



# **Powers Lake School Student Handbook**

## **2023-2024**

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## **DISCLAIMERS & DEFINITIONS**

### **HANDBOOK LANGUAGE DISCLAIMER**

This handbook is intended to be a helpful resource for parents and students. Please understand this handbook does not contain all policies or procedures adopted by the School Board and Administration. Adopted policies, regulations, and exhibits may be reviewed by contacting a District administrator. In the best interest of the school setting, the principal has the authority to exercise judgment in determining an appropriate consequence for student actions. The handbook will be available on the school website and paper copies will be available in the school office.

### **SAVINGS CLAUSE**

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requirements in law or be declared illegal by a court of competent jurisdiction, said policy shall be automatically rescinded to the extent that it violates the law. The remaining policies shall remain in full force and effect until rescinded or amended by Powers Lake Public School Board.

### **POWERS LAKE SCHOOL-PARENT COMPACT**

The Powers Lake 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 effective during the 2023-2024 school year.

#### **School Responsibilities**

The Powers Lake 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.
3. Provide parents with frequent reports on their children's progress.
4. Provide parents reasonable access to staff.
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 time spent on electronics;
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.

## **ACADEMICS, GRADES, HONORS**

### **GRADING (GCBA)**

The grading system shall be fair and applied consistently. 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 their building to ensure compliance with this policy.

#### **Grading Grievances**

A student or parent who believes that the 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. The principal's decision to affirm or alter a grade shall be final and binding.

#### **Grading Scale**

The following will be used as the grading scale for grades 6-12:

A+ 98-100% B+ 87-89 % C+ 77-79 % D+ 67-69 % F 0-59 %

A 93-97 % B 83-86 % C 73-76 % D 63-66 %

A- 90-92 % B- 80-82 % C- 70-72 % D- 60-62 %

The following will be used as the grading scale for grades 3-5:

A+ 100 A 95-99 A- 93-94

B+ 91-92 B 87-90 B- 85-86

C+ 83-84 C 79-82 C- 77-78

D+ 75-76 D 71-74 D- 69-70

F 68 and Below

#### **Retention**

Students in grades K-5 will be promoted if they have mastered the skills of their grade level. Students may be recommended for retention if their work is below grade level, little or no effort has been made to achieve, little or no progress is evident, and/or the team believes retention will benefit the child.

Students who have been considered for retention will have the following steps taken on their behalf:

1. The student will be identified by the classroom teacher as a possible candidate for retention by the beginning of the 4th quarter.
2. The teacher will notify the principal of the recommendation for retention.
3. A conference will be set up with the parents/guardians to discuss progress and possible retention.
4. The school may recommend retention, but the final decision will be made by the parents/guardians.

In grades 6-8, students must pass 3.5 credits of their core subjects before they will be permitted to be promoted to the next grade level. Credits may be made up during summer school to allow the student to advance to the next grade at the start of the next school year.

#### **Plan of Study**

Before students begin grade 9, they will complete a plan of study with the school counselor. All students must enroll in a minimum of seven courses each semester. Students may have a study hall period if they are enrolled in more than 4 core classes for the year.

#### **College Dual Credit Classes**

Some college dual credit classes are offered that will meet high school graduation and college requirements. Most college classes will count as a high school ELECTIVE requirement. Dual credit classes will not be counted towards core graduation course requirements, unless approved by administration.

### **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 their class if they have made arrangements to complete the credit. Their diploma will be awarded when the requirement has been met.
2. A foreign exchange student, upon successful completion of the school year.

3. A special education student who is unable to meet graduation requirements but will receive a certificate of attendance or special education diploma.

Students allowed to participate in graduation as a result of one of these exceptions shall not be issued a diploma unless the student has met district graduation standards and is attending district schools. 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.

#### **Diplomas for Homeschooled Students**

Powers Lake School shall not award diplomas to homeschooled students. Home schooled students must enroll full-time for the final two semesters in the regular Powers Lake School educational program and complete all the necessary requirements to be eligible for a diploma.

#### **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.

#### **GRADUATION REQUIREMENTS**

Students must pass at least the following classes for a total of 24 credits to receive a standard diploma from Powers Lake High School. 4

Credits HS Level English

3 Credits Math

3 Credits Social Studies

3 Credits Science

1 Credit PE/Health

3 Credits from one or more of the following categories: Foreign Language; Native American Languages, Fine Arts; Career & Technical 7

Additional Credits from any of the above categories

### **ATTENDANCE, ENROLLMENT**

#### **SCHOOL HOURS**

School hours will be from 8:30 to 3:20. School doors will open at 7:55. Students are encouraged to arrive by 8:25 to allow sufficient time to get to their classroom before the 8:30 tardy bell. Bus students will be dismissed at 3:15. Students who provide their own transportation will be dismissed after buses have left.

#### **ATTENDANCE & ABSENCES (FFB)**

Powers Lake School District believes that regular school attendance is the joint responsibility of the student and their parent(s) or guardian(s), and it is essential for student success in school. The District shall abide with compulsory attendance requirements in state law for students ages seven through sixteen. In order to comply with and enforce these requirements, the Board establishes the following attendance policy.

#### **Definitions**

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

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

Examples of an excused absence may include 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 justifiable by the principal or Superintendent.

- *Unexcused absence* is any absence not supported by the verbal or written excuse required for an excused absence and shall count in determining when a compulsory attendance violation occurred. If a student is absent for an unexcused reason, the parent/guardian is responsible for promptly calling the principal's office to explain the absence, and the student shall be subject to the consequences contained in the Absences section of this policy.

Examples of an unexcused absence may include, but are not limited to, truancy, oversleeping, routine errands, car trouble, haircuts, beauty shop appointments, car maintenance and repair, senior picture appointments, and any undeclared absences.

#### **Documentation Requirements**

After 10 absences, school administration will require documentation to verify an excused 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; or
6. A request for an absence due to a curricular or extracurricular event submitted by the student's teacher, coach, or extracurricular advisor.

#### **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.

**Absences**

The Board recognizes that prompt, regular attendance is extremely important. Absenteeism not only adversely affects the learning process of a student but also may impede their normal progression through the grades. The Board expects each student to attend all scheduled classes and daily activities except when a school administrator has excused a student.

The Superintendent or designee shall establish criteria for requesting and granting approved absences, make-up work requirements, and parental notification processes for students with accumulated absences.

Students shall be subject to academic sanctions due to unexcused absences. Accumulated absences in excess of 10 may result in academic consequences.

Attendance shall be a factor used in computing students' grades. Students who are absent for unapproved reasons shall be subject to academic sanctions (which may include, but not be limited to, a point, percentage, or grade reduction) and/or intervention counseling in accordance with administrative regulations. The Superintendent or designee shall develop regulations on grade-appropriate academic sanctions and other intervention strategies for unapproved absences. These regulations shall contain provisions that allow students to remedy {some or} all of the adverse academic consequences associated with unapproved absences.

**Dissemination**

This policy shall be published in all student handbooks.

**Visitors**

All visitors entering the school building during the school day are required to report to the office upon entrance.

**Tardies**

PK-5 students are considered tardy if they are not present in their classroom by 8:30, but arrive prior to 9:30. After 9:30 they will be counted absent for the morning. Students who leave prior to 2:00 PM, will be counted absent for the afternoon.

Students in grades 6-12 will be counted tardy if they arrive after the bell rings. Students who arrive 20 or more minutes late to class will be counted absent. Students will be required to go to the back of the lunch line after the third tardy. A tardy report will be run each day and students will be notified.

**Admit to Class**

Students returning to school following an absence must report to the office.

**Student Dismissal from school**

To assure that children are released only for proper reasons and into proper hands, the 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.

**Transportation To and From School**

Students are to use extreme caution while driving, especially in the areas surrounding the school building. The center lane will be used for bus parking at arrival and dismissal. Students are to leave their cars parked until he/she leaves school for the day. If students need to get things from their car during the day, they are to stop in the office for approval. Students who drive their own vehicle will be dismissed after buses have left.

**Bicycles**

Students are allowed to ride bikes to school. They should be placed in the bike rack when they arrive and remain there until school is out. Students must wait until buses have left before leaving school grounds.

**Withdrawing from School**

If for any reason a student withdraws from the Powers Lake School, it must be reported to administration. Proper procedure will need to be followed depending on the reason for withdrawal.

**EARLY ENTRANCE REQUIREMENTS (FAAB)**

A parent/guardian may apply for early admission of his/her child to the Powers Lake 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. Testing and evaluation shall be done by July 1. 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.

## **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.

Parents of students enrolling in the District for the first time will be asked to complete a Home Language Survey (HLS). Staff responsible for enrolling students shall be required to refer students for language proficiency testing should the results of the HLS indicate a need for this testing or should such staff members otherwise have a reason to believe a student should undergo such testing. Registration and EL identification procedures for English Learners (ELs) shall comply with the district's EL policy (GABAA) and regulations.

## **CONDUCT**

Students in the Powers Lake Public School are expected to conduct themselves like responsible young adults. This applies in the school building or school grounds and while representing Powers Lake School in other towns. The teacher or support staff in charge of a class, study hall, and school activity or hall duty is the person in command and must be obeyed.

The use of profane language is not to be tolerated on school grounds, classrooms, or any other school property.

Disorderly conduct shall not take place in the school building, grounds or vehicles. Disrespect to teachers, support staff and fellow students will not be tolerated. Teachers and support staff will be addressed and referred to by Mrs., Mr., or Miss and their last name.

The administration or teacher has the right and duty to curb any activity that in their opinion is not favorable to a good educational climate and could be construed as dangerous to the students or staff members.

## **STUDENT DRESS CODE (FFH)**

The Board recognizes that responsibility for the dress and appearance of students rests with individual students and their parent(s)/guardian(s). Students should use sound judgment by reflecting respect for themselves, the district, and others in dress and grooming. The Board shall not interfere with this right unless the personal choices of students create a disruptive influence on school programs or affects the health or safety of others. 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**

1. The District prohibits students wearing or carrying clothing, jewelry, book bags, or other personal articles on school property and/or at school-sponsored activities, regardless of location, that:
2. Is reasonably likely to substantially disrupt the educational environment or operations of the school;
3. Poses a health or safety risk to staff, students, or others;
4. Depicts profanity, vulgarity, obscenity, or violence;
5. Is destructive to school property and/or causes excessive maintenance problems (e.g., cleats, pants with metal inserts that scratch furniture);
6. Is intended to identify the student as a member of a gang; or
7. Promotes illegal activities and/or the use of alcohol, tobacco, or other illegal drugs.

Proper dress is expected of everyone attending school. Clothing must not be revealing or obscene. Clothing that exposes bellies, backs or bottoms or low cut tops are to be avoided. Administration shall make reasonable efforts to notify students of these rules. The principal(s) shall develop age-appropriate procedures for handling and disciplining students in violation of these rules which may include asking the student to change clothes or disciplinary consequences.

School administrators may require students that work with or around machines, or participate in physical education classes, extracurricular activities, or other activities to wear certain apparel which meets reasonable health and safety standards as established by the Board. Administrators may not prescribe a specific brand that students must buy.

The District will seek to accommodate cultural, religious, and ethnic differences in dress and grooming, provided such dress or grooming does not materially or substantially disrupt the educational process of the school or create a health or safety hazard for students, staff, or others.

## **ACCEPTABLE USE (ACDA)**

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

### **Education**

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

### **Monitoring Use**

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

### **Prohibitions**

The Powers Lake School District subscribes to the acceptable use policies of EduTech. All district computer users shall abide by this policy.

The Superintendent or designee may take disciplinary measures when any of the following actions occur:

1. Accessing, downloading, or publishing inappropriate Internet material;
2. Sending or posting threatening, harassing, insulting, annoying or alarming content;
3. Sending, posting, or using obscene language;
4. Violating the privacy rights of students and employees of the District;
5. Vandalizing and/or tampering with district computers, and/or networks;
6. Hacking or any other form of unauthorized access to accounts, computer systems, or files;
7. Attempting to breach network security or transmit viruses;
8. Violating copyright, trademark, trade secret, or other intellectual property laws;
9. Using the network for political purposes as defined by state law, financial gain, and/or commercial purposes;
10. Accessing social networking or other Internet sites for non curricular purposes;
11. Other actions deemed inappropriate or are not in the best interest of the District, its employees, and students.

### **Violations**

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

### **Consent**

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

## **STUDENT USE OF PERSONAL TECHNOLOGY (FFI)**

### **Definitions**

For the purposes of this policy:

*Inappropriate content* is defined as content that:

- a. Violates a district student conduct policy;
- b. Attacks ethnicity, race, religion, or other legally protected status;
- c. Promotes violence, terrorism, or other illegal activities including, but not limited to, tobacco, drug, and/or alcohol use by minors; d. Is obscene or pornographic as defined by community standards.
- e. Is reasonably forecasted to materially or substantially disrupt the educational environment;
- f. Poses a direct threat to the physical safety of the school population; and
- g. 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:

- a. Has the capability to connect to one or more networks including but not limited to, cellular network, Internet, Ethernet, and/or Bluetooth;
- b. Has a digital camera and/or video recording device;
- c. Has a microphone;
- d. Has data storage capability; and/or
- e. Has an operating system and/or the capability of running software, apps, and/or electronic games.

*Reasonable suspicion* means that the administration has grounds to believe that the search will result in evidence of a violation of district policy, rules, the law, and/or that the violation may be detrimental to the health, safety, or welfare of district students or staff. Reasonable suspicion may be based on a school administrator's

personal observation, a report from a student, parent or staff member, a student's suspicious behavior, a student's age and past history or record of conduct both in and out of the school context, or other reliable sources of information.

*School day* is defined as beginning and ending at the following times: 8:30 AM - 3:20 PM

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

### **Prohibitions**

The Powers Lake School District prohibits students from using personal technology as follows:

1. 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;
2. 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. Building principals 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 by others 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 by others 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 event;
6. Students are prohibited from using personal technology disruptively or in a manner that potentially compromises the safety of others on school property and during school sponsored events; and
7. To ensure safety and efficiency, students are prohibited from using personal technology between classes in district hallways, when entering and exiting district transportation, and when required to be in line for activities such as, but not limited to, recess and lunch.

### **Classroom Use for Educational Purposes**

Middle and high school classroom teachers may allow personal devices to be used for educational purposes will alternatively establish rules related to use of personal technology in the classroom. These rules:

1. Shall comply with this and other student conduct policies;
2. Shall take into account the ages of the students;
3. Shall take into account the availability of district-owned technology for student use;
4. Shall take into account the extent to which personal technology use would disproportionately grant students who have access to it an unfair advantage over those who do not;
5. Shall address cheating and disruptive use of personal technology; and
6. Shall be approved by the building principal prior to implementation.

### **Use During the School Day Outside Classroom**

Elementary students are prohibited from using personal technology during lunch and recess.

Middle school and high school students are prohibited from the use of personal technology during lunch, break periods, and study hall, unless approved by administration.

### **Disciplinary Consequences & Confiscation**

Students in violation of any portion of this policy may be subject to disciplinary action 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:

1. The nature of the offense; if illegal activity is suspected, the administrator shall contact law enforcement, the Superintendent, and retain the device until further directed by law enforcement or the Superintendent;
2. If the confiscated 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; and
3. 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 a student's personal technology only when they have reasonable suspicion that the device contains



evidence of wrongdoing by a student or potential harm to self or others. Only areas of the device reasonably related in scope to the purpose of the search will be

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subject to a search (e.g., if a student is texting inappropriate photos, only the device's text messages will be 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, they 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 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.

## BULLYING POLICY (ACEA)

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

### Definitions

For the purposes of this policy:

- *Bullying* is defined in NDCC 15.1-19-17as:
  - 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:
    - i. Is so severe, pervasive, or objectively offensive that it substantially interferes with the student's educational opportunities; ii. Places the student in actual and reasonable fear of harm;
    - iii. Places the student in actual and reasonable fear of damage to property of the student; or
    - iv. Substantially disrupts the orderly operation of the public school; or
  - b. Conduct received by a student while the student is in a public school, on school district premises, in a district owned or leased school bus or school vehicle, or at any public school or school district sanctioned or sponsored activity or event and which:
    - i. Is so severe, pervasive, or objectively offensive that it substantially interferes with the student's educational opportunities; ii. Places the student in actual and reasonable fear of harm;
    - iii. Places the student in actual and reasonable fear of damage to property of the student; or
    - iv. Substantially disrupts the orderly operation of the public school.
  - c. Conduct received or sent by a student through the use of an electronic device while the student is outside a public school, off school district premises, and off school district owned or leased property and which:
    - i. Places the student in actual and reasonable fear of:
      - 1. Harm; or
      - 2. Damage to property of the student; and
    - ii. Is so severe, pervasive, or objectively offensive the conduct substantially interferes with the student's educational opportunities or substantially disrupts the orderly operation of the public school.
- Conduct includes the use of technology or other electronic media (e.g. cyberbullying).
- *Electronic communication* is defined in NDCC 12.1-17-07(5) as a transfer of signs, signals, writing, images, sounds, data, or intelligence of any nature transmitted in whole or in part by a wire, radio, electromagnetic, photo-electronic, or photo-optical system.
- *Protected status* are classifications/characteristics protected from discrimination by NDCC 14-02.4-01 and federal law. The following statuses are protected: race, color, religion, sex, national origin, age, disability (physical or mental), and status with regard to marriage or public assistance.
- *School property* is defined in NDCC 15.1-19-10(6)(b) as all land within the perimeter of the school site and all school buildings, structures, facilities, and school vehicles, whether owned or leased by a school district, and the site of any school sponsored event or activity.
- *School-sanctioned activity* is defined as an activity that:
  - a. Is not part of the district's curricular or extracurricular program; and
  - b. Is established by a sponsor to serve in the absence of a district program; and
  - c. Receives district support in multiple ways (i.e., not school facility use alone); and
  - d. Sponsors of the activity have agreed to comply with this policy; and
  - e. The District has officially recognized through board action as a school-sanctioned activity.
- *School-sponsored activity* is an activity that the District has approved through policy or other board action for inclusion in the district's extracurricular program and is controlled and funded primarily by the District.

• *School staff* include all employees of the Powers Lake School District, school volunteers, and sponsors of school-sanctioned activities. • *True threat* is a statement that, in light of the circumstances, a reasonable person would perceive as a serious expression of an intent to inflict harm.

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### Prohibitions

A student or school staff member may not:

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

### Reporting Procedures for Alleged Policy Violations

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

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

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

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

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

### Documentation and Retention

The District shall develop a form to report alleged violations of this policy (ACEA-E3). The form should be completed by school staff when they: 1.

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

The form should be completed by an administrator when they:

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

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

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

### Investigation Procedures

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

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

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

1. Identification and collection of necessary and obtainable physical evidence (*NOTE: In some cases, physical evidence may be unobtainable, e.g., a private social networking profile*).

2. Interviews with the complainant, the victim, and/or the alleged perpetrator. At no time during an investigation under this policy shall the victim/complainant be required to meet with the alleged perpetrator.
3. Interviews with any identified witnesses.
4. A review of any mitigating or extenuating circumstances.

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5. Final analysis and issuance of findings in writing to the victim and bully and, if applicable, implementation of victim protection measures and disciplinary measures under this or other applicable policies.

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

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

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

### **Disciplinary and Corrective Measures**

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

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

If the misconduct does not meet this policy's definition of bullying, it may be addressed under other district disciplinary policies. If the perpetrator is a school staff member, the District shall take appropriate disciplinary action including, but not limited to: a reprimand, modification of duties (only if allowed by applicable policy, the negotiated agreement, and/or the individual's contract), suspension, or a recommendation for termination/discharge in accordance with applicable law and/or policy.

### **Victim Protection Strategies**

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

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.

### **Dissemination and Education**

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

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

### **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 Principal shall determine the level of disciplinary authority that shall be given to school vehicle drivers and develop regulations for handling student misconduct on school vehicles. Riding the bus is a privilege and riding privileges may be revoked due to misconduct.

Families will be notified prior to the start of the school year what the approximate pickup and drop-off times may be. Drivers will do their best to adhere to this schedule. When arriving at your house, the bus driver will wait three minutes for all children to board the bus. At this point they may make the decision to leave in order to keep their route on schedule.

If there are changes in your bus plans, please notify your driver and the school. Children will be sent home with their usual form of transportation unless the school has been made aware of other changes by a parent or guardian.

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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.

### 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:
3. There is a significant distance between the student's home and school.
4. There are no alternative means of public or private transportation.
5. 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.

### Winter Weather Clothing

Since many of our students ride buses to school, we require that students have adequate winter clothing when riding the bus. All students should have a hat, gloves, boots, a winter coat and snow pants or a blanket. On days when there has been inside recess due to extreme cold, elementary students will be required to wear their snow pants on the bus ride home.

## POSSESSING WEAPONS (FFD)

### Definitions

This policy defines the following:

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

### Prohibitions

Students are prohibited from possessing 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 through the end of the current school year be initiated immediately in accordance with the district's suspension and expulsion policy.

Bringing a firearm to school will require that the District immediately suspend the student and 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 themselves or others at risk by returning to the school prior to the expiration of the expulsion period.

Any modifications of the one calendar year expulsion period must be documented in writing.

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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.

The District must refer any student who brings a firearm on school property to the criminal justice or juvenile delinquency system.

### 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, referral decisions, and placement decisions of such students in accordance with IDEA regulations.

### Non-applicable 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-alikes for educational purposes. Such an approved 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 unknowingly have a firearm or dangerous weapon in their possession may not be considered to possess it if they immediately turn it over to an administrator, teacher or head coach or notify an administrator, teacher, or head coach of its location.

### Reporting

The District shall annually report compliance with all state expulsion requirements to the Department of Public Instruction. Each incident in which a student is found to have brought a firearm on school property must be reported as an infraction, even if the Superintendent elects to modify the required expulsion period or impose no penalty. Any incidents in which a student covered by the provisions of the IDEA brings a firearm or dangerous weapon on school property must also be included, even if it is determined that the incident is a manifestation of the student's disability and that the penalties should be modified or not imposed. Any modification of the one-year expulsion requirement must also be reported.

## 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.

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

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

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

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

#### Definitions

This policy defines the following:

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

#### Prohibited Substances

Prohibited substances include, but are not limited to:

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

#### Prohibited Activities

It shall be against school policy for any student to:

1. Sell, deliver, or give, or attempt to sell, deliver, or give to any person any of the substances listed in this policy or sell, deliver, or give or

attempt to sell, deliver, or give to any person substances the student represents or believes to be a substance(s) listed in this policy.

2. Possess, procure, purchase, or receive or to attempt to possess, procure, purchase, or receive the substances listed in this policy, or what is represented by or to the student to be any of the substances listed in this policy, or what the student believes is any of the substances listed in this policy.

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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, activity, or whose off-campus conduct is reasonably predicted to substantially disrupt the operations of the District, district safety, or welfare of students or employees.

### Reporting Violations

A student or staff member that has reason to believe that a student has violated this policy shall notify a school official (i.e., a teacher or administrator if the reporter is a student; a school administrator if the reporter is a district staff member). Except in limited circumstances under law,<sup>[1]</sup> a teacher is required to report known or suspected violations of this policy to the school principal or Superintendent.

### Violation

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

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<sup>[2]</sup> 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.

### 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 may also provide parent and community education on the topic of drug and alcohol prevention.

### Policy Implementation

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

The Powers Lake 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.

## **Tobacco Use and Possession (ABBA)**

### **Definitions**

For purposes of this policy:

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· *Electronic smoking device* means any product containing or delivering nicotine, or any other substance, whether natural or synthetic, intended for human consumption through the inhalation of aerosol or vapor from the product. Electronic smoking device includes, but is not limited to, devices manufactured, marketed, or sold as e-cigarettes, e-cigars, e-pipes, vape pens, e-hookahs, mods, tank systems, Juul, Suorin, or under any other product name or descriptor. Electronic smoking device also includes any component part of a product, whether or not marketed or sold separately, including, but not limited to, e-liquids, e-juice, cartridges, or pods.

· *Imitation tobacco product* means any edible non-tobacco product designed to resemble a tobacco product, or any non-edible non-tobacco product designed to resemble a tobacco product and intended to be used by children as a toy. Imitation tobacco product includes, but is not limited to, candy or chocolate cigarettes, bubble gum cigars, shredded bubble gum resembling chewing tobacco, pouches containing flavored substances packaged similar to snus, and shredded beef jerky in containers resembling snuff tins.

· *Lighter* means a mechanical or electrical device typically used for lighting tobacco products.

· *Possession of tobacco products* means:

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

· *Smoking* means inhaling, exhaling, burning, or carrying any lighted or heated cigar, cigarette, or pipe, or any other lighted or heated tobacco, nicotine, or plant product intended for inhalation, including hookah and marijuana, whether natural or synthetic. "Smoking" also includes the use of an electronic smoking device. This excludes any FDA-approved nicotine replacement therapy.

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

· *Tobacco product* means any product containing, made, or derived from tobacco, or that contains nicotine, whether synthetic or natural, that is intended for human consumption or is likely to be consumed, whether smoked, heated, chewed, absorbed, dissolved, inhaled, snorted, sniffed, or ingested by any other means, or any component, part, or accessory of a tobacco product, including, but not limited to: a cigarette; electronic smoking device; cigar; little cigar; cheroot; stogie; perique; granulated, plug cut, crimp cut, ready rubbed, and other smoking tobacco; cavendish; plug and twist tobacco; fine-cut and other chewing tobacco; shorts; snuff; snuff flour; snus; refuse scraps, clippings, cuttings and sweepings of tobacco; and other kinds and forms of tobacco. Tobacco product also includes any electronic smoking device.

· *Tobacco use* means smoking and the heating, inhaling, chewing, absorbing, dissolving or ingesting of any tobacco product.

· *Visitor* means any person subject to this policy that is not a district student or staff member. This includes school volunteers, independent contractors, individuals performing services on behalf of the District, and individuals attending school-sponsored events or activities.

### **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 and ensure a safe learning and working environment, the Powers Lake School Board establishes the following tobacco-free policy.

### **Prohibitions**

Students are prohibited from possessing, using, consuming, displaying, promoting, or selling tobacco products, electronic smoking devices, imitation tobacco products, or lighters at any time on school property or at any school sponsored event or activity. In addition, students who participate in extracurricular activities are prohibited from possessing or using tobacco products at any time, on and off school property, as directed by district policy (FFE) and the North Dakota High School Activities



Association bylaws.

District staff and visitors are prohibited from using, consuming, displaying, activating, promoting, or selling tobacco products, electronic smoking devices, imitation tobacco products, or lighters at any time on school property or at any school sponsored event or activity. This policy includes all events on school property that are not sponsored by, or associated with, the school.

The District shall not promote or allow promotion of tobacco products, electronic smoking devices, imitation tobacco products, or lighters on school property, at any school sponsored event or activity, or in any school publications. This includes promotion of these products via gear, technology accessories, bags, clothing, any personal articles, signs, structures, vehicles, flyers or any other materials.

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

### **Exceptions**

It shall not be a violation of this policy for an individual to possess or provide tobacco, electronic smoking devices, imitation tobacco products, or lighters to any other individual as part of a genuine indigenous practice or a lawfully recognized religious, spiritual, or cultural ceremony or practice off of school property. It shall not be a violation of this policy to use a tobacco product as part of an educational experience related to indigenous tobacco practices when such use and education experience has been approved by administration.

It shall not be a violation of this policy for tobacco products, electronic smoking devices, imitation tobacco products, or lighters to be included in an instructional or work-related activity on school property if the activity is conducted by a staff member or an approved visitor, the activity does not include smoking, chewing, or otherwise ingesting the tobacco product, and has been approved by administration.

It shall not be a violation of this policy for non-students 18 years and older to use or possess a product that has been approved by the U.S. Food and Drug Administration for sale as a tobacco cessation product, as a tobacco dependence product, or for other medical purposes, and is being marketed and sold solely for such an approved purpose.

### **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 a school official is unsure of how to appropriately classify a student conduct violation, s/he shall consult with the building principal or, in the case of a building principal, 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**

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. Any other disciplinary sanction deemed appropriate by the building principal

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;

#### **17**

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. Any other disciplinary sanction deemed appropriate by the building principal.

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, their parent shall be notified by the school at 24 hours prior to the student serving the detention.

## **SUSPENSION AND EXPULSION (FFK)**

#### **Definitions**

This policy defines the following:

- *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
- *Suspension* includes in-school suspension from classes and out-of-school exclusion from classes, school property, and activities
- *Dangerous weapon* as defined by NDCC 62.1-01-01
- *Firearm* as defined by NDCC 62.1-01-01

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

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

The Board designates 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 Powers Lake School Board, the student may seek a review of the hearing officer's expulsion decision by the Board based on the record of the hearing.

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

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

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

1. Causing or attempting to cause damage to school property or stealing or attempting to steal school property of value;
2. Causing or attempting to cause damage to private property or stealing or attempting to steal private property;
3. Causing or attempting to cause physical injury to another individual, except in

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

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

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

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

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

## **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 promptly report it to the building principal or Superintendent. Failure to report a known threat may result in disciplinary consequences up to and including suspension for students and termination of employment for staff in accordance with policy, law, and, when applicable, the negotiated agreement.

### **Threat Assessment**

Upon receipt of a threat report, the building principal shall 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:
5. State of mind;
6. Relationship with peers;
7. Age;
8. Domestic life;
9. Ability to carry out the threat (e.g., access to weapons);
10. Past behavior.
11. If any laws have been violated;
12. 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, threats, possession of a weapon or dangerous instrument, physical assault,

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

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

#### **Recess**

Weather can be unpredictable, so parents are encouraged to send adequate clothing for cooler mornings. Students will generally go outside for recess, unless air or wind chill temperatures are -10 or below. Below are guidelines for appropriate weather gear, depending on the temperature. Please keep in mind students are required to go outside for recess, unless there is a medical excuse or other valid reason to not participate.

24 degrees or less = Coat, Hat, Gloves, Snowpants and Boots

25-35 degrees = winter coat

36-49 degrees = coat or sweatshirt

50-59 degrees = long sleeves

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### **General Playground Rules**

- 1) No name calling, swearing, or fighting.
- 2) No tackling or pushing. This includes tackle football
- 4) No throwing rocks or snowballs.
- 5) No technology allowed on the playground.
- 6) No toys or sports cards on the playground.
- 7) No food on the playground.
- 8) No use of the dugouts.
- 9) Do not go beyond the black playground boundary by the swings.
- 10) No playing tag on the playground equipment.
- 11) No jumping off the playground equipment.

#### **Swings**

- One person on a swing for grades K-3.
- Two people on a swing for grades 4-5 and one of them must be seated.
- No going side-to-side or weaving on the swing.
- No flipping the swings.
- No jumping off the swings.

#### **Tire Swing**

- Up to 3 people on the tire swing.

#### **Slides**

- One person going down the slides at a time.
- No climbing up the slides.

#### **Merry – go – round**

- No hanging or swinging off the merry-go-round.
- No jumping off the merry-go-round when it is moving.
- Stay seated when the merry-go-round is moving

#### **Zip Line**

- One person at a time.

#### **Ball Tag**

- No throwing the ball at another person's head
- No 'tag backs'.
- No targeting one student.

## **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 North Dakota law and the North Dakota High School Activities Association (NDHSAA), which govern both on- and off- campus behavior. In addition, the Board has established the following extracurricular participation requirements.

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

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

#### **Academics**

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

#### **Violation of Other Misconduct Policies**

Students who violate student conduct policies not covered by NDHSAA bylaws shall be subject to suspension from extracurricular/co-curricular activities for a period of 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.

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#### **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, 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.

#### **Off-Season Violations**

In addition to the penalties delineated in this policy, in the event the suspension is administered during a season when the student is not actively participating (e.g., summer for all students, fall for a student participating in track), the student's suspension shall be extended to include a minimum of a two-week or two-contest suspension (whichever is more severe) from the student's next activity. "Next activity" shall be defined as the next activity in which the student begins practicing at the appropriate date and concludes at the end of the season (i.e., does not start and quit). Should the student's next activity not be until the following school year, the two-week or two-contest rule will be applied at that time.

#### **Participation**

A student must be in attendance at school the day of an extra-curricular activity by 12:30 and attend class the remainder of the day in order to practice or participate in extra-curricular activities that day or evening. The only exception that will be made is if the student had made prior arrangements with the administration and it is an approved absence.

If a student is unable to participate in physical education class, the student cannot practice or participate in any extra-curricular activities until he/she is able to participate in physical education class.

#### **Participation Fees**

Powers Lake Public School students that take part in extra-curricular activities that are not academic, will be assessed a participation fee. These activities are football, basketball, track, and volleyball. They will not be assessed for an activity that has curricular attachments such as FFA and music. The fees are as follows:

Students in grades 4-6 will be assessed \$10.00 per sport.

Students in grades 7-8 will be assessed \$25.00 per sport.

Students in grades 9-12 will be assessed \$30.00 per sport

If a student is injured and is not able to continue to participate in the activity before one half of the season is completed his/her money will be refunded.

If a student is asked to leave the team because of violating training or coaches rules, not staying academically eligible, is suspended because of violating NDHSAA rules or decides to leave the team on his/her own, the participation fee will not be returned.

This fee allows the student to try out and participate in the activity. This does not guarantee a starting position or a certain number of minutes of playing time during the activity.

This fee must be paid in full to the Powers Lake School before the student is allowed to PARTICIPATE in a game. If there is a financial need, please notify the administration to make other arrangements.

#### **Practice Attendance**

If a student has been absent from school for reason of illness, he/she shall not take part in a practice session that day.

#### **Road Trips**

Each team member is expected to dress neatly on all road trips to other schools, remain together as a team, and ride the player bus to and from the site of the game. Parents/guardians must be present to sign out their child if they are not riding the bus home following an activity. An exception to this will be allowed if a parent or guardian makes prior written contact and has administrative approval for their child to ride home with an adult other than their parent/guardian.

#### **Varsity Letters**

Lettering standards will be determined by the head coach and approved by the administration. Coaches may give special lettering consideration to junior high students who excel in their sport.

#### **Ineligibility**

Low grade reports will be run each Wednesday. Students in grades 4-12 who are failing a class may not participate in extra-curricular activities from Wednesday through the following Tuesday. The office will notify the coaches if a student is not eligible to participate. The classroom teacher is to notify the student and their parent/guardian if they are failing a class. The office will notify parents/guardians of ineligibility.

Ineligible students will be allowed to practice and attend games, but will not be allowed to miss school to travel with the team. If students are ineligible for 2 consecutive weeks in the same class, they will not be allowed to practice until they are passing. There will be a two-week grace period at the beginning of each grading period.

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### **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 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, athletic director 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.

#### **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).

#### **Violation of Other Misconduct Policies**

Students who violate student conduct policies not covered by NDHSAA bylaws may be subject to suspension from extracurricular activities for a period of six consecutive weeks for the first offense and a period of eighteen weeks for any subsequent offense(s). 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 with their respective teams. However, suspended students will not be allowed to travel with the team. Administration may use their discretion in administering this rule.

#### **Period of Enforcement**

This policy shall be in effect 12 months per year, 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.

#### **Off-Season Violations**

In addition to the penalties delineated in this policy, in the event the suspension is administered during a season when the student is not actively participating (e.g., summer for all students, fall for a student participating in track), the student's suspension shall be two weeks from the start of the student's next activity or the first two contests, whichever is more severe. "Next activity" shall be defined as the next activity in which the student begins practicing at the appropriate date and concludes at the end of the season (i.e., does not start and quit). Should the student's next activity not be until the following school year, the "next activity" rule will be applied at that time. For non-athletic activities, the six week rule will apply beginning with the first NDHSAA sanctioned event or the first competition for non-sanctioned events.

### **EXTRACURRICULAR SCHEDULING REGULATION (ABAB-AR)**

The Activities Director keeps a master calendar and facilities schedule. The principal and activities director need to be consulted well in advance in order to schedule an activity or event.

The building principals and Activities Director shall not permit groups to schedule any school activities after 6:00 p.m. on Wednesday evenings during the school year. All students must be out of the building, and school doors must be closed by 6:00 pm on Wednesdays. The time after 6:00 pm on Wednesday is considered family time and

must remain free from school activity interference.

#### **Prom**

The following guidelines have been established for Powers Lake Students attending the Prom:

1. Sophomore, Junior, and Senior class members from the Powers Lake School District may invite a date to the prom. Dates must be between the ages of a HS freshman student and not older than the age of 20. Out of town students shall have a recommendation form completed by their building principal.
2. Only members of the Junior class that have worked on class projects will be permitted to attend. The exception to the rule would be made in case of illness, employment at a job or other school activities. The exception will be determined by the administration.
3. Dress for prom is formal. Unescorted Sophomores, Juniors or Seniors shall follow the same dress code to attend the prom.

## **22**

### **HEALTH AND SAFETY**

#### **ACCOMMODATING STUDENTS WITH ALLERGIES & SPECIAL DIETARY NEEDS (FCAA)**

The building principal(s) 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.

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

#### **Training**

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

#### **CONCUSSION MANAGEMENT POLICY - (FCAF)**

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

The Board has also established the following definitions and requirements for the purpose of implementing the concussion management program law.

#### **Definitions**

Law requires that all school-sponsored and sanctioned athletic training, practices, and competitions be governed by a concussion management program. The District has developed the following definitions for purposes of determining what constitutes athletic sponsorship and sanctioning:

*School-sanctioned athletic activity* is a sport that:

- Is not part of the district's curricular or extracurricular program;
- Is established by a sponsor to serve in the absence of a district program;
- Receives district support in multiple ways (i.e., not school facility use alone);
- Requires participating students to regularly practice or train and compete.
- The District has officially recognized through board action as a school-sanctioned activity.

- The Board shall make all sanctioning decisions on a case-by-case basis, based on the criteria in this paragraph. As a condition of receiving school sanctioning, sponsors of the athletic activity shall agree to comply with this policy and the concussion management law. This includes agreeing to provide appropriate training and providing appropriate information to parents and students as required by law. The sponsor shall provide to the District documentation certifying that this training has occurred, and students/parents have viewed required informational material on concussions prior to beginning the activity.

*School-sponsored athletic activity* is a sport that the District has approved through policy or other board action for inclusion in the district's extracurricular program, is controlled and funded primarily by the District, and requires participating students to regularly practice, train, and compete.

#### **Removal Decisions**

Under the concussion management law, the District is authorized to designate removal-from-play authority to individuals who have direct responsibility for student athletes during practice, training, and/or competitions if a student reports or exhibits a sign or symptom of a concussion. The Athletic Director shall make this determination, and the Athletic Director shall ensure that such designees are aware of this responsibility and have undergone appropriate training in accordance with law before commencing duties.

Law also authorizes licensed, registered, or certified healthcare providers whose scope of practice includes recognition of concussion signs and symptoms to make removal decisions. The Athletic Director may consult with medical personnel to determine who has such credentials and who would be willing to assist in this regard. The District must compile a list of such individuals, which may be provided to all coaches. This measure in no way guarantees that a healthcare provider trained and credentialed in accordance with law will be present at athletic training, practices, and/or events nor shall the voluntary creation of this safety precaution be construed to create or assume any potential liability under local, state, or federal law or regulation.

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High school students and minors who serve as coaches or officials are encouraged to work with an adult who has removal-from-play authority prior to removing a student from play.

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

#### **Return to Play**

The Board designates the Athletic Director to receive return-to-play documentation from a healthcare provider. This designee shall review the documentation, determine if the healthcare provider has placed any conditions on return to play, contact the healthcare provider for any necessary clarification on the authorization document, and communicate such information to applicable coach(es) and assistant coach(es). This designee shall also file return-to-play authorization documents in the student's educational record. This documentation must be retained for seven years after the student's enrollment or six years after a student turns eighteen, whichever is later.

### **EMERGENCY CLOSINGS (ACAA)**

The Board authorizes the Superintendent to delay the opening of, dismiss early, or close district schools in the event of hazardous weather, an epidemic, or other unexpected and extraordinary circumstances that threaten the health and/or safety of students and employees. The decision for an emergency closing shall not be arbitrary, capricious, or based merely on convenience.

The Superintendent shall, at a minimum, consider the following factors when exercising their authority under this policy:

1. Actual occurrence or imminent possibility of any emergency condition that would make operation of school difficult or dangerous.
2. Ability of students and staff to safely report to school. The Superintendent may consider items such as, but not limited to, weather and road conditions.

The Superintendent may consult traffic, weather, law enforcement authorities, and administrators from neighboring districts when weighing the above factors.

#### **Notification**

Families will be notified of any emergency closures through the district's app and notification system and the school website.

### **SCHOOL MEDICATION PROGRAM (EXCERPTS FROM ACBD)**

The Powers Lake 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.

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

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

1. **For over-the-counter medication:** Must include instructions from the parent/guardian on how, when, and how long to provide medication. Requests to provide a dosage other than as recommended by the manufacturer shall require approval from an appropriate healthcare provider.
2. **For prescription drugs:** Requires written authorization and instructions from an appropriate healthcare provider on how, when, and how long to provide medication



School Health services are designed to promote and improve the health and wellness of students. Providing school health services assists students in developing and applying academic knowledge to help promote continuous growth.

The eCARE eSchool program assists Powers Lake School District in providing basic emergency care for students and staff; assessment and referral for all students; nurse oversight of medication; essential health services for special needs students; and health promotion and disease prevention activities which address wellness across the lifespan. With the philosophy that "healthy students learn better", professional school nurses address the physical, mental, emotional, and social health needs of our students on a daily basis and work with parents and community partners to best serve these needs.

For more information about school health services, call the Powers Lake School District at 701-464-5432 or the eCARE School Health office at 605-606-0550.

### **Infectious Disease Exclusion**

Regardless of the disease, children should be excluded from school if they meet any of the following exclusion criteria:

1. The staff determines the child is unwilling or unable to participate in activities due to illness.
2. The staff determines that they cannot care for the sick child without compromising their ability to care for the health and safety of the other children in the group.

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3. The child has illness suggested by a fever (temperature at or above 101.0°F any location) along with difficulty breathing, changes in behavior, lethargy, irritability, persistent crying, or progressive rash fever. Children can return to school when they are fever free for 24 hours without the use of fever reducing medicine.
4. The child experiences vomiting two or more times in the preceding 24 hours, unless determined to be caused by a non-communicable condition and the child is able to remain hydrated and participate in activities.
5. The individual has diarrhea and cannot self-contain stool.

The Powers Lake School will also be referencing the ND Department of Health's Child Care and School Infectious Disease Exclusion Guidance to assist in determining if students will be excluded from school due to illness. See link below.

[https://www.health.nd.gov/sites/www/files/documents/Files/MSS/Immunizations/School\\_Childcare/ChildCareandSchoolExclusionGuide.pdf](https://www.health.nd.gov/sites/www/files/documents/Files/MSS/Immunizations/School_Childcare/ChildCareandSchoolExclusionGuide.pdf)

## **SIGNIFICANT CONTAGIOUS DISEASES (ACBB)**

### **Universal Precautions**

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

### **Nondiscrimination and 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 and using school property. Complaints alleging harassment/discrimination based on a significant contagious disease shall be handled in accordance with the district's Discrimination and Harassment Grievance Procedure (AAC-BR).

### **Confidentiality**

All information concerning an affected person's condition that is given to an employee or official of the District shall remain confidential to the extent required or permitted under applicable law. The Superintendent shall develop procedures to protect against confidentiality breaches (IDC).

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

### **Spokesperson**

The Board designates the **Superintendent** as the person to receive information concerning the status of students, employees, and independent contractors from their physicians. The spokesperson shall be the official representative of the District 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 (KBA) when handling media requests related to significant contagious disease.

### **Reasonable Accommodations**

1. **Students:** The District shall not prohibit a student from attending school solely because they have, or they are perceived to have, a significant contagious disease. If the student is well enough to attend the institution, and does not constitute a public health threat, as determined by the decision maker or local board of health, the student must be permitted to attend school. If the student is unable to attend regular class instruction or

requires special consideration, then reasonable accommodations, special provisions or individualized education programs must be provided for the student. The Superintendent shall establish special provisions procedures.

2. **Employees and Contractors:** Employees, potential employees, and independent contractors may not be terminated or prevented from becoming employed in the District solely because they have, or they are perceived to have a significant contagious disease. If the employee is well enough to perform their job and does not constitute a public health threat to others, as determined by a decision maker or the local board of health, the employee must be permitted to perform the duties. The District shall consider and implement reasonable accommodations to allow the affected individual to become/continue as an employee or become/continue as an independent contractor.

#### Education

1. **Students:** The District shall 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 educational setting, and the use of universal precautions and prevention. Instruction will begin in Grade K and continue through Grade 12.<sup>[1]</sup>
2. 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 shall review and approve any curriculum and materials developed for use in this program according to the guidelines established by the Center for Disease Control.
3. 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 shall have an opportunity to preview/review the curriculum and materials.

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4. **Employees:** All district employees shall 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.
5. Those employees designated to teach significant contagious disease prevention to students shall receive additional training from qualified health education professionals.
6. **Independent Contractors:** All independent contractors performing services for the District shall 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

<sup>[1]</sup> State law requires that all students be educated concerning significant contagious disease. Specify the grades that are included in your district's enrollment.

## STUDENT CUSTODY (FCBD)

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

### Section II: Restricting Parent/Guardian Access and Rights

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

The District will act in good faith to comply with the terms and restrictions of any current legally binding document pertaining to student custody that is provided to one of its schools. However, it shall not be responsible for validating the authenticity of such documentation or interpreting and implementing any provision that is unclear. If a parent makes a student access request that is not addressed clearly by the legal documentation on file, the District shall notify both parents that the documentation on file is unclear, that the District needs further clarification from the court on this matter, and that the District will consult with its attorney on how to respond to the request in the interim while additional documentation is being sought by the parent(s).

### Section III: Student Visitation and Release

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

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

### Section IV: Release of Student Educational Records

In accordance with the Federal Educational Rights and Privacy Act (FERPA), the District shall assume that both parents have equal rights to student educational records

(as established by FERPA), including the right to authorize a designee access, unless:

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

#### **Section V: Responding to Parent/Guardian Disagreements**

In the event that parents engage in a custody or visitation dispute on school property, a school official, if possible, shall remove the student from the dispute to ensure the child's safety (e.g., escort the child inside the school building, move the child to the school office) and contact law enforcement. Parent requests related to his/her child's education shall be handled in accordance with applicable district policy except when the parent does not have authority to make such requests as stipulated in current legally binding custody documentation on file with the school. Neither parent has a fundamental right generally to direct how a public school teaches their child. The consent of both parents is required before the District places a student on an Individual Education Program if:

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

## **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 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. For Title IX sexual harassment complaints, the procedure set forth in board regulation AAC-BR2, Title IX Sexual Harassment Grievance Procedure, will control and supersede this procedure.

#### **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 Board policy AAC, Nondiscrimination and Anti-Harassment Board Policy.

#### **Complaint Filing Format and Deadlines**

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

#### **With Whom Complaints May be Filed**

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

#### **Initiating Complaint Resolution Procedure**

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

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

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

### **Third-Party Assistance**

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

### **Investigation Timeframes**

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

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

### **Interim Measures**

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

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### **Informal Resolution Procedure**

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

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

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

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

### **Formal Resolution Procedure**

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

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

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

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

### **Investigation Report**

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

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

## 7. How the District resolved similar complaints, if any, in the past.

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

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

### **Disciplinary Action**

Any disciplinary action must be carried out in accordance with board policy, law, and, when applicable, the negotiated agreement. The appropriate grievance coordinator along with the building principal shall determine if a recommendation for expulsion for an accused student should be made. The appropriate grievance coordinator along with the 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.

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## **NONDISCRIMINATION & ANTI-HARASSMENT (AAC)**

### **General Prohibitions**

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

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

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

### **Definitions**

- *Complainant* is the individual filing the complaint. If the complainant is not the victim of the alleged discrimination and/or harassment, the victim must be afforded the same rights as the complainant under this policy and regulations AAC-BR1 or AAC-BR2.
- *Disability* is defined in accordance with NDCC 14-02.4-02 (5).
- *Discrimination* means failure to treat an individual equally due to a protected status.
- *Protected status* is defined in applicable state (NDCC 14-02.4-02 (6)) and federal laws.
- *Employee* is defined in accordance with NDCC 14-02.4-02 (7).
- Harassment is a specific type of discrimination based on a protected status. It occurs under the following conditions:
  - a. For employees: When enduring the offensive conduct becomes a condition of continued employment, or the conduct is severe, persistent, and/or pervasive enough to create a work environment that a reasonable individual would consider intimidating, hostile, or abusive.
  - b. For students: When the conduct is sufficiently severe, persistent, and/or pervasive so as to limit the student's ability to participate in or benefit from the education program or to create a hostile or abusive education environment.
- *North Dakota Human Rights Act (NDCC ch. 14-02.4)* provides protection from discrimination in the workplace on the basis of race, color, religion, sex, national origin, age, the presence of any mental or physical disability, status with regarding to marriage or public assistance, or participation in lawful activity off the employer's premises during nonworking hours which is not in direct conflict with the essential business-related interests of

the employer.

- *Section 504 (Section 504 of the Rehabilitation Act of 1973, as amended, 29 U.S.C. § 794)* is a federal law designed to protect the rights of individuals with disabilities in programs and activities that receive federal financial assistance from the U.S. Department of Education.
- *Sexual harassment* is a form of harassment based on sex. It is defined under Title IX as unwelcome sexual advances, requests for sexual favors, and/or other verbal, written, or physical conduct or communication of a sexual nature, that:

- a. Constitutes *quid pro quo* harassment, meaning submission to such conduct or communication is made a term or condition, either explicitly or implicitly, of the basis for employment decisions or educational decisions or benefits for students (e.g., receiving a grade);
- b. Is so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the District's education program or activity; or
- c. Constitutes sexual assault, dating violence, domestic violence, or stalking as those offenses are defined in the Clery Act, 20 U.S.C. § 1092(f) and the Violence Against Women Act, 34 U.S.C. § 12291(a).

- *Sexual harassment* examples include, but are not limited to, the following:

- a. Sexual or "dirty" jokes;
- b. Sexual advances;
- c. Pressure for sexual favors;
- d. Unwelcome touching, such as patting, pinching, or constant brushing against another's body;
- e. Displaying or distributing of sexually explicit drawings, pictures, and written materials;

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- f. Graffiti of a sexual nature;
- g. Sexual gestures;
- h. Touching oneself sexually or talking about one's sexual activity in front of others;
- i. Spreading rumors about or rating other's sexual activity or performance;
- j. Remarks about an individual's sexual orientation; and
- k. Sexual violence, including rape, sexual battery, sexual abuse, and sexual coercion.

- *Title II of the Americans with Disabilities Act* extends the prohibition on discrimination established by Section 504 to all services, programs, and activities of State and local government entities.
- *Title VI* is a federal law that provides protection from discrimination based on race, color, or national origin in employment and employment practices in programs or activities receiving federal financial assistance.
- *Title VII* is a federal law that provides protection from discrimination on the basis of race, color, religion, sex or national origin. Title VII applies to all public school districts with 15 or more employees.
- *Title IX* is a federal law that provides protection from discrimination, based on sex, in education programs or activities that receive federal financial assistance.

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

### **Complaint Filing Procedure**

The Board shall create an informal and formal discrimination and harassment complaint filing procedure in board regulations coded AAC-BR1. For Title IX sexual harassment complaints, grievance procedures shall be followed in accordance with federal regulations and board regulation AAC-BR2.

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

### **Confidentiality**

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

### **Complaint Recipients**

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

### **Grievance Coordinators**

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

responsibilities under the applicable regulations.

The Title IX Coordinator's responsibilities include overseeing the district's response to Title IX reports and complaints and identifying and addressing any patterns or systemic problems revealed by such reports and complaints. The Title IX Coordinator must have knowledge of the requirements of Title IX, of the district's policies and procedures on sex discrimination, and of all complaints raising Title IX issues throughout the District. To accomplish this, the Title IX Coordinator must be informed of any report or complaint raising Title IX issues, even if the report or complaint was initially filed with another individual or office or if the investigation will be conducted by another individual or office.

The Board designates Sue Kranz as the Title IX Coordinator. They may be contacted at 600 Railroad Ave. E , Powers Lake, ND. 701-464-5432. Districts must notify students, parents or legal guardians, employees and unions of the name and specified contact information for the designated Title IX Coordinator(s). The notification must also state that inquiries about the application of Title IX and its regulations may be directed to the district's Title IX Coordinator or the Assistant Secretary of Education, or both. Districts must prominently display the Title IX Coordinator(s) contact information on their website, if any, and in each handbook it makes available to students, parents or legal guardians, employees and unions.

The 504/Title II Coordinator's responsibilities include overseeing the district's response to disability discrimination reports and complaints. The 504/Title II Coordinator must have knowledge of the requirements of Section 504 and Title II, of the district's policies and procedures on disability discrimination, and of all complaints raising Section 504/Title II issues throughout the District. To accomplish this, the 504/Title II Coordinator must be informed of any report or complaint raising Section 504/Title II issues, even if the report or complaint was initially filed with another individual or office or if the investigation will be conducted by another individual or office. The Board designates Sue Kranz as the 504/Title II Coordinator. They may be contacted at 600 Railroad Ave. E , Powers Lake, ND. 701-464-5432.

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The Nondiscrimination Coordinator's core responsibilities include overseeing the district's response to discrimination and harassment reports and complaints that do not include sex or disability under applicable federal laws, but instead the other protected statuses or sex or disability based discrimination under state law. The Board designates **Sue Kranz**, as the Nondiscrimination Coordinator. They may be contacted at 600 Railroad Ave. E , Powers Lake, ND. 701-464-5432

### **Policy Dissemination**

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.

### **Training**

The Board authorizes the Superintendent to develop discrimination and harassment awareness training for students and employees. Employee training requirements are delineated in board exhibit AAC-E3, Discrimination and/or Harassment Training Requirements for Employees.

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-BR1); and
3. The applicability of confidentiality requirements.

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

## **WHISTLEBLOWER PROTECTIONS POLICY (ACF)**

### **Protections: Employees**

The Powers Lake 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 Powers Lake School-related investigation, hearing, or inquiry; or

3. Refused to carry out a directive that the employee believes is a violation of state or federal law, rule, or regulation or poses a substantial or specific danger to public health and safety provided the employee has an objective basis for that belief and informs the employer that the directive is being refused for that reason.

### **Protections: False Claims Act (FCA)**

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

### **Protections: Students & Community Members**

The District will not tolerate any form of reprisal, retaliation, or discrimination against a student and/or community member because s/he, in good faith, filed a

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

#### **Grievance Procedure**

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

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.

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#### **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**

A copy of the policy will be available upon request in the office.

## **STUDENT RIGHTS AND RESPONSIBILITIES**

### **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**

The school office 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 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.

## **EDUCATION OF HOMESCHOOLED STUDENTS (FDA)**

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

Homeschooled students are eligible to transfer into Powers Lake Schools and/or participate in individual district classes and/or extracurricular activities on the same basis as students already enrolled.

### **Transfers**

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

Students without records or whose records do not indicate proper placement shall be subject to placement testing.

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

## **EDUCATION OF SPECIAL EDUCATION/DISABLED STUDENTS (FDE)**

The Powers Lake 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 Powers Lake School is a member of the Northern Plains 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.

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

### **Accommodations for Pregnant Students**

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

### **Alternative Curricular Participation**

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

### 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 Powers Lake School District so long as such interventions are implemented in compliance with this policy.

#### Definitions

For the purposes of this policy:

- *Dangerous behavior* is violent, disturbed, or depressed behavior which may immediately result, or has resulted, in harm to that person or other persons or behavior that has or may immediately result in extensive or extreme damage to property<sup>[1]</sup>.
- *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 Powers Lake School District. 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

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intervention plan (BIP), Individualized Education Program (IEP), or 504 Plan.<sup>[2]</sup> 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<sup>[3]</sup> 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 (Break)* is a behavior intervention strategy that occurs when the ability of a student to receive normal reinforcement in the environment is restricted. Timeout may be inclusionary (where the student remains in sight and sound of others in the classroom) or exclusionary (where the student leaves the learning environment and goes to another location but is not isolated and prevented from leaving). Timeouts are not a form of seclusion.

#### Behavioral Intervention Strategies

To minimize the need for physical restraint or seclusion to respond to dangerous behavior, the District shall use behavioral intervention strategies to the extent possible.

To implement behavioral intervention strategies the District should at least take the following steps:

1. Conduct a school-wide search of students in need of behavioral intervention strategies because of past incident(s) of dangerous behavior or the potential to engage in such behavior in the future; and
2. Train staff on identifying the need for behavioral intervention strategies and on implementing these interventions once established; and
3. Develop a behavioral intervention plan (BIP) for identified students. This plan should at least identify environmental triggers that cause the student to engage in dangerous behavior, include procedures for diminishing or removing such environmental factors, list interventions that will be used to maintain appropriate behavior and respond to inappropriate behavior, and contain an overview of self-regulating techniques on which the student will be trained; and
4. Involve parents in the development of the BIP and receive their consent on the document. In the case of mentally or physically disabled students, behavior intervention strategies, if necessary, should be addressed in the IEP or 504 Plan.

#### Prohibitions

The Powers Lake 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.<sup>[4]</sup> 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.<sup>[5]</sup>

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.<sup>[6]</sup>
  - c. Or when not authorized by a parent-approved plan such as, but not limited to, BIP, IEP, or 504 Plan.<sup>[7]</sup>
4. Using mechanical restraints.
5. Using chemical restraints.
6. Using a physical restraint or seclusion technique that restricts breathing or ability to communicate (e.g., requiring a student to lie down or covering a child's face).
7. Using a restraint or seclusion technique that will knowingly cause harm to a child. An exception to this provision may be warranted if a district staff member is attempting to obtain possession of a weapon or other dangerous object within the control of a student, is attempting to stop a physical altercation between the student and another individual, or is acting in self-defense and inadvertently causes harm to the student in the process. Administration shall investigate anytime a student was harmed during restraint or seclusion to determine the appropriateness of the intervention technique under the circumstances.
8. Using physical restraint or seclusion for longer than when the dangerous behavior has subsided.<sup>[8]</sup>

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### **Determining Appropriate Interventions When Need for Physical Restraint or Seclusion is Foreseeable**

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

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

#### **Documentation, Notification, & Re-Evaluation**

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

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

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

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

#### **Policy Violations**

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

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#### **Policy Adoption & Review**

The Board should seek input of district parents prior to adoption of this policy and should form a committee to review this policy and implementation of restraint and seclusion interventions at least annually. As part of the policy review, the committee should examine the following:

1. Frequency of use of restraint or seclusion.
2. Outcomes of restraint or seclusion interventions.
3. Demographics of students subject to restraint or seclusion, programs/settings in which such interventions are used, and frequency of each staff member's use of these interventions to determine if policy is applied consistently.
4. Whether or not use of restraint or seclusion is reported accurately and consistently.
5. Whether or not data collected on restraint and seclusion are used to plan behavioral intervention strategies and staff development.
6. Whether or not policy continues to protect students and staff.
7. Whether or not policy is still aligned with any applicable law.

<sup>[1]</sup> This supersedes the state standard for use of restraint or seclusion on the developmentally disabled.

<sup>[2]</sup> This may supersede the state standard for use of restraint or seclusion on the developmentally disabled if used for behavior other than that classified as dangerous. <sup>[3]</sup>

This may supersede the state standard for use of restraint or seclusion on the developmentally disabled if used for behavior other than that classified as dangerous. <sup>[4]</sup>

This may supersede the state standard for use of restraint or seclusion on the developmentally disabled.

<sup>[5]</sup> This may supersede the state standard for use of restraint or seclusion on the developmentally disabled if used for behavior other than that classified as dangerous. <sup>[6]</sup>

This may supersede the state standard for use of restraint or seclusion on the developmentally disabled.

<sup>[7]</sup> This may supersede the state standard for use of restraint or seclusion on the developmentally disabled if used for behavior other than that classified as dangerous. <sup>[8]</sup>

Include this option if policy allows for use of restraint or seclusion for non-dangerous behavior in parent-approved plan

## **SEARCHES OF LOCKERS (FGCA)**

#### **Definitions**

This policy defines the following:

· *Personal possessions* include, but are not limited to, a student's vehicle, purse, backpack, bookbag, package(s), and clothing.

· *Reasonable suspicion* means that administration has grounds to believe that the search will result in evidence of a violation of district policy, rules, the law, and/or that the violation may be detrimental to the health, safety, or welfare of district students or staff. Reasonable suspicion may be based on a school administrator's personal observation, a report from a student, parent or staff member, a student's suspicious behavior, a student's age and past history or record of conduct both in and out of the school context, or other reliable sources of information.

#### **Philosophy**

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 reasonable suspicion that locker(s) contains object(s) and/or substance(s) in violation of district policy, rules, the law, and/or that the violation may be detrimental to the health, safety, or welfare of district students or staff.

#### **Search Procedure**

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

Students' personal possessions stored in lockers shall not be searched unless there exists reasonable suspicion that they contain an object(s) or substance(s) in violation of district policy, the law, and/or the violation may be detrimental to the health, safety, or welfare of enrolled students or staff. Searches of personal technology is governed in a separate district policy, FFI. Administrators shall make a reasonable attempt to have a student present during searches of personal possessions contained in locker(s) unless an emergency situation warrants an immediate search or the presence of the student would be inappropriate under the circumstances.

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 and/or substances that are illegal or violate school policy, the building principal or Superintendent shall search the locker in accordance with the search procedure above.

The building principal or Superintendent may request the assistance of law enforcement to conduct any portion of a school-initiated search of a student's locker 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's locker.

#### **Violation**

Personal possessions in violation of school district policy, rules, the law, and/or that may be detrimental to the health, safety, or welfare of district students will be confiscated until further directed by the Superintendent or law enforcement. Illegalsubstances found during a search of a student's personal possessions will be turned over to law enforcement authorities.

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Students in violation of this policy, or any federal/state law, may be subject to disciplinary action in accordance with the district's student conduct and discipline policy (FF) as determined by the Superintendent or designee, and when appropriate, be referred to law enforcement.

## **SEARCHES OF STUDENTS & STUDENTS' PERSONAL PROPERTY (FGCB)**

#### **Definitions**

This policy defines the following:

- *Personal possessions* include, but are not limited to, a student's vehicle, purse, backpack, bookbag, package(s), and clothing.
- *Reasonable suspicion* means that administration has grounds to believe that the search will result in evidence of a violation of district policy, rules, the law, and/or that the violation may be detrimental to the health, safety, or welfare of district students or staff. Reasonable suspicion may be based on a school administrator's personal observation, a report from a student, parent or staff member, a student's suspicious behavior, a student's age and past history or record of conduct both in and out of the school context, or other reliable sources of information.
- *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.

#### **Philosophy**

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

#### **Search Procedure**

When the building principal or 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 possessions belonging to the suspected student(s) may be subject to inspection. When determining the scope of a search, the building principal or 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.

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. Students may be asked to empty their pockets; however, strip searches shall not be conducted.

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

### **Searches of Vehicles**

The building principal or Superintendent, with a witness present, shall conduct searches of a student vehicle if the vehicle is parked on school property and if reasonable suspicion exists. The building principal shall make a reasonable attempt to contact the student who owns the vehicle and ensure they are present during the inspection unless an emergency situation warrants an immediate search. If a vehicle is locked and its owner cannot be contacted or refuses to open it, the building principal shall contact law enforcement.

### **Involvement of Law Enforcement**

The building principal or Superintendent may request the assistance of law enforcement to conduct any portion of a school-initiated search of a student's personal possessions 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's personal possessions.

### **Violation**

Personal possessions in violation of district policy, the law, and/or that may be detrimental to the health, safety, or welfare of district students will be confiscated until further directed by the Superintendent or law enforcement. Illegal substances found during a search of a student's personal possessions will be turned over to law enforcement authorities.

Students in violation of this policy, or any federal/state law, shall be subject to disciplinary action in accordance with the district's student conduct and discipline policy (FF) as determined by the Superintendent or designee, and when appropriate, be referred to law enforcement.

### **Reporting Requirements**

The administrator who authorized the search shall notify the Superintendent whenever a search has been conducted.

## **SECTION 504 DISPUTE RESOLUTION POLICY (AACA)**

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 the Northern Plains 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.

## **STUDENT ASSEMBLIES (FFG)**

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

For the purposes of this policy, primary control is defined as authority by a student to include any content in a speech so long as it is not profane, sexually explicit, defamatory, disruptive, and/or does not infringe on the rights of others. Administration shall review student speeches prior to delivery. In the event that a speech contains potentially prohibited content, administrators should 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 at least two school days 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.
3. 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.
4. 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 their decision to approve or deny a non-curricular material distribution request to the requestor within a reasonable timeframe.

## STUDENT EDUCATION RECORDS & PRIVACY (FGA)

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

### Definitions

- *Directory information* is defined as personally identifiable information contained in a student education record that is generally considered **not** harmful or an invasion of privacy if disclosed and includes:
  - a. Address
  - b. Date and 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. Telephone listing
  - l. Weight and height of members of athletic teams
- *Education records* are records that are directly related to a student and are maintained by the District or by a party acting on behalf of the District. These records include but are not limited to grades, transcripts, class lists, student course schedules, health records, and student discipline files. 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 their 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.

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- *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; or
  - c. Contractors, consultants, volunteers, service providers, or other party with whom the District has outsourced institutional services or functions for which the 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

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; and
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; and
- b. The Board shall develop procedures for a parent or eligible student to review and amend educational records. These procedures shall include procedures to verify the identity of a requesting parent or eligible student. The regulations shall be delineated in board regulations and disseminated annually in accordance with law.

##### **2. Classroom Use of Instructional Tools Requiring Release of Student Information**

Teachers are encouraged to use instructional technological tools that allow for use of an alias or that do not require submission of directory information, other than or in addition to name, or PII. Whenever a teacher wishes to use an instructional tool that requires release of directory information, other than or in addition to name, or PII such as, but not limited to, software or an app, the teacher shall submit a request to the building-level privacy officer. The privacy officer shall check the District's master list of individuals and entities approved to receive student information. If the entity is not on this list or the teacher's request is beyond the scope of information sharing permission previously granted, the privacy officer shall either deny the teacher's request or submit an information-sharing request to the Superintendent for board approval. If the teacher is authorized to use the instructional tool, the building-level privacy officer shall ensure the teacher complies with any parental consent requirements and directory information opt-out requests before using the tool.

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##### **3. Data Breaches**

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

##### **4. Information Storage and Destruction**

Student education records shall be reviewed annually and any records unnecessary for progression to the next grade level, not needed for college entrance purposes, not needed for extracurricular participation, not needed for disciplinary purposes, and records that are not part of the permanent record will be shredded or destroyed. Exceptions apply for any content that may reasonably be related to litigation or anticipated litigation (retain for six years after a student turns eighteen), bullying reports (retain in accordance with policy ACEA), concussion documentation (retain in accordance with policy FCAF), executive session tapes (retain for at least six months), PowerSchool records, and special education records (retain in accordance with the Individuals with Disabilities Education Act).

##### **5. Directory Information**

The District may disclose directory information without parental or eligible student consent if it has given parents or eligible students a reasonable amount of time to opt-out of directory information release. Opt-out notices should be provided at the beginning of the school year and when a student otherwise enrolls in the District. These notices shall contain a reasonable deadline of at least ten days for parents or 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; and
- 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 their building-level 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.

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

Any third party requesting or receiving access to student PII must receive board approval unless the third party is required to receive PII under state or federal law. Any school employee who wishes to share PII with a third party shall contact their building-level privacy officer. The privacy officer shall determine if the Board has previously approved such release and, if not, deny the request or submit it to the Superintendent for board approval. Upon board approval of any PII release request, the applicable privacy officer shall inform the requestor of any parental consent requirements (see #7) and ensure the requestor complies with such requirements.

Parental or 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; and
  - 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;

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- e. To a court without a court order or subpoena when the District initiates legal action against a parent/student or a parent/student initiates legal action against the District
- f. To accrediting bodies for purposes of accreditation
- g. To an organization conducting a study for the District to develop, validate, or administer a predictive test; administer student aid programs; or improve instruction so long as the organization has entered into a written agreement with the Board in accordance with law; if the organization is conducting a survey of students, the District shall ensure parents are notified in compliance with policy GCC and shall obtain parental consent, if applicable (see #7)
- h. To another school in which the student seeks, intends to, or is already enrolled
- i. To authorized representatives of the Comptroller General of the United States, the Attorney General of the United States, the U.S. Secretary of Education, and state and local educational authorities for audit or evaluation of federal or state supported education programs or for the enforcement of or compliance with federal legal requirements that relate to those programs;
- j. To comply with a judicial order or lawfully issued subpoena; the District must make reasonable attempt to contact the parent or eligible student before disclosure unless the court order instructs otherwise; or
- k. To the parents of an eligible student who is also a "dependent student" as defined in IRS Section 152.

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

#### **7. When Parental Consent is Required**

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

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

- b. The Board has approved release of directory information, other than or in addition to name, or PII to an online service provider for commercial purposes and the impacted students are under the age of 13;<sup>[1]</sup>
- 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<sup>[2]</sup>:
  - 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; or
  - 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 termination of employment. 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.

#### **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.

<sup>[1]</sup> Children's Online Privacy Protection Act, 16 CFR 312

<sup>[2]</sup> Protection of Pupil Rights Amendment, 20 U.S.C. § 1232h; 34 CFR Part 98

## **STUDENT LUNCHES**

### **FREE AND REDUCED MEALS**

The school can send school meal applications home at the beginning of each school year. However, you may apply for school meals at any time throughout the school year by submitting a household application directly to the school. The school will provide you with an application upon request.

If you are earning at or below current Income Eligibility Guidelines, we encourage you to contact the school to fill out a school meal application. The school or local education agency will process your application and issue an eligibility determination. If you are receiving Supplemental Nutrition Assistance Program (SNAP) benefits, your child automatically qualifies for free school meals. Please contact the school to determine if you need to fill out an application.

### **Definitions**

Alternate meals refers to any meal that is different from the day's advertised reimbursable meal such as, but not limited to, a peanut butter or cheese sandwich and milk. The cost of this meal shall not come from the food service account. The charge for an alternate meal shall be \$.35.

### **Charging Procedure**

The District shall allow students to charge up to 25 reimbursable meals per year, the cost of which shall be assessed to the student's parents. After the student has exceeded the number of allowable reimbursable meal charges, the District shall provide the student with an alternate meal,<sup>1</sup> the cost of which shall also be assessed to the student's parents.<sup>2</sup> Whenever a student incurs a charge or the District serves the student an alternate meal, the District shall send a written notice to the student's parent(s). If a pattern of charging continues, administration shall attempt to contact the student's parents and encourage them to complete a free and reduced meal application.

All charges must be paid within 30 days. The District will vigorously pursue the collection of outstanding bills and shall, if necessary, rollover debt to the next school year or shall, when necessary, refer past due accounts to collections. Collections fees shall be paid from funds other than those in the foodservice account.

### **Fair and Accurate Credit Transaction Act Compliance**

In order to comply with FACTA, which protects lunch charge accounts established by this regulation, the District shall implement the following measures:

1. Identify potential red flags indicating that an account has been compromised such as:
  - a. Parent reports that s/he has received a bill in error.

- b. Student or staff member reports that a student is fraudulently charging to another student's account.
2. Respond to red flags by:
- a. Verifying a student's identity before allowing him/her to charge.
  - b. Investigating a parent's complaint that s/he received a bill in error.
  - c. Sending a parent notice each time his/her child charges a reimbursable meal or receives an alternate meal.

Administration shall review this policy periodically to ensure that it provides appropriate procedures for preventing/mitigating identify theft, including updating red flags and the district's response to them as necessary.

## **STUDENT PRAYER DURING NON-INSTRUCTIONAL TIME (FGBB)**

The District, in accordance with state and federal law, shall permit student-initiated recitation of prayer and religious speech in school at any time before, during, and after the school day to the same extent that the District allows secular speech. Restrictions imposed on the time, place, manner, or location of any student-initiated recitation of prayer or religious speech shall not exceed those placed on students' secular speech.

The decision to participate or not participate in student-led or student-initiated religious expression is a matter of individual choice. No student shall 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 forecast to materially and substantially disrupt the educational environment
  6. Material that violates or incites the violation of policy including, but not limited to, the district's policies on bullying and harassment 7.
- Material that poses a direct safety threat to the District, its students, and/or staff

A decision to prohibit publication and distribution of a student publication with restricted content shall be made by the building principal and may be appealed to the Superintendent. The Superintendent shall investigate and issue a decision in a timely manner. The Superintendent's decision may be appealed to the Board within thirty calendar days after the Superintendent has issued his/her decision.

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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.
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.

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

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

### **Definitions**

For purposes of this policy:

- Disability is defined in 28 CFR Part 35.108 with respect to an individual, as a physical or mental impairment that substantially limits one or more of the major life activities of such individual; a record of such an impairment; or being regarded as having such an impairment. Service animal is defined in NDCC 25-13-01.1 as any guide dog, signal dog, or other animal trained to do work, perform tasks, or provide assistance for the benefit of an individual with a disability. The term includes an animal trained to provide assistance or protection services to an individual with a disability, pull a wheelchair, lend balance support, retrieve dropped objects, or provide assistance in a medical crisis
- School property 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.

#### **Use of Animals for Educational Purposes**

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

#### **Use of Service Animals by the Disabled**

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

Would the presence of the service animal:

1. Impose an undue financial or administrative burden on the District;
2. Require a fundamental alteration to an educational program;
3. Impact legally protectable rights of others.
4. A disabled student's parent may be given the option of changing the student's educational placement if alternative placement will remedy the infringement of other's rights.

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

#### **Revocation of Animal Use**

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

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

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

#### **Animal Related Injuries**

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

## **ANNUAL NOTICES**

### **ASBESTOS HAZARD EMERGENCY RESPONSE ACT**

- Perform an original inspection to determine whether asbestos-containing materials are present and then re-inspect asbestos-containing material in each school every three years
- Develop, maintain, and update an asbestos management plan and keep a copy at the school
- Provide yearly notification to parent, teacher, and employee organizations on the availability of the school's asbestos management plan and any asbestos related actions taken or planned in the school
- Designate a contact person to ensure the responsibilities of the public school district or the non-profit school are properly implemented ● Perform periodic surveillance of known or suspected asbestos-containing building material
- Ensure that trained and licensed professionals perform inspections and take response actions
- Provide custodial staff with asbestos-awareness training

### **NOTICE OF DIRECTORY INFORMATION (FGA-E1)**

The Family Educational Rights and Privacy Act (FERPA), a Federal law, requires that Powers Lake School District, with certain exceptions, obtain your written consent prior to the disclosure of personally identifiable information from your child's education records. However, Powers Lake 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 Powers Lake School District to include this type of information from your child's education records in certain school publications. Examples include:

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

Directory information, which is information that is generally not considered harmful or an invasion of privacy if released, can also be disclosed to outside organizations without a parent's prior written consent. Outside organizations include, but are not limited to, companies that manufacture class rings or publish yearbooks. In addition, two federal laws require school districts receiving assistance under the Elementary and Secondary Education Act of 1965, as amended, 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 Powers Lakes 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 October 15. Powers Lake 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

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### **Request to Withhold Directory Information for the 2022-2023 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)

The Powers Lake School agrees to implement the following statutory requirements:

1. The District will put into operation programs, activities, and procedures for the involvement of parents in all of its schools with Title I programs. Those programs, activities, and procedures will be planned and operated with meaningful consultation with parents of participating children.
2. The District will work with its schools to ensure that the required school-level parental involvement policies meet the Title I requirements, and include, as a component, a school-parent compact.
3. The District will incorporate this district-wide parental involvement policy into its district plan.
4. In carrying out the Title I parental involvement requirements, to the extent practicable, the District and its schools will provide full opportunities for the participation of parents with children with Limited English Proficiency (LEP), parents with children with disabilities, and parents of migratory children, including providing information and school reports in an understandable and uniform format and, including alternative formats upon request, and, to the extent practicable, in a language parents understand.
5. If the district plan for Title I is not satisfactory to the parents of participating children, the District will submit any parent comments with the plan when the District submits the plan to the Department of Public Instruction.
6. The District will involve the parents of children served in Title I schools in decisions about how the one percent of Title I funds reserved for parental involvement is spent.
7. The District will be governed by the following statutory definition of parental involvement, and expects that its Title I schools will carry out programs, activities, and procedures in accordance with this definition:

Parental involvement means the participation of parents in regular, two-way, and meaningful communication involving student academic learning and other school activities, including ensuring:

- a. that parents play an integral role in assisting their child's learning;
  - b. that parents are encouraged to be actively involved in their child's education at school;
  - c. that parents are full partners in their child's education and are included, as appropriate, in decision-making and on advisory committees to assist in the education of their child;
  - d. the carrying out of other activities, such as those described in section 1118 of the ESEA.
8. The District will inform parents and parental organizations of the purpose and existence of the Parent Information Resource Centers in North Dakota (i.e., NDIIRC in Minot, ND).

### Parental Involvement Policy Requirements

1. The Powers Lake School will take the following actions to involve parents in the joint development of its district parental involvement plan: *Parents will be included in the writing of the School/District Parental Involvement Policy at the Annual Parent Meeting. Copies will be available upon request. Parents will also be encouraged to submit concerns year-round, especially during fall and spring parent-teacher conferences*

2. The Powers Lake School will provide the following necessary coordination, technical assistance, and other support to assist Title I schools in planning and implementing effective parental involvement activities to improve student academic achievement and school performance:

*Inservices will be provided for teachers several times throughout the year. Weekly staff meetings will be used to address concerns in the Title I program. The Title I teacher and elementary principal have been designated as the contact people for our district.*

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3. The Powers Lake School will convene an annual meeting, at a convenient time, to which all parents of participating children shall be invited and encouraged to attend, to inform parents of their school's participation under this part and to explain the requirements of this part, and the right of the parents to be involved.

*The annual meeting will be held each fall in conjunction with Parent-teacher conferences.*

4. The Powers Lake School will offer a flexible number of meetings, such as meetings in the morning or evening, and may provide, with funds provided under this part, transportation, child care, or home visits, as such services relate to parental involvement;

*Any of the above services will be available upon request. Parents unable to attend will be provided information and input through alternative options such as mailings, online surveys, etc.*

5. The Powers Lake School will build the schools' and parents' capacity for strong parental involvement, in order to ensure effective involvement of parents and to support a partnership among the school involved, parents, and the community to improve student academic achievement, through the following activities specifically described below:

- a. The District will, with the assistance of its Title I schools, provide assistance to parents of children served by the District or school, as appropriate, in understanding topics such as the following:
  - i. the state's academic content standards,
  - ii. the state's student academic achievement standards,
  - iii. the state and local academic assessments including alternate assessments,
  - iv. the requirements of Title I,
  - v. how to monitor their child's progress, and
  - vi. how to work with educators by undertaking the actions described in this paragraph

*Letters explaining AYP will be mailed to parents or published in the school newsletter. Parents will also be notified when the School District Profile is completed and available for viewing. Student achievement reports will be mailed to parents. Websites and brochures containing useful parent information will be provided for parents.*

b. The Powers Lake School will provide parents of participating children, if requested by parents, opportunities for regular meetings to formulate suggestions and to participate, as appropriate, in decisions relating to the education of their children, and respond to any such suggestions as soon as practically possible.

*Encouraging parents to utilize Powerschool to access their child's grades, offer workshops to parents to encourage academic and behavioral success.* c. The District will, with the assistance of its Title I schools, provide materials and training to help parents work with their children to improve their children's academic achievement, such as literacy training and using technology, as appropriate, to foster parental involvement, by: *Conducting district wide in-services and meetings and written information disseminated to the staff.*

- d. The District will, with the assistance of its Title I schools and parents, educate its teachers, pupil services personnel, principals and other staff, in how to reach out to, communicate with, and work with parents as equal partners, in the value and utility of contributions of parents, and in how to implement and coordinate parent programs and build ties between parents and schools, by:

*Coordinating preschool screenings to provide early interventions for children with needs, holding a parent meeting prior to enrollment to equip their children for kindergarten readiness.*

- e. The District will, to the extent feasible and appropriate, coordinate and integrate parental involvement programs and activities with Head Start, Reading First, Early Reading First, Even Start, Home Instruction Programs for Preschool Youngsters, the Parents as Teachers Program, and public preschool and other programs, and conduct other activities, such as parent resource centers, that encourage and support parents in more fully participating in the education of their children, by:

*Title I information will be reviewed for content and readability before it is given to parents.*

- f. The District will take the following actions to ensure that Title I information related to the school and parent-programs, meetings, and other activities, is sent to the parents of participating children in an understandable and uniform format, including alternative formats upon request, and, to the extent practicable, in a language the parents can understand:

*The information will be sent out to parents involved via email/mail in a language that can be understood by the parent.*

6. The Powers Lake School will take the following actions to conduct, with the involvement of parents, an annual evaluation of the content and effectiveness of this parental involvement policy in improving the quality of its Title I schools. The evaluation will include identifying barriers to greater participation by parents in parental involvement activities (with particular attention to parents who are economically disadvantaged, are disabled, have limited English proficiency, have limited literacy, or are of any racial or ethnic minority background). The District will use the findings of the evaluation about its parental involvement policy and activities to design strategies for more effective parental involvement, and to revise, if necessary (and with the involvement of parents) its parental involvement policies.

*The evaluation will be given in either a paper pencil version or an online survey. The Title I teacher/principal will be in charge of disseminating the survey.*

7. The Powers Lake School will take the following actions to involve parents in the process of school review and improvement: *Conduct surveys at parent teacher/conferences.*

#### **Shared Responsibilities for High Student Achievement**

As a component of the school-level parental involvement policy, each school shall jointly develop with parents for all children served under this part a school-parent compact that outlines how parents, the entire school staff, and students will share the responsibility for improved student academic achievement.

#### **Parental Involvement Policy Discretionary Components**

The District Parental Involvement Policy may include additional paragraphs listing and describing other discretionary activities that the District, in consultation with its parents, chooses to undertake to build parents' capacity for involvement in the school and school system to support their children's academic achievement, such as the following discretionary activities:

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1. Involve parents in the development of training for teachers, principals, and other educators to improve the effectiveness of that training.
2. Provide necessary literacy training for parents from Title I, Part A funds, if the District has exhausted all other reasonably available sources of funding for that training.
3. Pay reasonable and necessary expenses associated with parental involvement activities, including transportation and child care costs, to enable parents to participate in school-related meetings and training sessions.
4. Train parents to enhance the involvement of other parents.
5. In order to maximize parental involvement and participation in their children's education, arrange school meetings at a variety of times, or conduct in home conferences between teachers or other educators, who work directly with participating children, with parents who are unable to attend those conferences at school.
6. Adopt and implement model approaches to improving parental involvement.
7. Establish a district parent advisory council to provide advice on all matters related to parental involvement in Title I, Part A programs.
8. Develop appropriate roles for community-based organizations and businesses, including faith-based organizations, in parental involvement activities.
9. Provide other reasonable support for parental involvement activities under section 1118 as parents may request.]

#### **Policy Adoption**

This district parental involvement policy has been developed jointly with, and agreed on with, parents of children participating in Title I programs, as evidenced by meeting minutes. This policy will be in effect for the period of one school year. The District will distribute this policy to all parents of participating Title I children on or before October 31, 2022.

## **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.

## **WELLNESS POLICY (ABCC)**

### **Nutrition Education and Promotion**

The District should strive to promote the following nutrition goals (consistent with the Dietary Guidelines for Americans) in grades K-12 through the curriculum and through other promotional methods:

1. Provide a health education curriculum that is aligned with state standards and requirements; is taught by well-prepared and well-supported staff; that is age appropriate; and that is aimed at influencing students' knowledge, attitudes, and eating habits.
2. Provide an overall school environment that encourages students to make healthy food choices, specifically:
  - a. Balancing calories with physical activity to manage weight
  - b. Consumption of more healthy foods and nutrients such as fruits, vegetables, whole grains, fat-free and low-fat dairy products, and seafood c. Consumption of fewer foods with sodium (salt), saturated fats, trans fats, cholesterol, added sugars, and refined grains

Nutrition promotion will be implemented through use of evidence-based healthy food promotion techniques (e.g., Smarter Lunchroom techniques<sup>3</sup>) and promoting foods and beverages that meet the USDA Smart Snacks in School nutrition standards.

3. Identify and implement methods to educate family members about district nutrition standards and goals and involve them in program development and implementation.

The wellness policy committee may develop a list of activities that will help the District achieve the above goals and provide this list to administrators to assist with implementation of this policy.

### **Physical Education**

In addition to state standards and mandates related to physical education, the District should strive, to the extent practical, to offer opportunities for students to be physically active through activities that may include, but not be limited to, recess and extracurricular offerings. The goals of physical activity programs shall be: to develop students' knowledge and skills necessary to perform a variety of physical activities; assess, maintain and improve personal fitness; regularly participate in physical activity; understand the short- and long-term benefits of physical activity; and value and enjoy physical activity as an ongoing part of a healthy lifestyle.

Administration will ensure that policies and practices are in place that enable students with disabilities and other special health care needs to participate as fully as possible and safely in physical education and other school physical activity programs. Teachers and other school personnel will not use physical activity (e.g., running laps, push-ups) or withhold opportunities for physical activity (e.g., recess, physical education class) as punishment.

### **Goals for Other School-Based Activities**

The District will 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 be to reinforce the nutrition promotion, nutrition education, and/or physical activity goals stipulated above. Activities implemented under this policy provision may be offered to students, parents, and/or district staff.

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The wellness policy committee may develop activities and programs that will help the District achieve the above goals and provide this list to administrators to assist with implementation of this policy. Such programs and activities may include, but not be limited to, before- and after- school physical activities, active transport programs, staff wellness programs, staff professional development programs related to wellness, list of alternatives to using food as rewards, lists of healthy party ideas and fundraisers, and community partnership programs.

### **Nutrition Standards**

For all meals provided with funds from the National School Breakfast and Lunch program, the District shall comply with applicable federal nutrition standards established in federal regulations. The District shall comply with applicable federal standards for competitive food sales on campus during the school day as defined by federal law (See USDA Smart Snacks in School nutrition standards). All foods provided or sold 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.

To promote hydration, free, safe, unflavored drinking water will be available to all students throughout the school day. The District will make drinking water available where school meals are served during mealtimes. In addition, students will be allowed to bring and carry (approved) water bottles filled with water throughout the day.

### **Exception to Competitive Food Sales**

Each school year, each school building is authorized to hold up to three on-campus fundraisers during school hours that do not comply with competitive food sales nutrition standards. Each building principal shall develop rules for requesting and receiving approval to hold fundraisers under this exception, which shall, at a minimum, prohibit such fundraisers from occurring during school meal times. Competitive food sale requirements do not apply to off-campus food sales and do not apply to foods sold on campus at least 30-minutes after the school day.

### **Advertising**

It is the intent of the District to protect and promote student's health by permitting advertising and marketing for only those foods and beverages that are permitted



to be sold on the school campus, consistent with the District's wellness policy. Any foods and beverages marketed or promoted to students on the school campus during the school day will meet or exceed the USDA Smart Snacks in School nutrition standards. This language is not retroactive; it will not apply to permanent food and beverage advertising that was in place prior to board adoption of this policy.

#### **Qualifications and Training**

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

#### **Policy Development, Implementation, Review, and Dissemination**

The District encourages parents, students, representatives of the school food authority, teachers of physical education, school health professionals, the school board, school administrators, and the general public to participate in the development, implementation, and periodic review and update of the local school wellness policy. The District shall determine the best methods for the above groups to participate in these processes and shall relay information about the participation processes to the above groups using the method deemed most appropriate, effective, and cost efficient by the Superintendent. The Board or designee shall appoint a wellness policy committee in accordance with applicable district policy on committee appointments to develop the wellness policy and perform additional duties prescribed herein.

The District will develop and maintain a plan for implementation to manage and coordinate the execution of this wellness policy. The plan will delineate roles, responsibilities, actions, and timelines specific to each school. The plan will include information about who will be responsible to make what changes, how, and when.

The Superintendent shall designate one individual per school building to monitor and enforce building-level compliance with the wellness policy. The names of these designees shall be listed in administrative regulations. Each designee shall be responsible for reporting on building-level compliance with this policy and supplying the wellness policy committee with any material requested to help the committee assess implementation of and compliance with this policy.

At least annually, the wellness policy committee shall meet to determine the progress made in attaining the goals of the local school wellness policy over the previous school year and generate a progress report containing all components mandated by federal law. The wellness policy committee shall provide this report to the Powers Lake School Board and disseminate it publicly on the district's website. Any recommended amendments to the wellness policy must be adopted by the Board in compliance with board policy on policy adoption. The wellness committee will also comply with triannual wellness policy review and reporting requirements in federal law.

The wellness committee will update or modify the wellness policy based on the results of the annual progress reports and triennial assessments, and/or as District priorities change; community needs change; wellness goals are met; new health science, information, and technology emerges; and new federal or state guidance or standards are issued. The wellness policy will be assessed and updated as indicated at least every three years, following the triennial assessment. The District shall disseminate the wellness policy and any wellness policy amendments to students, parents, and the public through the following methods: publication in student handbooks and posting on the district website. The District will also inform parents of the improvements that have been made to school meals and compliance with school meal standards, availability of child nutrition programs and how to apply, and a description of and compliance with Smart Snacks in School nutrition standards. The District will inform the community about the availability of the annual and triennial wellness policy reports through notice in the district's newsletter and on its website.