help foster meaningful parent/family engagement, the District has established the following objectives and expectations:

1. Objectives for schools receiving Title I funds:
 - a. Each school should identify and implement ways to make their schools open and welcoming to parents and families.
 - b. Each school should identify ways of communicating with parents/ family in a personable manner.
 - c. Each school should implement mechanisms for allowing parents/family to stay informed about their child's progress consistent with confidentiality laws that prohibit release of personally identifiable information without the consent of a parent/eligible student. Each school should also implement mechanisms for parents/families to stay informed about school programs, district policies, and ways in which parents/families can provide feedback and input to their children's schools.

- d. Each school should identify and/or develop services to help educate parents/families about their role in supporting their children's educational growth and should help connect parents with community-based services designed to further assist in this regard.
2. Expectations for parent/family involvement are outlined in the subsequent section of this policy and in the school-parent compact.

Parent/Family Engagement Procedures

The Fessenden-Bowdon Public School will enact a parent/family engagement program in accordance with federal law by carrying out the following procedures:

1. To involve parents/family in development of the district's student achievement and school improvement/support plans, each school receiving Title I funds may:
 - a. Survey parents regarding program improvement.
 - b. Parent meetings to be held each year to involve parents in the development of the involvement plan.
 - c. Parent comments are welcome all year long concerning strengths and concerns of the program
2. To plan and implement parent/family involvement activities designed to improve student achievement and school performance, each school receiving Title I funds may consult with relevant community organizations, businesses, and other stakeholders.
3. Title I parent/family engagement strategies, programs, and activities will be coordinated and integrated with other school parent/family engagement strategies, programs, and activities to the extent possible. The Superintendent or designee shall develop and implement methods for orchestrating such coordination and integration including informing and encouraging staff to coordinate and integrate Title I and other parent/family engagement strategies, programs, and activities with school events.
4. To evaluate the parent/family involvement program, identify barriers to participation in it, and identify ways strategies to support school-family interactions, each school receiving Title I funds may solicit feedback from parents/family, particularly parents/family members who are economically disadvantaged, disabled, limited English proficient, and/or racial minorities.
5. The Superintendent or designee shall be responsible for compiling the feedback received from item ["4"](#) and implementing strategies to respond to these data, which may include revisions to this policy, implementation of new evidence-based parent/family support programs or revisions to such existing programs, and/or revisions to the district's parent/family communication or outreach methods. The Superintendent shall consult parents of students participating in Title I programs as part of this review and revision process.

To carry out additional requirements in law specifically related to parent engagement, the Superintendent shall:

1. Ensure that the principal of each school receiving Title I funds holds an annual Title I parents meeting and reports to the Superintendent after this meeting has occurred.
1. Ensure that the principal of each school receiving Title I funds offers additional opportunities for parental involvement meetings at flexible times with transportation and/or childcare provided. Each school receiving Title I funds shall submit a schedule of such meetings to the Superintendent.

1. The Title I teachers will communicate with parents of Title I students to provide ongoing input on the parent and family engagement policy and programming.
1. Develop and implement efficient and effective methods of communicating all information required by Title I to parents of participating students. To the extent possible, such communication will be in a format and in a language that the parents can understand.
1. Develop and implement an efficient and effective method of ensuring that parents of students participating in Title I programs have access to the schoolwide student achievement plan and are informed of their right to comment on the plan, the timeline for commenting, and the method for submitting comments to the Superintendent.
1. Contact principals of all schools receiving Title I funds to remind them of the need to develop/update a school-parent compact with all components required by law and to inform these principals of the deadline for submitting this compact to the Superintendent.
1. Require principals of all schools receiving Title I funds to report by a specified deadline on the training and other methods and materials each school will use to educate parents of participating students on state academic standards, state and local academic assessments, federal parent/family engagement requirements, how to monitor a child's progress, how to work with educators to improve the achievement of their children, and how to work with their children to improve achievement.
1. Require principals of all schools receiving Title I funds to report on training provided to teachers and other support staff on the importance of parental involvement, how to work with and build ties with parents, and staff's role in implementing parental involvement programs. The Superintendent shall coordinate and implement such training for principals.

FESSENDEN-BOWDON SCHOOL-PARENT COMPACT (KAB-E)

The Fessenden-Bowdon Public School and the parents of the students participating in activities, services, and programs funded by Title I agree that this compact outlines how they will share the responsibility for improved student academic achievement and the means by which the school and parents will build and develop a partnership that will help children achieve the State's high standards.

This school-parent compact is effect during the current school year.

School Responsibilities

The Fessenden-Bowdon Public School will:

1. Provide high-quality curriculum and instruction in a supportive and effective learning environment that enables the participating children to meet the State's student academic achievement standards.
2. Hold parent-teacher conferences (at least annually in elementary schools) during which this compact will be discussed as it relates to the individual child's achievement. Specifically, these conferences will be held twice a year as indicated on the school calendar.
3. Provide parents with frequent reports on their children's progress. Specifically, the school will provide the reports as follows: student class progress is available online 24/7 through PowerSchool, the student data system. The Title I instructor will share additional assessment results with parents at least quarterly.

4. Provide parents reasonable access to staff. Specifically, staff will be available for consultation with parents by contacting the staff member to schedule a meeting.
5. Provide parents opportunities to volunteer and participate in their child's class, and to observe classroom activities.

Parent Responsibilities

We, as parents, will support our children's learning in the following ways:

1. Monitoring attendance;
2. Making sure that homework is completed;
3. Monitoring amount of television my child watches;
4. Volunteering in my child's classroom;
5. Participating, as appropriate, in decisions relating to my children's education;
6. Promoting positive use of my child's extracurricular time;
7. Staying informed about my child's education and communicating with the school by promptly reading all notices from the school or the school district either received by my child or by mail and responding, as appropriate;
8. Serving, to the extent possible, on policy advisory groups, such as being the Title I parent representative on the school's School Improvement Team, the Title I Policy Advisory Committee, the District wide Policy Advisory Council, the State's committee of Practitioners, the School Support Team or other school advisory or policy groups.

PARENTS RIGHT TO KNOW – TEACHER AND PARAPROFESSIONAL QUALIFICATIONS

TITLE I QUALIFICATIONS NOTIFICATION REQUIREMENT (DHAB)

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

PPRA MODEL NOTICE AND CONSENT/OPT-OUT FOR SPECIFIC ACTIVITIES:

<https://www2.ed.gov/policy/gen/guid/fpco/doc/ppra-gen-not-cons.doc>

WELLNESS POLICY (ABCC)

District Wellness Committee

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

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

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

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

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

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

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

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

Physical Activity

In addition to state standards and mandates¹ related to physical education, the District should strive to make opportunities available for students to be physically active.

The goals of physical activity programs must be to:

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

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

Nutrition Education and Promotion

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

1. Educate teachers and other staff members responsible for nutrition education (e.g., provide training regarding the [Dietary Guidelines for Americans](#) and how to teach them);
2. Identify and implement methods to educate family members about district nutrition standards and goals as well as involve them in program development and implementation.
3. Integrate nutrition education into core curricula that is aligned with state standards and requirements;

¹ <https://www.nd.gov/dpi/uploads/87/phy> ed2015.pdf

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4. Include developmentally appropriate, culturally relevant and participatory activities in the nutrition curriculum;
5. Emphasize caloric balance between food intake and physical activity
6. Provide students with the knowledge and skills necessary to promote and protect their health;
7. Promote fruits, vegetables, whole-grain products, low-fat dairy products, healthy food preparation methods, and accurate portion sizes; and
8. Promote healthy food and beverage choices for all students as well as encourage participation in school meal programs.

Nutrition promotion must be implemented through the use of evidence-based healthy food promotion techniques (e.g. Smarter Lunchroom techniques²). All foods and beverages offered to students during the school day must meet or exceed the USDA [Smart Snacks in Schools](#) nutrition standards.

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

Other School-Sponsored Activities

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

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

Nutrition Standards

The District shall comply with applicable nutrition standards established in federal regulations for all reimbursable meals, e.g., the National School Breakfast and Lunch program. The District also operates additional nutrition-related programs and activities including a school garden and Fresh Fruit & Vegetable Program.

The District shall comply with applicable nutrition standards established in federal regulations for all competitive foods and beverages sold on school grounds during the school day to students (see USDA [Smart Snacks in Schools](#) nutrition standards).

Except as otherwise provided, all foods and beverages provided for celebrations, for snacks, or as rewards, or sold for fundraising by the District, should be selected judiciously, taking into consideration the nutritional value of the food being served, the goals of this policy, and the frequency of use.

Exception to Competitive Food and Beverage Sales

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

² See <http://smarterlunchrooms.org/ideas>

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

Hydration Standards

To promote hydration, unflavored drinking water that is free must be made available to all students throughout the school day and throughout every school. The District shall make drinking water available where school meals are served during mealtimes. In addition, students shall be allowed to bring and carry water bottles filled with only water throughout the day.

Marketing

The District permits marketing and advertising of only those foods and beverages that meet or exceed the USDA Smart Snacks in School nutrition standards. These standards do not apply to foods and beverages sold off school grounds.

Qualifications and Training

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

HANDBOOK ACKNOWLEDGEMENT FORM

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

Student's Signature

Date

Parent/Guardian's Signature

Date

Parent/Guardian's Signature

Date

Student/Parent Copy

HANDBOOK ACKNOWLEDGEMENT FORM FOR DISTRICT RECORDS

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

Student's Signature

Date

Parent/Guardian's Signature

Date

Parent/Guardian's Signature

Date

Note: This copy of the Handbook Acknowledgement Form must be returned the District Office.

