



Policy Manual

for the

North Dakota School for the Deaf

Resource Center



Drafted June 2024

North Dakota School for the Deaf / Resource Center Administrative Policies

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AA – School and Agency Overview

The North Dakota School for the Deaf / Resource Center (NDS/RC) is an agency of the State of North Dakota and a division of Department of Public Instruction (DPI). NDS/RC employees are responsible for knowing and following DPI Personnel Policies, ND State Fleet Services Manual, and other state manuals and regulations that are common to state and DPI employees.

NDS/RC operates from this manual of policies and procedures which is accessible to employees, families, students, and community stakeholders through our website. These policies and procedures are internal and pertain specifically to employees and students at NDS/RC. Employees at NDS/RC must also refer and adhere to various other policy manuals such as the DPI Human Resources Policy Manual, various policy manuals from the Office of Management and Budget, CSAC Teacher Policy Manual, and the North Dakota State Fleet Services Policy Manual.

Policies and/or procedures are reviewed and updated on an annual basis and as needed by the Superintendent with input and review from agency departments and committees, NDS/RC Advisory Board Committee, DPI, and/or interested community stakeholders.

This manual has a table of contents for easy access of obtaining information. Hard copies of this manual are located in the Main Office and the Library.

Description

The North Dakota School for the Deaf was established in 1890 by the North Dakota Constitution and is located in Devils Lake. It is under the direction of DPI.

NDS/RC is a school for the deaf and an educational facility and resource center on hearing loss. Services are available to all individuals who are deaf, hard of hearing, deafblind, deaf disabled, * and late deafened from birth through senior citizen age.

**Throughout this manual, the term ‘deaf’ will refer to any individual who is deaf, hard of hearing, deafblind, deaf disabled.*

Education Program

NDS/RC provides a comprehensive academic program to deaf students from preschool to high school. The curriculum emphasizes communication development, language acquisition, and language learning in American Sign Language (ASL) and in English. Access to grade-level content is achieved through the accommodations and modifications documented in each student’s Individual Education Program (IEP) or 504 Plan. Students have opportunities to attend classes with hearing peers through collaborative efforts with the Devils Lake Public Schools. Further educational opportunities are available through residential, athletic, and recreational programs.

Residential Program

NDS/RC offers residential services for those students living too far away to commute to campus daily or those who need residential placement to access a free and appropriate public

education. Transportation is provided to and from home on scheduled days. The Residential Program offers fun and educational learning activities on campus and in the Devils Lake community.

PIP/K-12 Outreach Program

Regionally-based Teachers of the Deaf and/or other specialized staff travel to homes and local schools on an intermittent basis to provide assessments, consultations, and instruction. A major focus of the Outreach Program is early intervention through the Parent-Infant Program (PIP) to provide information, advocacy, emotional support, and guidance to families. The Outreach Program also works with public school districts to provide support to school teams working with deaf students.

Deaf students throughout North Dakota have the opportunity to develop communication and language skills, increase self-esteem, and improve socialization skills during Summer Camps. Families also have opportunities for support and collaboration through regional and campus family events. Other enriching activities are offered throughout the year regionally and on campus.

Adult Outreach Services

Our Adult Outreach Services team offers training and supports for adults who have hearing loss. They provide assistive equipment such as amplified telephones and light flashers for doorbells and phones as well as the training in how to use the equipment. They provide community training to first responders and other groups to learn more about Deaf people and communicating with those who have a hearing difference.

Resource Center

NDSD/RC provides support, assistance, and resources to parents and families, individuals, educators, interpreters, school districts, and agencies who work with deaf individuals. Services include assessments, consultations, workshops, presentations, in-services, classes, professional development, and technical assistance provided by professionals with expertise in education of deaf students, sign language, audiology, and psychology. NDSD/RC has some materials, including books, audio-visual materials, and magazines available for loan. Brochures and pamphlets on a variety of topics including deafness, Deaf culture, ASL, and assistive hearing technologies are available.

End of NDSD/RC Policy AA

References: NDSD/RC original policy-#1 School Overview Revised
DPI Human Resources Policy Manual
OMB Manuals
ND State Fleet Services Policy Manual

Adopted:

Reviewed:

AAA – Communication, Language, and Education Philosophy of NDSD/RC

This policy outlines the beliefs and practices of the North Dakota School for the Deaf / Resource Center (NDSD/RC) related to the communication, language, and educational needs of our students, as well as the daily operations and interactions among staff, family, and community members.

Communication and Language in Education

The NDSD/RC believes that language is the key to success. Language acquisition is the process of absorbing and experimenting with the sounds and sights of the environment through interactions with native and fluent language users. Language is used to communicate experiences, thoughts, feelings, and is critical in developing relationships with others. Language learning builds on language acquisition and includes structured instruction in phonics, morphology, grammar, sentence structure, etc.

NDSD/RC recognizes the equal status of American Sign Language (ASL) and English and promotes an environment where both languages are celebrated and used in social and academic settings. Both languages support the education and communication needs of our students.

ASL and English, as well as any other language used at home, foster social and emotional development that nurtures the development of positive self-image, including Deaf identity, and self-esteem.

In classrooms, teachers and staff members decide and use the language (ASL/English) and communication mode (signing, reading, writing, speaking, listening) that best meets the needs of their students based on the purpose of the lesson or experience. Amplification technologies and assistive hearing devices are individualized for each student according to their IEP.

NDSD/RC's goal for each student is to become competent communicators and language users in ASL and in English.

Teachers and staff members are dedicated to continued learning in bilingual and bimodal teaching methods and strategies as well as content-specific professional development.

Communication and Language for the Community

The NDSD/RC embraces all modes of communication that facilitate effective and successful exchanges of information. It is our belief that all communication should be accessible, open, honest, clear, positive, transparent, and respectful. Modes of communication may include sign language, written language, and spoken language.

The NDSD/RC staff members have varying levels of skills in ASL and English, as well as varying levels of general sign language skills. As a learning entity, each individual should be committed to continued learning in the languages of ASL and English and any other language and culture that is important in the lives of our students and families. We believe in using sign

language to the best of our ability at all times in the presence of individuals who are Deaf, Hard of Hearing, DeafBlind, or Deaf Disabled.

NDS/RC promotes strong working partnerships between individuals who are Deaf and hearing. We embrace a fully inclusive learning community where Deaf, Hard of Hearing, DeafBlind, Deaf Disabled and hearing people work together without communication barriers. All staff members of the school community are expected to be positive accessible communication role models.

To achieve an active and competent signing environment, the Communications Department shall provide training and assessment opportunities for all staff members to learn and/or improve their sign language skills, including ASL.

ASL/English Interpreters are available upon request for community and school events by contacting the Communications Coordinator.

Educational Philosophy

All students are **ABLE**:

- **A**cquire and learn language and communication in English and in ASL
- **B**ecome lifelong learners through hands-on experiences using all senses
- **L**ead and advocate for themselves and others
- **E**xpress their identity as learners who are deaf, hard of hearing, or deafblind

End of North Dakota School for the Deaf/Resource Center Policy AAA

References: NDS/RC original policy-#3 NDS Philosophy
NDS/RC original policy-#6 NDS Communication Policy
NDS/RC original policy-#7 Sign Language Skills
NDS/RC original policy-#8 NDS Student Communication Policy

Adopted:

Reviewed:

AAB District Goals and Objectives

The **Purpose** of the North Dakota School for the Deaf / Resource Center is to serve as a state education and resource center to provide advocacy, leadership, and expertise in the field of Deaf Education and those with hearing loss.

Our **Mission** is to educate and serve all individuals with hearing differences from birth to senior citizenship.

Our **Vision** is to support individuals with hearing differences to achieve their dreams.

Our **Major Goals**, within the scope of local, state, and federal laws/regulations are as follows:

- Provide a safe and beautiful learning environment.
- Provide an environment for students and families which fosters Deaf pride and an awareness of positive, productive Deaf, Hard of Hearing, and DeafBlind role models.
- Provide environment that advocates the deaf child and his/her family and bases decisions and actions on their input and needs.
- Provide an environment for students that nurtures the development of the whole person - social, physical, intellectual and emotional, and provides opportunities for spiritual growth.
- Develop the student's individual abilities toward self-sufficiency in society.
- Provide deaf/hard of hearing children of North Dakota with comprehensive services designed to promote educational, vocational and personal/social development.
- Provide early intervention services statewide through the Parent-Infant Program.
- Provide services and training to families of deaf, hard of hearing, and deafblind children so they can be informed, active participants in their child's educational process.
- Serve as a statewide resource center providing personal and printed resources to school districts, state agencies, health/medical professionals, law enforcement, independent service providers, community organizations, parents, families and a variety of other interested individuals and/or groups.

The NDSD/RC shall comply with approval requirements in state law and shall strive to provide education that meet the criteria for accreditation with commendation from Department of Public Instruction (DPI) and that show adequate yearly progress as defined in federal law. NDSD/RC will use individual growth measures in determining student achievement of NDSD/RC standards. In addition to meeting these approval and accreditation requirements / standards, the Superintendent, with feedback from staff, families, and stakeholders, has established which goals are contained in the strategic plan and published on the NDSD/RC website.

End of NDSD/RC Policy AAB

References: NDSD/RC original policy-#3 Philosophy
NDSD/RC original policy-#4 Mission

Adopted:

Revised:

AAC AR1 Discrimination and Harassment Grievance Procedure

The following procedure is designed to resolve discrimination, harassment, and retaliation complaints by and against students, parents, and third parties, as described in administrative policy, in a prompt and equitable manner. Administrative 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 administrative rule AAC-AR2, 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 administrative policy AAC, Nondiscrimination and Anti-Harassment.

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 NDS/RC employee. 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 an 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 the Business Manager** (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 may receive assistance from the Department of Public Instruction's (DPI) legal counsel or the Office of Management and Budget (OMB) Human Resources throughout the process.

Investigation Timeframes

The informal resolution procedure must be completed within 30 school days of an 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 school days of an 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 Agency shall institute interim measures to protect the complainant and inform them of support services available. Interim measures may include an agency-enforced no contact order, schedule changes, academic modifications for the complainant, and/or school counseling for the complainant. These interim measures should have minimal impact on the complainant. If the accused is a student, interim measures should also take into consideration the accused student's educational rights.

Informal Resolution Procedure

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

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

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

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

Formal Resolution Procedure

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 agency 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 administrative 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 administrative policy, law, and, when applicable, the negotiated agreement.

The appropriate Grievance Coordinator along with the Superintendent and/or Lead Teacher 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 their 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.

Records Retention

Investigation materials must be retained by the appropriate Grievance Coordinator (504/Title II, or Nondiscrimination) for at least six (6) years. All Title IX sexual harassment records and training materials shall be maintained in accordance with federal regulations and administrative rule AACAR2.

End of NDS/RC Policy AAC

References: NDS/RC original policy-Protection of Students and Staff: Sexual Harassment-Student

NDS/RC original policy-Protection of Students and Staff: Sexual Harassment-Employee

AAC-AR1, Discrimination and Harassment Grievance Procedure

AAC-AR2, Title IX Sexual Harassment Grievance Procedure

ABBB, Non-Curricular Use of District Property

DE, Staff Ethics and Conduct

FGDB, Student Handbooks

Adopted:

Reviewed:

AAC AR2 Title IX Sexual Harassment Grievance Procedure

The following procedure is designed to resolve sexual harassment and retaliation grievances by and against staff, students, parents, and third parties, as described in administrative policy, in a prompt and equitable manner. In accordance with Title IX of the Education Amendments Act of 1972, the District prohibits discrimination on the basis of sex, including sexual harassment, in any education program or activity. The District shall respond when sexual harassment occurs in the education or residential program or activity against a person in the United States. The procedure contained in this regulation supersedes the district's policies regarding complaints about personnel and bullying.

Definitions

- *Actual knowledge* means notice of sexual harassment is given to the Title IX Coordinator, an official with authority to institute corrective measures, or any NDSD/RC employee. When the District has actual knowledge of alleged sexual harassment in an education or residential program or activity, Title IX requires the District to respond in a manner that is not clearly unreasonable in light of the known circumstances.
- *Complainant* is an individual who is alleged to be the victim of conduct that could constitute sex harassment.
- *Document* filed by a complainant is a document or electronic submission (such as by email or through an online portal provided for this purpose by the District) that contains the complainant's physical or digital signature, or otherwise indicates that the complainant is the person filing the formal complaint.
- *Education or residential program or activity* includes locations, events, or circumstances over which the District exercises control over both the respondent and the context over which the sexual harassment occurred. This includes locations or events that occur on or off school property, and may include computer and internet networks, digital platforms, and computer hardware or software owned or operated by, or used in the operations of, the District.
- *Exculpatory evidence* means evidence tending to exonerate a respondent or helps establish their innocence of the conduct alleged.
- *Formal Complaint* is a document filed by a complainant or signed by the Title IX Coordinator alleging sexual harassment against a respondent and requesting that the school or agency investigate the allegation of sexual harassment.
- *Inculpatory evidence* means evidence that shows, or tends to show, a person's involvement in an act, or evidence that can establish guilt of the conduct alleged.
- *Respondent* is an individual who has been reported to be the perpetrator of conduct that could constitute sexual harassment.
- *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.

- *Sexual harassment* is a form of harassment based on sex. It is defined as unwelcome sexual advances, requests for sexual favors, and/or other verbal, written, or physical conduct or communication of a sexual nature, that:
 - 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);
 - Is so severe, pervasive, and objectively offensive that it effectively denies a person equal access to education or residential program or activity; **or**
 - 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:
 - Sexual or "dirty" jokes;
 - Sexual advances;
 - Pressure for sexual favors;
 - Unwelcome touching, such as patting, pinching, or constant brushing against another's body;
 - Displaying or distributing of sexually explicit drawings, pictures, and written materials;
 - Graffiti of a sexual nature;
 - Sexual gestures;
 - Touching oneself sexually or talking about one's sexual activity in front of others;
 - Spreading rumors about or rating other's sexual activity or performance;
 - Remarks about an individual's sexual orientation; and
 - Sexual violence, including rape, sexual battery, sexual abuse, and sexual coercion.
- *Supportive Measures* are individualized services reasonably available that are nonpunitive or non-disciplinary in nature, and not unreasonably burdensome to the other party while designed to ensure equal educational access, protect safety, or deter sexual harassment. Examples of possible supportive measures include, but are not necessarily limited to, counseling, extensions of deadlines or course-related adjustments, modifications of work or class schedules, a safety plan, school escort services, mutual contact restrictions, changes in work locations, leaves of absence, increased security and monitoring of certain areas on school property, and other similar measures.

Retaliation Prohibited

NDS/RC prohibits any person from intimidating, threatening, coercing, or discriminating against any individual, including complainants, respondents, and witnesses, for the purpose of interfering with any right or privilege secured by Title IX including but not limited to making a report or formal complaint of sexual harassment or participating (or refusing to participate) in a sexual harassment complaint investigation. This includes instances when a complaint is not substantiated. The consequences for violating this prohibition are delineated in administrative policy AAC, Nondiscrimination and Anti-Harassment. Complaints of retaliation shall be

processed under Administrative Rule AAC-AR1, Discrimination and Harassment Grievance Procedure.

Reports of Sexual Harassment

Any person may report sexual harassment, whether or not the person reporting is the person alleged to be the victim of conduct that could constitute sexual harassment. A report may be filed in person, by mail, by telephone, by e-mail, or by any additional method provided by the District using the contact information for the Title IX Coordinator as set forth in policy AAC. A report may be made at any time, including during non-business hours, by using the telephone number or e-mail address, or by mail to the office address, listed for the Title IX Coordinator. A report should be filed as soon as possible after the alleged harassment or retaliation allegedly occurred. Delays in filing a report may cause difficulties in the investigation. Anonymous reports are permitted; however, NDS/RC's ability to offer supportive measures to a complainant, or to consider whether to initiate a grievance process against the respondent, will be affected by whether the report of sexual harassment disclosed the identity of the complainant or respondent.

With Whom Reports of Sexual Harassment May be Filed

A report of sexual harassment may be filed with the Title IX Coordinator or with any employee. Employees are required to report any discrimination or harassment to the Title IX Coordinator when they knew (e.g., received a report, directly observed it) or should have known it was occurring (e.g., overheard students talking about an incident, witnessed discriminatory or harassing conduct on school property or at a school activity). Failure by a district employee to report under this regulation may result in disciplinary action.

Third-Party Assistance

The Title IX Coordinator or other school official responsible for conducting or overseeing sexual harassment investigations is authorized to receive assistance from the Department of Public Instruction's (DPI) or the Office of Management and Budget (OMB) Human Resources legal counsel throughout the process.

Responding to Reports of Sexual Harassment

After receiving a sexual harassment report or having actual knowledge of potentially harassing conduct, the Title IX Coordinator or designee shall promptly contact the complainant to discuss the availability of supportive measures, consider the complainant's wishes with respect to supportive measures, inform the complainant of the availability of supportive measures with or without the filing of a formal complaint, and explain to the complainant the process for filing a formal complaint. If supportive measures are not provided to or as requested by complainant, the Title IX Coordinator shall document why supportive measures were not provided and why the lack of supportive measures is not clearly unreasonable in light of the known circumstances. The Title IX Coordinator shall also promptly contact the respondent, who must also be offered supportive measures.

Supportive measures must be designed to preserve the complainant's and respondent's access to education and residential programs or activities without unreasonably burdening the other party. Supportive measures must be coordinated by the Title IX Coordinator and kept confidential to the extent reasonably possible. Supportive measures should be equitably offered to both the complainant and the respondent and should be reasonably available before or after the filing of a formal complaint or where no formal complaint has been filed.

Disciplinary sanctions or other actions that are not supportive measures shall not be taken against the respondent unless a formal complaint is filed and an investigation is conducted in accordance with the process set forth herein.

Emergency Removal of the Respondent

In the event a situation arises from the allegations of sexual harassment and the respondent poses an immediate threat to the physical health or safety of any student or other individual, the Title IX Coordinator may remove the respondent from the education and residential program or activity, or place the respondent on administrative leave on an emergency basis, with or without a grievance process pending. The decision whether to remove the respondent on an emergency basis may be made at any time during the grievance process, but must only be made after an individualized, fact-based, safety and risk analysis. An emergency removal decision may not be based on general assumptions about sex, or research that purports to profile characteristics of sex offense perpetrators, or statistical data about the frequency or infrequency of false or unfounded sexual misconduct allegations. Emergency removal decisions must comply with applicable state and federal law and agency policies regarding removal of students with disabilities.

The Title IX Coordinator shall promptly provide notice of the emergency removal decision to the respondent explaining the reasons for the removal decision. The respondent shall have the opportunity to challenge the removal decision of the Title IX Coordinator to the Superintendent or other designated decision-maker, whose decision regarding removal shall be final.

Administrative Leave for the Respondent Employee

In the event the respondent is an employee (teacher, administrator, or ancillary staff), the Superintendent is authorized to place the respondent on administrative leave during the pendency of the grievance procedure, and the Superintendent identifies a need to temporarily remove the employee from their duties and/or job placement to protect agency property, school operations, students and/or other employees. If the respondent is the Superintendent, the Superintendent of Public Instruction at DPI is authorized to place the Superintendent on administrative leave.

The duration of administrative leave shall be until the investigation is complete and the Superintendent determines that the employee's potential threat or disruption to district property, school operations, students and/or other employees has passed.

Prior to placing an employee on administrative leave, the Superintendent may consider if a transfer or reassignment of the employee would be an appropriate alternative to administrative

leave. A decision to transfer or reassign an employee shall not violate the terms of the employee's contract or negotiated agreement, if applicable.

For certified or contract employees, administrative leave shall be with pay, and the employee shall not be required to take any applicable paid leave benefits as part of the administrative leave. For ancillary staff, administrative leave may be without pay and the employee may be permitted to take paid leave if available under the applicable leave policies.

Filing of Formal Complaint

A formal complaint regarding sexual harassment may be filed by the complainant with the Title IX Coordinator in person, by mail, by e-mail, or by any online submission system provided by NDS/RC. A formal complaint may also be initiated and signed by the Title IX Coordinator. A formal complaint may not be filed anonymously by a complainant. At the time of filing a formal complaint, the complainant must be participating in or attempting to participate in an education or residential program or activity of NDS/RC. NDS/RC must respect the complainant's wishes with respect to whether the Title IX Coordinator initiates a formal complaint and investigation unless the Title IX Coordinator determines that signing a formal complaint to initiate an investigation over the wishes of the complainant is not clearly unreasonable in light of the known circumstances. The Title IX Coordinator is authorized to exercise discretion to consolidate formal complaints when allegations of sexual harassment arise out of the same facts or circumstances.

Written Notice of Allegations

Upon receipt or signing of a formal sexual harassment complaint, the Title IX Coordinator must provide written notice of the allegations to the complainant and to the respondent. The written notice must:

1. Advise the parties of NDS/RC's grievance process;
2. Identify by name the known parties involved in the alleged misconduct, including the complainant and the respondent;
3. Include known details of the misconduct that potentially constitutes sexual harassment alleged against the respondent, including the date(s) and location(s) of the alleged conduct;
4. Advise the parties of the presumption of non-responsibility on the part of the respondent as to the allegations of sexual harassment until a determination of responsibility is made at the conclusion of the grievance process;
5. Advise the parties of the right of each to an adult advisor of their choice, including an attorney, throughout the grievance process;
6. Advise the parties of the prohibition against knowingly making a materially false statement or providing materially false information in connection with the allegations of sexual harassment set forth in the report or formal complaint and of any potential disciplinary actions that may result if false statements or false information are knowingly provided;

7. Advise the parties of the informal resolution procedure, including the circumstances under which such procedure is available, and the right of either party to end the informal process at any time and begin the formal resolution procedure;
8. Advise the parties of NDSD/RC's obligation to conduct a formal investigation;
9. Advise the parties of their right to advance written notice of the date, time, location, participants, and purpose of all investigative interviews;
10. Advise the parties of their right to review all evidence obtained as part of the investigation that is directly related to the allegations raised in the formal complaint and their right to submit a written response to the evidence prior to the conclusion of the investigation;
11. Advise the parties of their rights to submit, to the designated decision-maker, written, relevant questions that a party wants asked of any party or witness, be provided the answers, and have opportunity for additional, limited follow-up questions.
12. Describe or list the range of remedies and disciplinary actions NDSD/RC may impose following a determination of responsibility;
13. Inform the parties of the standard of evidence applied by NDSD/RC to all complaints of sexual harassment under Title IX;
14. Describe the range of supportive measures available to both parties;
15. Explain the appeal procedures; and
16. Advise the parties not to discuss or disseminate the allegations in a manner that constitutes retaliation or unlawful tortious conduct.

Written notice of allegations must be provided with sufficient time for the parties to prepare for an initial interview and so that both parties understand the scope of the investigation and can prepare to meaningfully participate by advancing the party's own interests in the outcome of the matter. The Title IX Coordinator may use age-appropriate measures in choosing how to convey the information required to be included in the written notice. In the event allegations in the formal complaint change or additional potential violations are discovered, the Title IX Coordinator must promptly provide written notice of the changes or additional potential violations to the complainant and the respondent.

Informal and Formal Resolution Timeframes

NDSD/RC is required to follow the formal resolution procedure when a formal complaint containing allegations of sexual harassment is filed. Before proceeding with the formal resolution process, NDSD/RC may offer the informal resolution procedure to the complainant and the respondent when deemed appropriate and only when both parties voluntarily agree to attempt the information resolution procedure. The informal resolution procedure may not be offered to resolve allegations that an employee sexually harassed a student.

The informal resolution procedure must be completed within 30 school days of the receipt or signing of a formal complaint by the Title IX Coordinator, unless the Title IX Coordinator documents good cause for a temporary or limited delay and communicates the cause for the delay to the complainant and the respondent.

The formal resolution procedure, including any appeal process, must be completed within 60 school days of the receipt or signing of a formal complaint by the Title IX Coordinator or a complainant or a respondent terminating the informal resolution procedure, unless the Title IX Coordinator documents good cause for a temporary or limited delay and communicates the cause for the delay to the complainant and the respondent.

NDS/RC recognizes that conduct that constitutes sexual harassment may also constitute child abuse, sexual abuse, or other crimes resulting in law enforcement investigations. In such situations and when good cause exists, the Title IX resolution procedures may be temporarily delayed in order to coordinate or cooperate with a concurrent law enforcement investigation. The existence of a concurrent law enforcement investigation does not relieve NDS/RC of its obligation to respond to reports or complaints of sexual harassment as provided by Title IX and applicable regulations.

Prohibition on Meeting with the Respondent

At no time during the informal or formal resolution process shall the complainant be required to meet in person, be confronted by, or speak directly with the respondent.

Informal Resolution Procedure

This procedure may only be used when a formal complaint is filed containing allegations of sexual harassment, when the Title IX Coordinator deems it appropriate under the circumstances, and the complainant and respondent voluntarily consent in writing to participate in the informal resolution procedure. This procedure may not be used when the complainant is a student and the respondent is an employee. Participation in the informal resolution procedure may not be a condition of enrollment or employment, or enjoyment of any other right. The informal resolution procedure may be facilitated at any time prior to reaching a determination regarding responsibility under the formal resolution procedure. The formal resolution procedure must be used whenever the informal procedure is not permitted or deemed appropriate.

Prior to commencing the informal resolution process, the Title IX Coordinator or other designated facilitator shall inform the parties of the informal resolution parameters, the potential consequences of participation in the process (e.g., no formal investigation undertaken, no admission of responsibility), and any confidentiality implications.

Upon commencement of the informal resolution process, the Title IX Coordinator or other designated facilitator shall gather information necessary to understand the allegations set forth in the formal complaint and to facilitate the informal resolution process. Based on this information-gathering process, the Title IX Coordinator or other designated facilitator shall propose to the parties an informal resolution process, which may include, but is not limited to:

1. Participation by the parties in mediation or other alternative dispute resolution procedure facilitated by the Title IX Coordinator, other designated facilitator, or third-party mutually agreed upon by the parties;

2. Holding a meeting (or series of meetings) with the parties and their advisors (provided all parties consent to participation) to discuss a potential resolution;
3. Development by Title IX Coordinator or other designated facilitator of written behavior expectations of the respondent to redirect conduct; or
4. Arranging a documented meeting with the respondent that involves a discussion of the sex discrimination and sexual harassment policies and requirements for compliance.

The informal resolution process may result in agreements made between the parties, facilitated by the Title IX Coordinator or other designated facilitator, that result in the provision or continuation of supportive measures, as well as disciplinary or punitive measures. These agreements may contain confidentiality requirements. Disciplinary or punitive measures may include, but are not limited to:

1. Requiring the respondent to undergo training on harassment;
2. Requiring the respondent to undergo counseling;
3. Recommend alternative placement or transfer of the respondent to different class(es), building, or campus;
4. Instituting protection mechanisms for the complainant (e.g., no-contact order, security escort, safety plan);
5. Creation of behavioral adjustment plan for the respondent;
6. In-school or out-of-school suspension for the respondent student;
7. Expulsion of the respondent for a period not to exceed the remainder of the current school year provided the respondent and the respondent's parent(s)/legal guardian(s) consent and waive any applicable due process rights in writing.
8. Written reprimand placed in a respondent employee's personnel file; or
9. Separation of employment for a respondent under an at-will (non-contract) employment relationship; or separation of employment for a respondent holding a contract position with the agency, provided the respondent employee consents and waives any applicable due process or continuing contract rights in writing.

The Title IX Coordinator shall monitor the implementation and effectiveness of the informal resolution and initiate the formal resolution procedure if the alleged harassment persists.

Both the complainant and the respondent have the right to terminate or withdraw from the informal resolution procedure and resume the formal resolution procedure at any time prior to agreeing to a resolution.

Formal Resolution Procedure

This procedure must be used whenever the informal resolution procedure is not used or is terminated before resolution. The investigator or other designated investigator shall conduct a fair and impartial investigation of the allegations of sexual harassment set forth in a formal complaint. If the investigator or other designated investigator is the respondent or has a conflict or is biased in such a manner that may prevent a fair and impartial investigation, the

Superintendent and/or Business Manager shall designate another appropriate person to conduct the investigation.

The fact-gathering portion of the investigation must be carried out or overseen by the Title IX Coordinator or other designated investigator and may consist of interviews with the complainant, the respondent, and any others who may have witnessed or otherwise have knowledge of the circumstances giving rise to the allegations in the complaint and may involve gathering and review of other information relevant to the complaint. Questions and evidence about the complainant's sexual behavior or predisposition must be deemed irrelevant, unless offered to prove someone other than the respondent committed the alleged conduct, or if the questions and evidence concern specific incidents of the complainant's prior sexual behavior with respect to the respondent and are offered to prove consent. The Title IX Coordinator or other designated investigator will investigate formal complaints in a manner that:

1. Keeps the burden of proof and burden of gathering evidence on NDSD/RC while protecting every party's right to consent to the use of the party's own medical, psychological, and similar treatment records;
2. Provides the parties equal opportunity to present facts and expert witnesses and other inculpatory and exculpatory evidence before any determination regarding responsibility is made;
3. Does not restrict the parties from discussing the allegations or gathering evidence (e.g., gag orders) except as specifically provided herein or as required by applicable law;
4. Gives the parties equal opportunity to select an advisor of the party's choice (who may be, but does not need to be, an attorney). The investigator may establish restrictions regarding the extent to which the parties and/or their advisor(s) may participate in the grievance proceedings, as long as the restrictions apply equally to both parties;
5. Prohibits the gathering of information protected by a legally recognized privilege (e.g., doctor-patient, attorney-client) without the appropriate party's voluntary, written waiver;
6. Provide, to a party whose participation is invited or expected, written notice of the date, time, location, participants, and purpose of the investigative interviews or meetings, with sufficient time for the party to prepare to participate; and
7. Provides both parties and their advisors an equal opportunity to review and respond to the evidence gathered during the investigation when such evidence is directly related to the allegations set forth in the formal complaint. The parties must be provided at least 10 school days to review and submit a written response to the evidence gathered, which the investigator will consider prior to the completion of the investigative report.

The investigator or other designated investigator must recognize a presumption of non-responsibility on the part of the respondent until conclusion of the investigation. The investigation must be completed as soon as reasonably practical and in line with the deadlines for completion of the formal resolution procedure as set forth herein.

Investigation Report

After the investigation process is complete, the investigator or other designated investigator shall complete a written report summarizing the relevant evidence and provide a copy of the completed report to the complainant and the respondent, and their advisor(s), if any. The investigator shall provide a copy of the investigation report to the designated decision-maker.

Submission of Questions and Responses to Report

Within five (5) school days of the parties' simultaneous receipt of the investigation report, the parties may submit initial relevant written questions to the decision-maker for the other parties and/or witnesses to answer before a determination regarding responsibility is reached. At no time will the complainant be required to answer questions or provide evidence regarding the complainant's sexual behavior or predisposition unless offered to prove someone other than the respondent committed the alleged conduct, or if the questions and evidence concern specific incidents of the complainant's prior sexual behavior with respect to the respondent and are offered to prove consent to sexual contact.

Upon receipt of written questions from a party, the decision-maker will pass on appropriate and relevant questions to the party or witness for response. Written responses shall be promptly submitted to the decision-maker, who will then provide the written responses to both parties. The parties may submit additional relevant, limited follow-up questions to the decision-maker for answer by the other party or a witness in the same manner as initial written questions. Initial written questions must be received by the decision-maker within five (5) school days of the parties' receipt of the investigation report as outlined in this policy. Written responses may be received by the decision-maker and provided to the respective parties and limited follow-up written questions/answers may be received by the decision-maker and provided to the respective parties beyond five (5) school days, but within a reasonable time period that allows the decision-maker to reach a determination regarding responsibility within the time limits set forth in this policy.

The decision-maker or other designated decision-maker must explain to the party proposing the questions any decision to exclude a question as not relevant.

Within ten (10) school days of receipt of the investigation report, the parties may submit a written response to the report to the investigator. The deadline to submit a written response to the investigation report may not be delayed by the submission or pendency of written questions.

Standard of Evidence

NDS/RC designates the preponderance of the evidence standard for use in all formal complaints of sexual harassment, including formal complaints against students and formal complaints against employees. To meet this standard, the decision-maker must determine that conduct constituting sexual harassment in violation of Title IX 'more likely than not' occurred.

Determination of Responsibility by Decision-Maker

Following the receipt of the investigation report and any accompanying inculpatory and exculpatory evidence, receipt of any responses to the investigation report by complainant and respondent, and receipt of responses to any written questions, the decision-maker shall reach a determination regarding responsibility by applying the preponderance of the evidence standard.

In reaching a determination on responsibility, the decision-maker must objectively evaluate all relevant evidence, including inculpatory and exculpatory evidence. In doing so, the decision-maker may make credibility judgments based on, for example, factors of plausibility and consistency in party and witness statements. Creditability determinations may not be based on a person's status as a complainant, respondent, or witness. Corroborating evidence is not required to reach a determination of responsibility on the part of the respondent.

If the decision-maker determines the respondent engaged in sexual harassment in violation of Title IX, the decision-maker must determine whether disciplinary or punitive sanctions against the respondent are warranted, and if so, what those sanctions should be. Disciplinary or punitive measures may include, but are not limited to:

1. Requiring the respondent to undergo training on harassment;
2. Requiring the respondent to undergo counseling;
3. Recommend alternative placement or transfer of the respondent to different class(es), building, or campus;
1. 4.. Instituting protection mechanisms for the complainant (e.g., no-contact order, security escort, safety plan);
4. Creation of behavioral adjustment plan for the respondent;
5. In-school or out-of-school suspension for the respondent student;
6. Recommendation of expulsion of the respondent student in accordance with **FFK policy**;
7. Written reprimand placed in a respondent employee's personnel file; or
8. Termination of employment for a respondent employee in accordance with administrative policy, law, and when applicable, the negotiated agreement.

In making a decision regarding disciplinary or punitive measures, the decision-maker may consider the following criteria:

1. Ages of the parties involved;
2. Relationship between the parties involved;
3. Severity of the conduct;
4. How often the conduct occurred, if applicable; and
5. How the District resolved similar complaints, if any, in the past.

Upon making a determination of responsibility, the decision-maker must also determine any appropriate remedies to be offered to the complainant to restore or preserve the complainant's equal access to NDSD/RC's education and residential programs or activities. Such remedies may include supportive measures and need not be non-disciplinary or non-punitive in nature and need not avoid burdening the respondent.

Notice of Determination of Responsibility

The decision-maker shall provide written notice of the determination of responsibility to the complainant and the respondent simultaneously. The notice of determination must identify:

1. The allegations alleged to constitute sexual harassment;
2. The procedural steps taken from the receipt of the formal complaint through the determination of responsibility, including notification to parties, interviews of parties and witnesses, site visits, and other methods used to gather evidence;
3. Findings of fact supporting the determination;
4. Conclusions regarding the application of NDS/RC's code of conduct to the facts of the conduct allegedly constituting Title IX sexual harassment;
5. A determination regarding responsibility for each allegation and the decision-maker's rationale for the result;
6. Any disciplinary sanctions NDS/RC will impose on the respondent and whether NDS/RC will provide remedies to the complainant; and
7. Information regarding the appeals process and NDS/RC's procedures and permissible bases for the complainant and the respondent to appeal.

The notice of determination must not describe the individualized remedies to be provided to the complainant. The Title IX Coordinator shall communicate such remedies separately to the complainant to discuss what remedies are appropriately designed to preserve or restore the complainant's equal access to NDS/RC's education and residential programs or activities. The Title IX Coordinator shall create a monitoring plan to evaluate the effectiveness of the disciplinary sanctions, remedies and/or supportive measures identified in the determination of responsibility to help prevent recurrence.

Appeal Procedure

The complainant or the respondent may appeal the determination of responsibility, including the severity or proportionality of any disciplinary sanction instituted as a result of the determination of responsibility. The complainant and the respondent may also appeal any dismissal, whether discretionary or mandatory, of a formal complaint or allegation contained in a formal complaint. An appeal must be based on the existence of one or more of the following:

1. Procedural irregularity that affected the outcome of the matter;
2. New evidence that was not reasonably available when the determination of responsibility or dismissal decision was made that could affect the outcome of the matter; or
3. The Title IX Coordinator, investigator, or decision-maker had a conflict of interest or bias for or against complainants or respondents generally or the individual complainant or respondent that affected the outcome of the matter.

An appeal must be submitted in writing to the Superintendent within seven (7) school days after receipt of the notice of determination or dismissal, and must identify the basis on which the appeal is being filed. Upon receipt of an appeal, the Superintendent shall promptly provide notice of the appeal to both parties and inform them of their right to submit written statements

supporting or challenging the outcome and the deadline by which such statements must be submitted.

In considering the appeal, the Superintendent must review all relevant evidence submitted to the investigator during the investigation responses to any written questions, responses to the investigation report by the complainant or respondent, the decision-maker's written determination, and any written statements filed by the complainant or respondent following initiation of appeal to determine if the determination of responsibility or dismissal decision was appropriate. The Superintendent shall provide written notice of the appeal decision and the rationale of that decision to the complainant and the respondent simultaneously.

The determination of responsibility or dismissal decision becomes final after the time period to file an appeal has expired, or if a party does file an appeal, after notice of the appeal decision has been sent to the parties. Until the determination of responsibility is final, NDS/RC must refrain from acting on the determination of responsibility while maintaining the status quo through supportive measures designed to ensure equal access to NDS/RC's education and residential programs or activities.

The complainant need not file an appeal to challenge the selection of remedies resulting from a determination of responsibility. The Title IX Coordinator is responsible for effective implementation of remedies and the complainant may work with the Title IX Coordinator to select and effectively implement remedies designed to restore or preserve the complainant's equal access to NDS/RC's education and residential programs or activities.

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

Discretionary and Mandatory Dismissals

NDS/RC may dismiss a formal complaint or allegations therein when:

1. A complainant requests the dismissal in writing to the Title IX Coordinator;
2. The respondent is no longer enrolled with or employed by NDS/RC; or
3. Specific circumstances prevent NDS/RC from gathering evidence sufficient to reach a determination regarding responsibility.

NDS/RC must dismiss a formal complaint or allegations therein when:

1. The allegations set forth therein do not meet the definition of sexual harassment, even if proven;
2. The alleged sexual harassment did not occur against a person in the United States; or
3. The alleged sexual harassment did not occur in an NDS/RC education or residential program or activity.

The Title IX Coordinator must provide written notice of any dismissal decision to the complainant and the respondent simultaneously. The dismissal notice must state the reasons for

dismissal and explain the parties' right to appeal the decision in accordance with the procedure set forth herein.

If the allegations in a formal complaint do not meet the definition of sexual harassment, or did not occur in an NDS/RC education or residential program or activity against a person in the United States, NDS/RC must dismiss such allegations for purposes of Title IX but may still address the allegations in any manner NDS/RC deems appropriate under NDS/RC's policies relating to code of conduct.

Training Requirements

The Title IX Coordinator, investigator, decision-makers, and persons who facilitate the informal resolution procedure, shall receive training. This training must include:

1. The definition of sexual harassment contained in Title IX and associated regulations;
2. How to identify conduct that may constitute sexual harassment;
3. The scope of NDS/RC's education and residential program or activity so that NDS/RC may accurately identify situations that require a response under Title IX;
4. How to conduct an investigation and grievance process including appeals and informal resolution processes, as applicable;
5. How to make relevancy determinations, as applicable; and
6. How to serve impartially, including by avoiding prejudgment of the facts at issue, conflicts of interest, or bias.

NDS/RC shall publish on its website all current, up-to-date materials used to train Title IX personnel. If NDS/RC does not maintain a website, such materials shall be made available for public inspection upon request.

Records Retention

NDS/RC shall maintain all records of each sexual harassment report or complaint, regardless of later dismissal or other resolution of the allegation(s), for no less than seven (7) years from the date of the record's creation. This includes records relating to investigations, disciplinary sanctions, remedies, appeals, and informal resolutions. Such records include, but are not necessarily limited to, formal complaints, notes, notices, statements, reports, and audio or audiovisual recordings or transcripts, as well as training materials used to train Title IX personnel as required by Title IX.

End of NDS/RC Policy AAC

References: NDS/RC original policy-Protection of Students and Staff: Sexual Harassment-Student
NDS/RC original policy-Protection of Students and Staff: Sexual Harassment-Employee
[AAC-AR1, Discrimination and Harassment Grievance Procedure](#)
[AAC-AR2, Title IX Sexual Harassment Grievance Procedure](#)
[ABBB, Non-Curricular Use of District Property](#)

DE, Staff Ethics and Conduct
FGDB, Student Handbooks

Adopted:
Reviewed:

AAC Nondiscrimination and Anti-Harassment Policy

General Prohibitions

The North Dakota School for the Deaf/Resource Center (NDS/RC) is committed to maintaining a learning and working environment free from discrimination and harassment in all employment and educational programs, activities, and facilities, including state vehicles. NDS/RC 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. NDS/RC 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 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. NDS/RC will not tolerate discrimination or harassment of a student or employee by a third party. NDS/RC 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.

NDS/RC 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 administrative policy, law, and, when applicable, the negotiated agreement. Students and employees are expected to fully cooperate in the investigation process. NDS/RC 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 rules AAC-AR1 or AAC-AR2.
- *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:

- *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.
- *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 regard 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:
 - 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);
 - Is so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the District's education program or activity; **or**
 - 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:
 - Sexual or "dirty" jokes;
 - Sexual advances;
 - Pressure for sexual favors;
 - Unwelcome touching, such as patting, pinching, or constant brushing against another's body;
 - Displaying or distributing of sexually explicit drawings, pictures, and written materials;
 - Graffiti of a sexual nature;
 - Sexual gestures;
 - Touching oneself sexually or talking about one's sexual activity in front of others;
 - Spreading rumors about or rating other's sexual activity or performance;
 - Remarks about an individual's sexual orientation; and

- 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 administrative rules AAC-AR1 or AAC-AR2.

Complaint Filing Procedure

The Superintendent and/or Policy Committee shall create an informal and formal discrimination and harassment complaint filing procedure in administrative rules coded AAC-AR1. For Title IX sexual harassment complaints, grievance procedures shall be followed in accordance with federal regulations and administrative rule AAC-AR2.

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

Policy Training and Dissemination

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

Grievance 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 Superintendent and Business Manager have been designated as the Title IX Coordinator(s). They may be contacted at 701-665-4400 or 1401 College Drive N, Devils Lake, ND. 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. Districts must prominently display the Title IX Coordinator(s) contact information on their website, if any, and in each handbook made 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 Superintendent and Business Manager have been designated as the 504/Title II Coordinator(s). They may be contacted at 701-665-4400 or 1401 College Drive N, Devils Lake, ND.

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 Superintendent and the Business Manager have been designated as the Nondiscrimination Coordinators. They may be contacted at 701-665-4400 or 1401 College Drive N, Devils Lake, ND.

Training

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-AR1); 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 administrative rule AAC-AR2.

End of NDS/RC Policy AAC

References: NDS/RC original policy-Protection of Students and Staff: Sexual Harassment-Student
NDS/RC original policy-Protection of Students and Staff: Sexual Harassment-Employee
AAC-AR1, Discrimination and Harassment Grievance Procedure
AAC-AR2, Title IX Sexual Harassment Grievance Procedure
ABBB, Non-Curricular Use of District Property
DE, Staff Ethics and Conduct
FGDB, Student Handbooks

Adopted:

Reviewed:

AAACA – Section 504 of the Rehabilitation Act of 1973

The North Dakota School for the Deaf/Resource Center (NDS/RC) prohibits the discrimination against any person with a disability in any program as defined in Section 504 of the Rehabilitation Act of 1973 (“Section 504”) and in policy AAC, Nondiscrimination and Anti-Harassment. The Superintendent and/or Business Manager is designated as the 504 Coordinator to ensure compliance with applicable laws and policy. The 504 Coordinator may be contacted at 701-665-4400 or 1401 College Dr N, Devils Lake, ND 58301.

NDS/RC acknowledged its responsibility under Section 504/ADA to prohibit discrimination in policies and practices regarding its personnel, families, and students. No discrimination against any person with a disability shall knowingly be permitted in any program or practice on campus or through any Outreach program.

The Superintendent or designee must provide annual notice to students with disabilities and their parents or guardians of the School’s responsibilities under Section 504. Various methods may be used to provide notice, including but not limited to, websites, handbooks, email, or postings.

SECTION 504 OF THE REHABILITATION ACT AND AMERICANS WITH DISABILITIES ACT

NOTICE OF NON-DISCRIMINATION

Applicants for admission and employment, students, parents, persons, with disabilities, employees, and all unions or professional organizations holding collective bargaining or professional agreements with the North Dakota School for the Deaf are hereby notified that this school does not discriminate on the basis of race, sex, color, national origin, age, or disability in admission or access to, or treatment or employment in, its programs and activities. Any person having inquiries concerning the school's compliance with the regulations implementing Title VI, Title IX, the American with Disabilities Act (ADA) or Section 504 is directed to contact:

Donna Sorensen – Section 504 / Title VI / Title IX (701-665-4410)
Diane Frelich – ADA (701-665-4405)
North Dakota School for the Deaf
1401 College Drive N.
Devils Lake, ND 58301-1596

Free Appropriate Public Education (FAPE)

NDS/RC shall promote Child Find activities to ensure each qualified student with a disability is identified, located, and evaluated. School Districts are required to a “free appropriate public education” (FAPE) to all students who qualify for Special Education services. NDS/RC provides on campus and/or outreach services to students who qualify for Special Education services and also have a hearing difference/hearing loss.

Education and related aids and services shall be at no cost to students with disabilities or their parents or guardians, except those fees that are equally imposed on students without disabilities.

Grievance Process

If any parent or guardian disagrees with the determination made by the professional staff of NDSD/RC, they have a right to file a local grievance, request mediation, ask for due process hearing or contact the regional office by phone at 303-844-5694 or address at:

Office for Civil Rights
1244 Speer Blvd
Suite 310
Denver, CO 80204-3582

Requests for an impartial due process hearing must be filed with the Superintendent of Public Instruction at 600 East Boulevard Avenue, Department 201, Bismarck, ND 58505-0340.

All other complaints concerning Section 504 may be filed using the District's nondiscrimination and anti-harassment grievance procedure (AAC-AR) or through state or federal law.

End of NDSD/RC Policy AACA

References: NDSD/RC original policy #5-Non-Discrimination Policy (504)
AAC, Nondiscrimination and Anti-Harassment
AAC-AR1, Discrimination and Harassment Grievance Procedure
AACA-AR, Section 504 Evaluation Standards and Procedures
AACA-E, Section 504 Notice of Parent/Guardian and Student Rights
FDE, Education of Special Education/Disabled Students

Adopted:
Revised

ABAA School Organization Plan

The North Dakota School for the Deaf/Resource Center (NDS/RC) shall follow the Devils Lake Public Schools (DLPS) in designations for preschool, elementary, middle school, and high school grades

School start and end times will be determined each year to best align with potential mainstreaming schedules with DLPS and considering meals and travel times.

End of NDS/RC Policy AAC

References: NDS/RC original policy-Fundamental Operations: Work Schedules
NDS/RC original policy-Academic Programming Revised: Mainstreaming
NDS/RC original policy-Academic Programming Revised: School/Dorm
Placement

Adopted:

Reviewed:

ABAB School Calendar

School calendar drafts for the ensuing school year shall be developed by the Superintendent after approval of the Devils Lake Public School (DLPS) calendar. The Superintendent may develop a calendar mirroring DLPS and/or develop alternate calendars as thought to best meet student, staff, and travel needs.

Calendars may be submitted to families, staff, and community for review and feedback. Final decision for the calendar will be made by the Superintendent.

The calendar shall set forth days of attendance for students, days of in-service and organizational meetings for teachers and administrators, holiday and vacation periods, and other schedules of importance to the staff and public.

The final calendar is given to all staff, posted on the school website, and sent to families.

End of NDSD/RC Policy ABAB

References: NDSD/RC original policy#2-Fundamental Operations: School Calendar
NDSD/RC original policy#2-Fundamental Operations: Work Schedules

Adopted:

Reviewed:

ABBA Tobacco Free Schools

The North Dakota School for the Deaf/Resource Center is a Smoke-Free Campus. Smoking is not permitted in any NDSB buildings, vehicles, or on the campus grounds. The Smoke-Free environment also applies to NDSB offices across the state.

NDSB/RC is dedicated to providing a healthy environment for staff, students and citizens. Because the use of tobacco is a highly addictive habit usually begun in the adolescent and teen years, the most effective means toward achieving a tobacco-free generation will be prevention of tobacco use by youth through education, positive adult role models and aggressive action to limit and confine available tobacco areas.

Definitions

NDSB/RC property includes all property, both indoor and outdoor, that is owned or leased by the NDSB/RC, including but not limited to, all buildings, playgrounds, athletic fields, parking lots, and vehicles.

Tobacco products includes any product that contains tobacco, is derived from tobacco or contains nicotine (or lobelia), that is intended for human consumption, or is likely to be consumed, whether smoked, heated, chewed, absorbed, dissolved, or ingested by any other means. The term “tobacco products” includes e-cigarettes and other electronic smoking devices, but does not include any cessation product approved by the United States Food and Drug Administration for use as a medical treatment to reduce and eliminate nicotine or tobacco dependence.

Rationale for Regulating Possession and Use

Use of tobacco products is the leading cause of preventable death and disability in North Dakota. The health hazards of tobacco use have been well established and studies have shown that nearly 90% of current smokers began as teenagers.

Tobacco Prohibitions

Student possession and/or use of tobacco products on NDSB/RC property and at school sponsored events (whether on or off NDSB/RC property) is prohibited at all times. Smoking and the use of tobacco products shall be prohibited in and on all district properties and at district events at all times.

Responsibility for Adhering to Policy and Reporting Violations

All individuals on NDSB/RC’s property share in the responsibility for adhering to and enforcing this policy. Violators should be reported to the appropriate building or NDSB/RC official. NDSB/RC shall only investigate and respond to violations of this policy when it has actual notice of them.

Response to Violations

Students and staff shall be subject to disciplinary action for violations. Citizens who use tobacco products on school property shall be asked to refrain or leave the premises.

Cessation Service Requests

NDSD/RC employees and students who are tobacco users may request NDSD/RC assistance in seeking a Center for Disease Control-endorsed cessation program.

Gifts and Promotional Material from Tobacco Industry

Acceptance of promotional products, materials, gifts, or funds from the tobacco industry is prohibited.

Authority to Develop Regulations

The Superintendent may develop regulations for the enforcement and implementation of this policy.

Communication

This policy will be placed on the website and further communicated through NDSD/RC handbooks.

End of NDSD/RC Policy AAC

References: NDSD/RC original policy-Fundamental Operations: Smoking
DEAA, Drug and Alcohol-Free Workplace
FF, Student Conduct and Discipline
FGDE, Student Distribution and Posting of Non-Curricular Material
HDD, Gifts and Bequests
KAAA, Visitors in Schools
KAAA-AR, Visitors in Schools Regulations
KAAD, Distribution of Non-Curricular Material in Schools

Adopted:

Reviewed:

ABBB Non-Curricular Use of State Property

Current NDSD/RC policy:

USE OF FACILITIES

POLICY

Staff or private individuals/groups may request administrative approval for use of school facilities. Approval may be granted based upon the intended use, users, related cost, and resulting benefit to school operation. This does not include the food preparation area. The use of school-owned supplies for personal reasons is forbidden by law.

Individuals or groups may use the facilities and equipment for athletic activities if permission has been granted by the Superintendent, or designee for each activity. Arrangements are to be made in advance for use of equipment.

PROCEDURE

Individuals/groups other than staff shall request the use of school facilities by phone and/or in writing through the Superintendent's office.

Staff members requesting the use of school facilities shall submit the "Request for Use of Facilities" form to the Superintendent. {See Appendix }

Bismarck policy:

In accordance with the Equal Access Act and Boy Scouts of America Act, if and/or when the District grants non-curricular student-led groups use of school facilities during non-instructional time, it shall also grant use to:

1. Any group officially affiliated with the Boy Scouts of America
2. Any other youth group that is required to be granted access under federal law
3. Community groups

Bismarck Public Schools shall make school buildings, equipment, and facilities generally available for educational, recreational, civic, and cultural activities within the limitations of state law and regulations established by the Superintendent. These regulations shall be nondiscriminatory in content, applied uniformly, shall contain conditions for approval and disapproval of facility use requests, contain terms of use and supervision requirements, liability insurance coverage, and terms under which community groups must pay short-term rental fees.

The use of buildings or equipment by others shall be without cost to the District. The Superintendent shall establish a schedule of rental and service charges to offset district costs.

End of NDSD/RC Policy AAC

References: NDSD/RC original policy-Fundamental Operations: Use of Facilities
Adopted:
Reviewed:

ABBDA Political Activity

Definition

For the purposes of this policy, political purpose is defined in accordance with NDCC 16.1-10-02.

Rights and Restrictions

NDSD/RC recognizes that employees and students have certain civic rights (e.g., the right to be an active member of a political party of choice; the right to seek, campaign for, and serve in public office; the right to vote). However, in accordance with law, NDSD/RC prohibits the use of school and state property (including, but not limited to, NDSD/RC facilities, photocopiers, computers and networks, mailing equipment and supplies, the phone system), school time, and school services for political purposes except as authorized by law and Superintendent approval. Use of the school delivery system for political purposes is also prohibited. Employees shall not use on-duty hours for political purposes and shall observe state law prohibiting political activities by public employees. No employee shall exploit students for political purposes. Nothing in this policy shall prevent:

1. The discussion and study of politics and political issues, when such discussion and study are appropriate to classroom studies. During any such study or discussion, employees shall observe NDSD/RC's policy on academic freedom.
2. The conducting of student and employee organization elections and campaigning connected therewith.

Any statements made by any NDSD/RC employee on public issues are not to be construed as those of NDSD/RC, the Department of Public Instruction (DPI), or the State of North Dakota.

End of NDSD/RC Policy AAC

References: Office of Management and Budget Human Resource Policy Manual: Political Activity, page 8

Adopted:

Reviewed:

ABBE Displays of Religious Objects or Documents

Classroom and school displays may include religious symbols. The displays must be temporary, require no active participation in any religious activity, and should include diverse religious, cultural, and ethnic symbols.

Requests to display a religious object, decoration, or document within a school, including bulletin boards, shall be filed with the Lead Teacher or Superintendent and approval must be obtained prior to displaying the object, decoration, or document. Any such display shall meet the following criteria:

1. It is not a permanent display.
2. The educational purpose of the display is clearly articulated in the request, and the request outlines the manner in which this purpose will be relayed to students.
3. The cultural, legal, or historical significance of the religious document or object is clearly articulated in the request, and the request outlines the manner in which this significance will be relayed to students.
4. The influence that the religious document or object has had on the legal and governmental systems of the country or culture being studied is clearly articulated in the request, and the request outlines the manner in which the document/object's influence will be relayed to students.
5. The religious object or document is part of a larger display and is to be displayed in the same manner and appearance as other objects or documents in the display.
6. Nothing in the display shall call attention to the religious object or document apart from other objects or documents in the display.
7. The display is to be used as an illustration for purposes of the curriculum and is to be displayed in a classroom or library.

When a request to display a religious object/document/decoration is denied, the requestor may file an appeal with the Business Manager. The Business Manager or their designee shall review the decision, consider the above criteria, and issue recommendations.

This policy does not govern nor will it infringe upon the rights of students and staff to wear religious symbols so long as doing so does not substantially disrupt the educational environment nor interfere with the rights of others.

This policy does not apply to secular displays of seasonal objects.

End of NDSD/RC Policy AAC

References: NDSD/RC original policy Fundamental Operations: Bulletin Boards

Adopted:

Reviewed:

ABCA Copyrighted Material or Intellectual Property

Statement of Values

The purpose of copyright law is to promote creativity, innovation and the spread of knowledge. The law does this by balancing the rights of both copyright holders and users. The North Dakota School for the Deaf/Resource Center (NDS/RC) recognizes and respects intellectual property rights and is committed to fulfilling our legal obligations with respect to our use of copyright-protected works and asserting our rights to the special exemptions allowed for teachers and libraries in copyright law.

District Obligations

It is the intention of NDS/RC to adhere to the provisions of current copyright laws. Employees and students must adhere to all provisions of Title 17 of the United States Code and other relative federal legislation related to the duplication, retention, and use of copyrighted materials.

Specifically:

- Unlawful copies of copyrighted materials may not be produced or distributed on NDS/RC-owned equipment, including, but not limited to photocopiers, scanners, computers, and video and sound recording devices.
- The legal and insurance protection of NDS/RC will not be extended to employees who intentionally and unlawfully copy and use copyrighted materials.
- Employees who make and/or use copyrighted materials in their jobs are expected to be familiar with published provisions regarding fair use and public display, and are further expected to be able to provide their supervisor, upon request, the justification under sections 107 or 110 of United States Code 17 for materials that have been used or copied.
- Employees who use copyrighted materials that do not fall within fair use or public display guidelines will be able to substantiate that the materials meet one of the following tests:
 - The individual or NDS/RC has purchased the materials from an authorized vendor and a record of the purchase exists.
 - The materials are copies covered by a licensing agreement between the copyright owner and NDS/RC or the individual employee.
 - The materials are being previewed or demonstrated by the user to reach a decision about future purchase or licensing and a valid agreement exists that allows for such use.

Fair Use Principles

Under the fair use doctrine, copyrighted materials may be reproduced without authorization for the purposes of criticism, comment, news reporting, teaching (including multiple copies for classroom use), scholarship, or research following these general guidelines:

PURPOSE AND CHARACTER OF THE USE. The use must be for such purposes of teaching or scholarship and must be nonprofit, not commercial.

NATURE OF THE COPYRIGHTED WORK. Staff may make single copies of: a chapter of a book for such use as instruction, preparation for teaching or research; an article from a periodical or newspaper; a short story, essay or poem and a chart, graph, diagram, drawing, cartoon or picture from a book, periodical or newspaper.

AMOUNT AND SUBSTANTIALITY OF THE PORTION USED. Copying the whole of a work cannot be considered fair use: copying a small portion may be considered fair use if appropriate guidelines are followed. The amount and substantiality of the portion used must be reasonable.

EFFECT OF THE USE UPON THE POTENTIAL MARKET FOR OR VALUE OF THE COPYRIGHTED WORK. If resulting economic loss to the copyright holder can be shown, making even a single copy of certain materials may be an infringement; and making multiple copies presents the danger of greater penalties, thus, the potential market value of the work should not be affected.

Because “courts evaluate fair use claims on a case-by-case basis, and the outcome of any given case depends on a fact-specific inquiry...there is no formula to ensure that a predetermined percentage or amount of a work—or specific number of words, lines, pages, copies—may be used without permission.” Employees can use a fair use checklist or online fair use evaluator to determine if the content they wish to use constitutes fair use. Library media specialists can assist with the fair use evaluation if desired.

Creative Commons

There are a number of digital resources that offer videos, music, pictures, and other media under a Creative Commons license, which generally requires only proper attribution for use. Please consult with your library media and technology staff for assistance in identifying these ever-evolving resources.

Multimedia Content Guidelines

- Streaming of music and movies from personal accounts (e.g. Amazon, Hulu, Netflix) is generally not permitted in the classroom according to the license agreement you signed when creating your account. Read your license agreement carefully prior to using this content in the educational setting.
- The same rules governing fair use apply to multimedia content.
- Creative Commons music, pictures, and other media are highly encouraged for multimedia projects.

Compliance

Each school office should maintain electronic or paper 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, Library

Media Specialist, Technology Director or designee will issue memorandums regarding this policy and federal Fair Use Guidelines to employees as needed, and post notices of copyright law and this policy in appropriate locations. NDS/RC will employ the state's internet filter in effort to prevent illegal downloading and file sharing, and teachers will notify students of this policy and NDS/RC's responsible user expectations through student handbooks.

Intellectual Property

Any copyrightable work produced by an employee within the scope of his/her duties is considered "work made for hire." NDS/RC owns all copyrightable rights to these items. Employees have no right to use such work outside the scope of their employment duties without the Superintendent's permission. "Work made for hire" must remain with NDS/RC upon separation.

The Superintendent is authorized to sell "work made for hire" products to other school systems, organizations, or commercial firms in accordance with the NDS/RC's sale of school property policy.

Violations

Administration shall investigate all complaints of alleged copyright violations.

Students and employees who willfully disregard NDS/RC's copyright position are in violation of 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. NDS/RC may also deem employees who willfully violate copyright laws to be acting outside the scope of employment.

End of NDS/RC Policy AAC

References: ACDA, Acceptable Use
IAD, Real Property Disposal Procedure

Adopted:

Reviewed:

ABCC NDS/RC Wellness Policy

Preamble

NDS/RCDDH (hereto referred to as the District) is committed to the optimal development of every student. The District believes that for students to have the opportunity to achieve personal, academic, developmental and social success, we need to create positive, safe and health-conscious learning environments at every level, in every setting, throughout the school year. The District will follow USDA Food and Nutrition Service Guidelines under the **Healthy Hungry-Free Kids Act of 2010: Summary of the Final Rule**.

Research shows that two components, good nutrition and physical activity, before, during and after the school day, are strongly correlated with positive student outcomes. For example, student participation in the U.S. Department of Agriculture's (USDA) School Breakfast Program is associated with higher grades and standardized test scores, lower absenteeism and better performance on cognitive tasks.^{1,2,3,4,5,6,7} Conversely, less-than-adequate consumption of specific foods including fruits, vegetables and dairy products, is associated with lower grades among students.^{8,9,10} In addition, students who are physically active during recess, physical activity breaks, high-quality physical education and extracurricular activities perform better academically.^{11,12,13,14} Finally, there is evidence that adequate hydration is associated with better cognitive performance.¹⁵

This policy outlines the District's approach to ensuring environments and opportunities for all students to practice healthy eating and physical activity behaviors throughout the school day while minimizing commercial distractions. Specifically, this policy establishes goals and procedures to ensure that:

- Students in the District have access to healthy foods throughout the school day, both through reimbursable school meals and other foods available throughout the school campus, in accordance with federal and state nutrition standards.
- Students receive quality nutrition education that helps them develop lifelong healthy eating behaviors.
- Students have opportunities to be physically active before, during and after school.
- Schools engage in nutrition and physical activity promotion and other activities that encourage student wellness.
- School staff are encouraged and supported to practice healthy nutrition and physical activity behaviors in and out of school.
- The community is invited to support the work of the District in creating continuity between school and other settings for students and staff to practice lifelong healthy habits.
- The District establishes and maintains an infrastructure for management, oversight, implementation, communication about and monitoring of the policy and its established goals and objectives.

This policy applies to all students and staff in the District. Specific measurable goals and outcomes are identified within each section below.

The District will coordinate the Wellness Policy with other aspects of school management, including the District’s School Improvement Plan, when appropriate.

I. School Wellness Committee

Committee Role and Membership

The District will convene a representative District Wellness Committee (hereto referred to as the DWC) that meets at least four times per year to establish goals for and oversee school health and safety policies and programs, including development, implementation, periodic review, and update of this district-level wellness policy (heretofore referred as “Wellness Policy”).

The DWC membership will represent all school levels (preschool through middle school), including but not be limited to: students, parents and caregivers; educational staff; director of the school nutrition program (Director of Food Service); school administrators; Director of Health Services; Director of Student Life, and the general public.

Leadership

The Superintendent or designee(s) will convene the DWC and facilitate development of and updates to the Wellness Policy, and will ensure compliance with the policy.

The designated official for oversight is the Director of Health Services, 701- 665-4406.

Current DWC members include:

Name	Title / Relationship to the District	Email address	Role on Committee
Donna Sorensen	Superintendent	donna.e.sorensen@k12.nd.us	Facilitator
Tracy Vilandre	Director of Health Services	tracy.vilandre@k12.nd.us	Designated Official
Chris Eckes	Director of Food Service	chris.eckes@k12.nd.us	Food Service Representative
Wendy Palmer	Lead Teacher	wendy.palmer@k12.nd.us	Education Representative
Scott Henry	Director of Student Life	scott.henry@k12.nd.us	Dorm Representative
Beth Michel-Evenson	Community member	bethme@gondtc.com	Community Representative
Tate Chicos	Kitchen Supervisor	tate.chichos@k12.nd.us	Food Service Representative

II. Wellness Policy Implementation, Monitoring, Accountability and Community Engagement

Implementation Plan

The District will develop and maintain a plan to implement, manage and coordinate this Wellness Policy. The plan defines specific roles, responsibilities, actions and timelines. It will include specific goals and objectives for nutrition standards for all foods and beverages available on the school campus, food and beverage marketing, nutrition promotion and education, physical activity, physical education and other school-based activities that promote student wellness. The District will complete a school level assessment based on the Centers for Disease Control and Prevention's School Health Index and review results with the DWC.

This Wellness Policy and the progress reports can be found at: www.nd.gov/ndsd .

Recordkeeping

The District will retain records to document compliance with the requirements of the Wellness Policy in the Health Services Office and/or on the District's central computer network. Documentation maintained will include but will not be limited to:

- the written Wellness Policy;
- documentation demonstrating that the policy has been made available to the public;
- documentation of efforts to review and update the District Wellness Policy; including an indication of who is involved in the update and methods the District uses to make stakeholders aware of their ability to participate on the DWC;
- documentation to demonstrate compliance with the annual public notification requirements;
- the most recent assessment on the implementation of the District Wellness Policy;
- documentation that the most recent assessment on the implementation of the District Wellness Policy has been made available to the public.

Annual Notification of Policy

The District will actively inform families and the public each year of basic information about this policy, including its content, information about the school nutrition environment, any activities related to the Wellness Policy, and any updates to the policy. The District will make this information available via the district website and/or district-wide communications. Annually, the District will also publicize the name and contact information of the District officials leading and coordinating the committee, as well as information on how the public can get involved with the DWC.

Triennial Progress Assessments

At least once every three years, the District will evaluate compliance with and execution of the Wellness Policy, including:

- the extent to which the District is in compliance with the Wellness Policy;
- the extent to which the District's Wellness Policy compares to the Alliance for a Healthier Generation's model wellness policy;

- a description of the progress made toward goals of the District’s Wellness Policy.

The position/persons responsible for managing the triennial assessment and contact information are the Superintendent and the Director of Health Services, 701-665-4400.

The District will actively notify households/families of the availability of the triennial progress report.

Revisions and Updating the Policy

The DWC will update or modify the Wellness Policy based on the results of the annual School Health Index and triennial assessments and/or as:

- District priorities change;
- community needs change;
- wellness goals are met;
- new health science, information, and technology emerges; • 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.

Community Involvement, Outreach and Communications

The District is committed to being responsive to community input, which begins with awareness of the Wellness Policy. Through a variety of appropriate channels, The District will actively communicate ways in which representatives of DWC and others can participate in the development, implementation, periodic review, and update of the Wellness Policy.

The District will also inform parents of the improvements that have been made to school meals and compliance with school meal standards. The District will use electronic means, such as email or District website notices, as well as non-electronic means, such as newsletters and presentations to parents, to ensure that all families are actively notified of the content, implementation, involvement opportunities, and updates to the Wellness Policy. The District will ensure that communications are culturally and linguistically appropriate to the community.

III. Nutrition

School Meals

Our school district is committed to serving healthy meals to children, with plenty of fruits, vegetables, whole grains, and fat-free and low-fat milk, that are moderate in sodium, low in saturated fat, and have zero grams *trans*-fat per serving (nutrition label or manufacturer’s specification), as well as meeting the nutritional needs of school children within their calorie requirements. The school meal programs seek to improve the diet and health of school children, help mitigate childhood obesity, model healthy eating to support the development of lifelong healthy eating patterns and support healthy choices while accommodating cultural food preferences and special dietary needs.

The District participates in USDA child nutrition programs, including the National School Lunch Program (NSLP), the School Breakfast Program (SBP), and the After School Snack Program. The District is committed to offering school meals through the NSLP and SBP programs, and other applicable Federal child nutrition programs, that:

- are accessible to all students;
- are appealing and attractive to children;
- are served in clean and pleasant settings;
- meet or exceed current nutrition requirements established by local, state, and federal statutes and regulations; (The District offers reimbursable school meals that meet [USDA nutrition standards](#).)
- Promote healthy food and beverage choices using at least ten of the following Smarter Lunchroom techniques:
 - Whole fruit options are displayed in attractive bowls or baskets.
 - Sliced or cut fruit is available daily.
 - Daily fruit options are displayed in a location in the line of sight and reach of students.
 - All staff members, especially those serving, have been trained to politely prompt students to select and consume the daily vegetable options with their meal.
 - White milk is placed in front of other beverages in all coolers.
 - Student artwork is displayed in the service and/or dining areas.
 - Daily announcements are used to promote and market menu options.
 - Menus will be posted on the District menu board.
 - The District child nutrition program will accommodate students with special dietary needs.
 - Students will be allowed at least 10 minutes to eat breakfast and at least 20 minutes to eat lunch, counting from the time they have received their meal and are seated.
 - Students are served lunch at a reasonable and appropriate time of day.
 - Participation in federal child nutrition programs will be promoted among students and families to help ensure that families know what programs are available in their children’s school.

Staff Qualifications and Professional Development

All school nutrition program directors, managers and staff will meet or exceed hiring and annual continuing education/training requirements in the USDA professional standards for child nutrition professionals. These school nutrition personnel will refer to USDA’s Professional Standards for School Nutrition Standards website to search for training that meets their learning needs.

Water

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.

- Water cups/jugs will be available in the cafeteria if a drinking fountain is not present.

- All water sources and containers will be maintained on a regular basis to ensure good hygiene and health safety standards. Such sources and containers may include drinking fountains, water jugs, hydration stations, water jets and other methods for delivering drinking water.
- Students will be allowed to bring and carry (approved) water bottles filled with only water with them throughout the day.

Competitive Foods and Beverages

The District is committed to ensuring that all foods and beverages available to students on the school campus during the school day support healthy eating. At present, there are no competitive foods or beverages on campus. The DWC will review any future requests.

Celebrations and Rewards

All foods offered on the school campus will meet the USDA Smart Snacks in School nutrition standards unless otherwise approved by the DWC or superintendent.

- *Celebrations and parties* -- The district will provide a list of healthy party ideas to parents and teachers, including non-food celebration ideas. Healthy party ideas are available from the [Alliance for a Healthier Generation](#) and from the USDA. **Birthdays are a time of special celebration. Due to the periodic nature of these events special food items may be considered.**
- If food is used for classroom activities, staff shall consider healthy alternatives and portion control.
- The District will provide classroom snacks that follow smart snack nutrition standards.
- *Rewards and incentives* -- The District will provide teachers and other relevant school staff a [list of alternative ways to reward children](#). **Using food and beverages as a reward is not advised.** Food and beverages should never be withheld as punishment for any reason, such as for performance or behavior.

Fundraising

With approval from the DWC or superintendent, foods and beverages that meet the USDA Smart Snacks in Schools nutrition standards may be sold through fundraisers on the school campus during the school day.

Nutrition Promotion

Nutrition promotion and education positively influence lifelong eating behaviors. NDS can use evidence-based techniques such as positive nutrition messages, create welcoming food environments and encourage participation in school meal programs. Students and staff will receive consistent nutrition messages throughout schools, classrooms, gymnasiums, and cafeterias. Nutrition promotion also includes marketing and advertising nutritious foods and beverages to students and is most effective when implemented consistently through a comprehensive and multi-channel approach by school staff, teachers, parents, students and the community.

The District will promote healthy food and beverage choices for all students throughout the school campus, as well as encourage participation in school meal programs. This promotion will occur through at least:

- Implementing at least ten or more evidence-based healthy food promotion techniques through the school meal programs using Smarter Lunchroom techniques; and
- Ensuring 100% of foods and beverages promoted to students meet the USDA Smart Snacks in School nutrition standards.

Nutrition Education

The District will teach, model, encourage and support healthy eating by all students. It will provide nutrition education and engage in nutrition promotion that:

- is designed to provide students with the knowledge and skills necessary to promote and protect their health;
- is part of not only health education classes, but also integrated into other classroom instruction through subjects such as math, science, language arts, social sciences and elective subjects;
- promotes fruits, vegetables, whole-grain products, low-fat and fat-free dairy products and healthy food preparation methods;
- emphasizes caloric balance between food intake and energy expenditure (promotes physical activity/exercise);
- teaches media literacy with an emphasis on food and beverage marketing; and ■ includes nutrition education training for teachers and other staff.

Essential Healthy Eating Topics in Health Education

Health Education will be offered every other year as required. Health education curriculum will also be integrated into another classroom instruction as appropriate.

Food and Beverage Marketing in Schools

The District is committed to providing a school environment that ensures opportunities for all students to practice healthy eating and physical activity behaviors throughout the school day while minimizing commercial distractions. The District strives to teach students how to make informed choices about nutrition, health and physical activity. Students will not be subjected to advertisements on District property.

IV. Physical Activity

Children and adolescents should participate in at least 60 minutes of physical activity every day. The District promotes strong coordination and synergy across all of the components: quality physical education as the foundation; physical activity during and after school; staff involvement and family and community engagement and is committed to providing these opportunities. The District will ensure that these varied physical activity opportunities are in addition to, and not as a substitute for, physical education (addressed in “Physical Education” subsection).

Physical activity during the school day (including but not limited to recess, classroom physical activity breaks or physical education) will not be withheld as punishment for any reason. The district will provide teachers and other school staff with a [list of ideas](#) for alternative ways to discipline students.

To the extent practicable, the District will ensure that its grounds and facilities are safe and that equipment is available to students to be active. The District will conduct necessary inspections and repairs.

Physical Education

The District will provide students with physical education, using an age-appropriate, sequential physical education curriculum consistent with national and state standards for physical education, either on campus or through inclusion in the public schools. The physical education curriculum will promote the benefits of a physically active lifestyle and will help students develop skills to engage in lifelong healthy habits, following state standards.

All students will be provided equal opportunity to participate in physical education classes. The District will make appropriate accommodations to allow for equitable participation for all students and will adapt physical education classes and equipment as necessary.

The District physical education program will promote student physical fitness through individualized fitness and activity assessments (via the [Presidential Youth Fitness Program](#) or other appropriate assessment tool) and will use criterion-based reporting for each student.

Essential Physical Activity Topics in Health Education

All District students will receive Health Education. Elementary health education will be integrated into core classes; middle school students will participate in health education classes.

Recess (Elementary)

Our goal is to offer all elementary students at least **20 minutes of recess** on all days during the school year. If recess is offered before lunch, schools will have appropriate hand-washing facilities and/or hand sanitizing mechanisms located just inside/outside the cafeteria to ensure proper hygiene prior to eating and students are required to use these mechanisms before eating. Hand-washing time, as well as time to put away coats/hats/gloves, will be built in to the recess transition period/timeframe before students enter the cafeteria.

Outdoor recess will be offered when weather is feasible for outdoor play. Guidelines used to decide whether students go outside for recess will be guided by the Childcare cold weather guide offered by ChildCare Aware of North Dakota. The supervisor on outside duty will determine whether students come in early.

In the event that the school or district must conduct indoor recess, teachers and staff will utilize the gym and available equipment.

Recess will complement, not substitute, physical education class. Recess monitors or teachers will encourage students to be active, and will serve as role models by being physically active alongside the students whenever feasible.

Classroom Physical Activity Breaks

The District recognizes that students are more attentive and ready to learn if provided with periodic breaks when they can be physically active or stretch. Thus, students will be offered

periodic opportunities to be active or to stretch throughout the day on all or most days during a typical school week. The District recommends teachers provide short (3-5-minute) physical activity breaks to students during and between classroom time at least three days per week. These physical activity breaks will complement, not substitute, for physical education class, recess, and class transition periods.

The District will provide resources and links to resources, tools, and technology with ideas for classroom physical activity breaks. Resources and ideas are available through USDA and the Alliance for a Healthier Generation.

Active Academics

Teachers will incorporate movement and kinesthetic learning approaches into “core” subject instruction when possible (e.g., science, math, language arts, social studies and others) and do their part to limit sedentary behavior during the school day.

The District will support classroom teachers incorporating physical activity and employing kinesthetic learning approaches into core subjects by providing annual professional development opportunities and resources, including information on leading activities, activity options, as well as making available background material on the connections between learning and movement.

Teachers will serve as role models by being physically active alongside the students whenever feasible.

Before and After School Activities

The District offers opportunities for students to participate in physical activity either before and/or after the school day through a variety of methods. The District will encourage students to be physically active before and/or after school by:

- promoting physical activities supervised by dorm staff;
- encouraging extra-curricular sports and park board involvement by providing interpreters and transportation;
- providing opportunities for physical leisure activities via field trips.

V. Other Activities that Promote Student Wellness

The District will integrate wellness activities across the entire school setting, not just in the cafeteria, other food and beverage venues and physical activity facilities. The District will coordinate and integrate other initiatives related to physical activity, physical education, nutrition and other wellness components so all efforts are complementary, not duplicative, and work towards the same set of goals and objectives promoting student well-being, optimal development and strong educational outcomes.

All efforts related to obtaining federal, state or association recognition for efforts, or grants/funding opportunities for healthy school environments will be coordinated with and complementary of the wellness policy, including but not limited to ensuring the involvement of the DWC/SWC.

All school-sponsored events will adhere to the wellness policy guidelines. All school-sponsored wellness events will include physical activity and healthy eating opportunities when appropriate.

Community Partnerships

The District will foster relationships with community partners in support of this wellness policy's implementation. Existing and new community partnerships and sponsorships will be evaluated to ensure that they are consistent with the wellness policy and its goals.

Community Health Promotion and Family Engagement

The District will promote to parents/caregivers, families, and the general community the benefits of and approaches for healthy eating and physical activity throughout the school year. Families will be informed and invited to participate in school-sponsored activities and will receive information about health promotion efforts.

As described in the "Community Involvement, Outreach, and Communications" subsection, the District will use electronic mechanisms (e.g., email or displaying notices on the district's website), as well as non-electronic mechanisms, (e.g., newsletters, presentations to parents or sending information home to parents), to ensure that all families are actively notified of opportunities to participate in school-sponsored activities and receive information about health promotion efforts.

Staff Wellness and Health Promotion

The DWC will have a staff Wellness Subcommittee that focuses on staff wellness issues, identifies and disseminates wellness resources and performs other functions that support staff wellness in coordination with human resources staff. This subcommittee will be headed by the Director of Health Services.

The District promotes staff member participation in health promotion programs and will support programs for staff members on healthy eating/weight management that are accessible and free or low-cost.

Professional Learning

When feasible, the District will offer annual professional learning opportunities and resources for staff to increase knowledge and skills about promoting healthy behaviors in the classroom and school (e.g., increasing the use of kinesthetic teaching approaches or incorporating nutrition lessons into math class). Professional learning will help District staff understand the connections between academics and health and the ways in which health and wellness are integrated into ongoing district reform or academic improvement plans/efforts.

References

1. Bradley, B, Green, AC. Do Health and Education Agencies in the United States Share Responsibility for Academic Achievement and Health? A Review of 25 years of Evidence About the Relationship of Adolescents' Academic Achievement and Health Behaviors, *Journal of Adolescent Health*. 2013; 52(5):523–532.

2. Meyers AF, Sampson AE, Weitzman M, Rogers BL, Kayne H. School breakfast program and school performance.
3. American Journal of Diseases of Children. 1989;143(10):1234–1239.
4. Murphy JM. Breakfast and learning: an updated review. *Current Nutrition & Food Science*. 2007; 3:3–36.
5. Murphy JM, Pagano ME, Nachmani J, Sperling P, Kane S, Kleinman RE. The relationship of school breakfast to psychosocial and academic functioning: Cross-sectional and longitudinal observations in an inner-city school sample. *Archives of Pediatrics and Adolescent Medicine*. 1998;152(9):899–907.
6. Pollitt E, Mathews R. Breakfast and cognition: an integrative summary. *American Journal of Clinical Nutrition*. 1998; 67(4), 804S–813S.
7. Rampersaud GC, Pereira MA, Girard BL, Adams J, Metz J. Breakfast habits, nutritional status, body weight, and academic performance in children and adolescents. *Journal of the American Dietetic Association*. 2005;105(5):743– 760, quiz 761–762.
8. Taras, H. Nutrition and student performance at school. *Journal of School Health*. 2005;75(6):199–213. ⁸ MacLellan D, Taylor J, Wood K. Food intake and academic performance among adolescents. *Canadian Journal of Dietetic Practice and Research*. 2008;69(3):141–144.
9. Neumark-Sztainer D, Story M, Dixon LB, Resnick MD, Blum RW. Correlates of inadequate consumption of dairy products among adolescents. *Journal of Nutrition Education*. 1997;29(1):12–20.
10. Neumark-Sztainer D, Story M, Resnick MD, Blum RW. Correlates of inadequate fruit and vegetable consumption among adolescents. *Preventive Medicine*. 1996;25(5):497–505.
11. Centers for Disease Control and Prevention. *The association between school-based physical activity, including physical education, and academic performance*. Atlanta, GA: US Department of Health and Human Services, 2010. ¹² Singh A, Uijtewillig L, Twisk J, van Mechelen W, Chinapaw M. *Physical activity and performance at school: A systematic review of the literature including a methodological quality assessment*. *Arch Pediatr Adolesc Med*, 2012; 166(1):49-55.
12. Haapala E, Poikkeus A-M, Kukkonen-Harjula K, Tompuri T, Lintu N, Väistö J, Leppänen P, Laaksonen D, Lindi V, Lakka T. *Association of physical activity and sedentary behavior with academic skills – A follow-up study among primary school children*. *PLoS ONE*, 2014; 9(9): e107031.
13. Hillman C, Pontifex M, Castelli D, Khan N, Raine L, Scudder M, Drollette E, Moore R, Wu C-T, Kamijo K. *Effects of the FITKids randomized control trial on executive control and brain function*. *Pediatrics* 2014; 134(4): e1063-1071.
14. Change Lab Solutions. (2014). *District Policy Restricting the Advertising of Food and Beverages Not Permitted to be Sold on School Grounds*. Retrieved from <http://changelabsolutions.org/publications/district-policy-school-food-ads>

End of NDS/RC Policy ABCC

References:

Adopted:

Reviewed:

ABCD E Records Retention Schedule

Not Current Policy: Example only:

<https://www.bismarckschools.org/cms/lib/ND02203833/Centricity/Domain/199/ABCD-E%20Records%20Retention%20Schedule.pdf>

Human Resources Records

Series Name	Description	Retention Period	Destruction / Preservation method	Record Administrator
Operational Documents and Agreements	Annexation, Reorganization, and Dissolution of Committee Material	Permanent	NA, file copy with state archives	Business Manager
				Business Manager / HR
				Business Manager / HR
Benefits Records	Benefits Bills	7 yrs after plan yr	Shred	Business Manager/HR
	COBRA payments	7 yrs after final action	Shred	HR/Accounting

End of NDSD/RC Policy ABCD E

References:

Adopted:

Reviewed:

ABCD Records Retention

Definitions

For the purposes of implementing this policy and complying with NDCC 15.1-07-25.2:

- *Final action* is the month, day, and year of the last action completed by NDS/RC to fulfill obligations to an individual or entity under the applicable program, policy, regulation, or law.
- *After separation* is the month, day, and year that an employee separated from employment with NDS/RC.
- *Meeting minutes* are defined as minutes taken at any school or agency meeting where a quorum of voting members were present.
- *Closed record* is defined in NDCC 44-04-17.1 (2).
- *Exempt record* is defined in NDCC 44-04-17.1 (5).
- *Payroll record* is defined as documents containing the following:
 - Time and day of week when employee's workweek begins
 - Hours worked each day
 - Total hours worked each workweek
 - Basis on which employee's wages are paid (e.g., "\$9 per hour," "\$440 a week," "piecework")
 - Regular hourly pay rate
 - Total daily or weekly straight-time earnings
 - Total overtime earnings for the workweek
 - All additions to or deductions from the employee's wages
 - Total wages paid each pay period
 - Date of payment and the pay period covered by the payment
- *Record* is defined in NDCC 44-04-17.1(16).

Development of a District Records Retention Schedule

The Superintendent or designee shall develop a records retention schedule that complies with all applicable record retention deadlines in state and federal law. The schedule should contain retention deadlines, record destruction methods, and list a record administrator for each record.

Role of Record Administrator

Record administrators listed on the records retention schedule shall be responsible for properly retaining all records under their jurisdiction, implementing records holds when necessary, and ensuring that records are properly destroyed in accordance with destruction methods listed on the retention schedule.

Records Hold

A records hold should be placed on documents (including electronic documents such as email) when there is a need to retain a document for purposes such as, but not limited to, complying with an open records request or to prepare for foreseeable litigation (litigation hold).

Below are indicators that a records hold is required:

1. A formal complaint, subpoena, or notification of a lawsuit is received
2. Litigation is threatened
3. A regulatory or governmental body (e.g., OCR, Department of Justice, Department of Labor) begins an investigation
4. An attorney requests facts or documents related to an incident or dispute
5. An injury occurs
6. An open records request is made
7. An employee or student/parent requests access to their records

The Superintendent or designee shall determine the duration of records hold. S/he shall consult the legal counsel for retention recommendations on items retained under a litigation hold.

End of NDSD/RC Policy ABCD

References:

Adopted:

Reviewed:

ABEB Child Nutrition Programs

All students are provided breakfast and lunch at no charge to families. Residential students are also provided dinner/supper at no charge to families.

The North Dakota School for the Deaf/Resource Center (NDS/RC) participates in the National School Breakfast and Lunch Program. As a participant in these programs:

1. NDS/RC shall adhere to program requirements as outlined in state and federal law, the United States Department of Agriculture's (USDA) regulations and policies, and the Department of Public Instruction (DPI) directives and guidance relating to USDA Child Nutrition Programs.
2. NDS/RC prohibits discrimination based on race, color, national origin, sex, age, disability or reprisal/retaliation for prior civil rights activity in any program/activity conducted or funded by USDA. Any person having inquiries concerning the school's compliance with the regulations in the Child Nutrition Program is directed to contact the Business Manager who has been designated by the school to coordinate efforts to comply with the regulations regarding nondiscrimination.

The complainant may file a complaint at any time before or after the compliant procedure with:

USDA, Director
Office of Civil Rights
1400 Independence Avenue SW
Washington, D.C. 20250-9410
(800) 795-3272 (voice) or (202) 720-6382 (TTY)

3. The Superintendent or designee shall submit the required policy statement(s) and agreement(s) to DPI for approval as part of the application process, and ensure that the requirements of the policy statement(s) and program agreement(s) are met, and that local program operations are effective. This individual shall obtain the policy statement(s), agreement(s) and additional program materials from DPI.
4. NDS/RC shall comply with training requirements in state and federal law for all employees who work with the Child Nutrition Programs.
5. NDS/RC will provide healthy, nutritious snacks such as fruit, juice, popcorn, peanut butter, crackers, etc.
 - a. Teachers shall arrange for snacks during the school day.
 - b. Residential Staff shall arrange for snacks in the afternoon and/or evenings.

End of NDS/RC Policy ABEB

References: USDA Guidelines, Internal Revenue Service Regulations 1.119-1, 1.119- 1(a)(2), 1.119-1 (a)(2)(ii)(d)
NDS/RC original policy #13 Student Life: Snacks
AAC, Nondiscrimination and Anti-Harassment

AAC-AR1, Discrimination and Harassment Grievance Procedure
ABCC, Wellness

Adopted:
Reviewed:

ABEC AR Adult Meals

The North Dakota School for the Deaf/Resource Center (NDSD/RC) operates a school lunch program along with breakfast and dinner services to students. This policy provides clarification for meal sales to eligible students, staff, and stakeholders in compliance with USDA and National School Lunch Program guidelines.

Meals for Staff and Stakeholders

1. **Staff** – Individuals from other agencies or schools performing regular duties on-site shall be considered “staff” for the purposes of this policy. Meals will not be sold to the general public except in the case of visiting individuals that are on campus from another school or on an agency-related business matter.
 - a. Food Service Workers are entitled to meals during their shift at no cost.
 - b. Staff members who are directly interacting and/or supervising students during the meal period are entitled to meals at no cost (e.g. teachers, teacher assistants, and residential staff). We encourage staff with a duty-free lunch period to eat with students in the dining hall to provide adult interactions during lunch.
 - i. To qualify for lunch or dinner at no cost, staff must be actively engaged, interacting, or supervising students throughout the lunch period.
 - ii. Staff sitting with students should be signing to provide access to communication.
 - iii. Staff members should contact their immediate supervisor if they have questions regarding this procedure.
2. **Volunteers** – Individuals working a minimum of four (4) hours on any given day may be eligible for a meal. It is the responsibility of the department supervisor for whom the volunteer is working to make that determination.
3. **Visitors** (Family, Students, Children, and Special Guests) – People visiting NDSD/RC for a campus visit may be served a meal at no cost (with prior arrangement through our Food Services Program) to the visitors.

Meal prices

Meal prices are reviewed and set annually. The Superintendent is directed to develop procedures to ensure that the necessary fiscal requirements are met regarding this policy.

End of NDSD/RC Policy ABEC AR

References: USDA Guidelines, Internal Revenue Service Regulations 1.119-1, 1.119- 1(a)(2), 1.119-1 (a)(2)(ii)(d)

Adopted:

Reviewed:

ACAA AR1 Emergency and Weather-Related Late Starts and Closures

The North Dakota School for the Deaf / Resource Center (NDSD/RC) is an agency of the State of North Dakota and a division of the Department of Public Instruction (DPI). The NDSD/RC is comprised of an on-campus Education Program and Residential Program, a statewide Parent-Infant and K-12 Outreach Program, and a statewide Adult Outreach Services Program.

Decisions for official closing and reopening of NDSD/RC shall be the responsibility of the school administration and shared through the NDSD/RC notification system. It is important for staff and students to be safe during inclement weather. Watch for alerts on your cell phone or announcements on radio or TV.

Because NDSD/RC is a statewide agency with several programs, late starts and emergency closures are complicated.

When the agency and/or school remain open during inclement weather, all staff are expected to report to work for their assigned shift or use annual leave. Those employees who are not scheduled to work that day will receive no additional compensation or time off due to the agency closing. However, an employee who had previously been granted leave for time off on a day when an agency is subsequently closed due to inclement weather conditions may not be charged for that day.

Staff should work with their supervisors to determine if they can work from home.

Agency Late Start

As a general rule, the agency based in Devils Lake will follow Lake Region State College (LRSC) weather-related **late start** announcements. Announcements about agency late start will be sent to all staff using the NDSD/RC notification system. When the agency has a late start, staff members are required to report to work by the late start time or take annual leave. Staff members will be compensated for any hours of missed work up to the late start time.

Agency Closure

As a general rule, the agency based in Devils Lake will follow Lake Region State College (LRSC) weather-related **closure** announcements. Announcements about agency closure will be sent to all staff using the NDSD/RC notification system. When the agency closes, all staff based in Devils Lake will be paid for the storm day.

Outreach Late Start and Closure

NDSD/RC staff work in a number of cities across the state and those staff members will follow their local school district late starts and closures which means they may be working when the campus agency is closed. Outreach “offices” may also be closed while the Devils Lake campus remains open.

Education/School Late Start

As a general rule, the Education Program (school) will follow the Devils Lake Public School's weather-related **late start** announcements. Announcements about school late start will be sent to all staff and all families using the NDSD/RC notification system. When the school has a late start, Education Staff (Teachers, Paraprofessionals, and Interpreters) and Kitchen Staff should report to work by the late start time. Hourly Staff members will be compensated for any hours of "missed" work.

Education/School Closure

As a general rule, the Education Program (school) will follow the Devils Lake Public School's weather-related **closure** announcements. Announcements about school closure will be sent to all staff and all families using the NDSD/RC notification system. When the school closes, hourly Education and Kitchen staff will be paid. As Teachers are contracted to work a specific number of days, any missed school days will be made up unless forgiven by the Governor. All Education staff will be expected to report to duty on makeup days.

Residential Program

When the agency and/or school is closed and Residential students are on campus, the Residential Program is open and staff coverage is necessary. When the Residential Program is open, the Superintendent, the Director of Student Life (DOSL), or designee will be responsible to have staff assigned for the needed shifts during the day. Residential Staff will work their assigned shifts. Arrangements will also be made with Kitchen staff to make sure meals are available.

Any hourly emergency staff that have to work on the day of an agency or school closure to provide coverage and meals for students will receive time and one-half for all hours worked during the official inclement weather period. Any Teachers that have to work on the day of an agency or school closure may agree to a temporary work contract to receive pay at their normal hourly rate or time off hour for hour.

At times, inclement weather may cause residential students' home-going transportation to change. Residential Staff (Dorm Counselors and Evening Nurse) are required to work even if students are not on campus. Duties and activities, when there are no students, will be planned by the DOSL. If the Residential Program is closed due to inclement weather, staff will be compensated for their assigned shifts.

End of NDSD/RC Policy ACAA AR1

References: NDSD/RC original policy-Fundamental Operations: Weather-Related School Closure

Adopted:

Reviewed:

ACAA AR2 Telework Procedures

Not current policy: Example only

Purpose

These guidelines outline procedures for eligible employees to telework when the Superintendent has determined that the North Dakota School for the Deaf/Resource Center (NDSB/RC) schools, offices, or property must be closed due to hazardous weather conditions, an epidemic, or other unexpected or extraordinary circumstances. Telework may also be an option that allows some employees to work at home, on the road, or in a satellite location for all or part of their workweek based on their role or situation and as determined by the Superintendent. These arrangements are approved on an as-needed basis only, with no expectation of ongoing continuance. Determination of appropriate implementation will be based upon NDSB/RC needs, the viability of individual roles/responsibilities and individual employee needs/requests. Telework may be appropriate for some employees and jobs but not for others. Teleworking is not an entitlement and can be discontinued at the discretion of NDSB/RC. Telework is an option that allows employees to complete their duties and responsibilities from a location other than their assigned school or office.

Eligibility

The Superintendent shall determine telework eligibility and work functions of NDSB/RC employees during the telework period or as determined by other circumstances. Aside from medical eligibility and other considerations, ideal qualifications for telework include:

- Exhibited behaviors of self-discipline and self-motivation;
- Strong past and current job performance that meets or exceeds expectations; and
- A supervisor capable of managing a teleworker.

Not all NDSB/RC positions may be eligible to telework.

If telework or other work conditions are deemed necessary by NDSB/RC as a result of an emergency situation and certain roles are not suited for telework or an employee is unwilling to telework the situation must be addressed with the Supervisor and the Business Manager and/or the Superintendent. During emergency situations employees may be asked to adjust schedules and time between shifts to minimize risk, which may include a combination of telework and a staggered workday or work week.

Duration

During alternative work arrangements, NDSB/RC will monitor and consider specific guidance from federal, state and local authorities. NDSB/RC will balance its business and educational needs with the need to support the health and well-being of employees and the public. NDSB/RC may end the alternate work arrangement at any time and employees will be expected to resume regular worksite arrangements that were in place prior to the alternative work arrangement.

Equipment and Security

Supervisors, Technology, and the telework employee will determine appropriate equipment, software, and technology needs. Unless otherwise determined, **the employee must provide his/her own furniture, telephone, internet, and other telework office essentials**. If additional supply and/or equipment needs are identified, it must be first approved by the employee's Supervisor. Telework employees agree to not copy NDS/RC data or programs to any external personal devices. Telework employees will be expected to ensure, to the best of their ability, the protection of personally identifiable and confidential information accessible from their home office and are required to adhere to all of NDS/RC's information security standards.

Work Environment and Safety

The employee's remote location must be free of distractions. The employee must be accessible by email, phone or other technological means during work hours. Employees are required to attend meetings in person when directed by their supervisor. The telework employee will establish an appropriate work environment for work purposes. Ideally this will include a separate area free from distractions, including, but not limited to, children and pets. The objective is to have as professional a work environment as if they were working at any physical NDS/RC location to the extent possible given the rapid implementation of the alternative telework arrangement. Technical support provided by the technology department will be provided remotely or on NDS/RC premises. Injuries sustained by the employee while at their designated telework location and in conjunction with their regular work duties will be covered by **NDS/RC Workforce Safety insurance policy**. Telework employees are responsible for notifying the Superintendent or Business Manager and their immediate supervisor of such injuries and should complete the Employee Injury Report and **follow procedures found on the NDS/RC website > Departments > Safety**. The employee is liable for any injuries sustained by visitors to their work site.

Child and Elder Care

Though telework is not designed to be a replacement for appropriate child or elder care, it is acknowledged that due to possible events outside the employee's control (i.e. school closures, event cancellation, etc.) situations may develop where an employee will need to provide child or elder care during their designated work day. Although an employee's schedule may be modified to accommodate child or elder care needs, the focus of the arrangement to the extent possible should remain on job performance and meeting business and educational demands. Should the employee need schedule modifications, they shall discuss needs and expectations of the alternative telework arrangement and schedule with their supervisor and family members prior to entering into an agreement. Employees who do not feel they can adequately perform their role or meeting expectations of the telework arrangement should proactively discuss those concerns with their administrator/supervisor before entering into such an agreement.

Guidelines for Telework

The employment relationship for an employee teleworking stays the same as for employees working on-site. Compensation does not change, and employees are expected to follow existing job requirements, contracts, NDS/RC policies and procedures, and all expectations that are in effect on school property. Teleworking employees shall:

1. Be available by phone and e-mail during normal work hours. Absences (including unavailability during work hours) must be pre-approved and entered into the attendance system.
2. **Hourly staff are required to clock in and out.** Approval for overtime must be requested and approved by the direct supervisor prior to working the overtime.
3. Promptly notify their supervisor when unable to perform work assignments due to illness, equipment failure, or other unforeseen circumstances.
4. Alter their schedule to attend mandatory meetings or other situations needing a physical presence and/or as needed by the supervisor.
5. Report, at once, to the supervisor any work-related injuries that occur in the alternative work location during work hours. Teleworking employees are covered by **Workforce Safety Insurance** for job-related injuries that occur in the course and scope of employment.
6. Maintain and protect equipment on loan from NDS/RC. Equipment on loan shall be used for work-related purposes only and use is governed by NDS/RC's Acceptable Use policy (**ACDA**).
7. Protect all data and ensure compliance with all regulations regarding confidentiality of materials. Records generated or accessed during teleworking remain subject to applicable open records laws.
8. Supervisors shall regularly check employee compliance with the teleworking procedure, relevant policies and guidelines, performance standards, expectations for work products, productivity and time accountability. An employee's performance when teleworking shall be monitored in the same manner as employees at their assigned school or office.
9. The employee must determine any tax or legal implications under IRS, state and local government laws, and/or restrictions of working out of a home-based office.
Responsibility for fulfilling all obligations in this area rests solely with the employee.

Note: All alternative work arrangements are subject to review by the Superintendent or the Business Manager and the direct supervisor. Arrangements are subject to change at any time based on federal, state and local information provided by authorities or based on specific, circumstantial reasons reviewed by the Superintendent or Business Manager and each employee's direct supervisor. NDS/RC may terminate an alternative work agreement at any time for any reason.

End of NDS/RC Policy ACAA AR2

References:

Adopted:

Reviewed:

ACAB AR Emergency Procedures

Bismarck Policy for NDSD/RC:

Lockdown Drills

The principal shall conduct at least two lockdown drills each school year. The first lockdown drill of the school year shall be within the first month of the start of the school year. The second drill should be completed at the start of the second semester. The principal shall establish rules governing lockdown drills which shall be followed by all staff and students in each building under his/her supervision.

Evacuation Drills

The principal shall conduct at least one evacuation drill every month. Of those evacuation drills, at least four must be designated fire drills, and two must be designated tornado drills. The first evacuation drill must be completed in the first 10 days of school. The building principal shall establish rules governing evacuation drills which shall be followed by all staff and students in each building under his/her supervision.

Bomb Threats

The principal shall establish a bomb threat evacuation procedure to be followed by all staff and students in each building under his/her supervision. Procedures are contained in the Bismarck Public Schools handbook on Emergency Procedures.

Current NDSD/RC Policy:

EMERGENCY EVACUATIONS

POLICY

...Evacuate students and staff in a safe and orderly manner to the north door of the Smith Building

...Take roll call as soon as possible after evacuation

...Keep students in groups until further directions are received from the administration

...If a student is missing, notify the administration or person in charge immediately

...Keep students out of the way of equipment, vehicles, and people assisting with the emergency

...Never leave students unsupervised

The following staff will be responsible to check their assigned area and make sure all individuals have evacuated the buildings.

- ...Director of Student Life---All dormitories (Blackhurst)
- ...Communications Coordinator---Smith Bldg basement
- ...Director of Food Services---Kitchen/Dining room/Office areas (Marketing, Outreach, School Counselor)
- ...Business Manager---Business office, Health Services, Education Office
- ...Education secretary---Elementary/Middle School classrooms/
Audiologist/EduTech/P&A Office
- ...Technology Coordinator---Resource Center
- ...Librarian---School Bldg (NDSB staff, Head Start offices)
- ...PE Instructor---School Bldg (Pool/Gym areas)

ADDITIONAL PROCEDURES

- *People working with and/or near deaf staff members must inform them of the announcement
- *Nurse bring medical information for all students
- *DOE secretary to bring information on location of students in mainstream classes and contact sources of students
- *Contact necessary local agencies dependent on event

SEE ALTERNATE LOCATION AGREEMENT FOR TRANSPORTATION, HOUSING, MEALS, ETC FOR STUDENTS AND STAFF

SEE NORTH DAKOTA SCHOOL FOR THE DEAF CONTINUITY OF OPERATIONS PLAN FOR DETAILED EMERGENCY PROCEDURES.

ARMED INTRUDER PROCEDURES

If a hostile person(s) is causing deadly harm or the imminent threat of deadly harm:

- Call 9-911, if possible.
- Evacuate, if you can do so safely.
- Lock yourself in and the intruder out, if you cannot safely evacuate.
- Barricade yourself in the room with anything available.

- Hide in a well-hidden space – don't stay in an open area.
- Do not sound the fire alarm.
- Turn off all lights and audio equipment.
- Stay calm and quiet.

An armed intruder or hostage situation is a very dangerous and unpredictable emergency. The best you can do is to remain calm, try to prevent injuries to yourself and others, and to assist others as much as possible.

Additional information for you to understand:

1. Sounding the fire alarm would signal the other occupants in the building to evacuate, which could place them in potential danger.
2. Obey all commands from the police when they arrive even if you are asked to put your hands in the air or you are handcuffed. This is for the safety of all.

BOMB THREAT

POLICY

The bomb threat policy is to provide safety to all NDSB students and staff during threats of a bomb explosion.

PROCEDURE

In the event of a threat of a bomb within NDSB campus, the following will be accomplished:

Reporting of bomb threat

Complete bomb threat reporting procedures as call is being made (Blue paper posted by each phone)

Call the Devils Lake Police Department 662-5323

Report the information immediately to the Superintendent/DOE/DOSL/Director of Health Services or, in his/her absence, to the designee

Evacuation of buildings

Introduce EVACUATION PLAN immediately by notifying staff/students and others. Insure that a staff member is assigned to check each area to insure all student/staff and others receive notice and that they evacuate building and proceed to the assigned area. Paging system may be used but only in addition to other methods listed below.

- Inform staff/students by pushing Page button on phone and speaking slowly and clearly, the following message three times:

WE HAVE HAD A BOMB THREAT....PLEASE EVACUATE ALL BUILDINGS IMMEDIATELY AND PROCEED TO THE NORTH DOOR OF THE SMITH BUILDING AND MEET IN THE NORTH PARKING LOT.

*People working with and/or near deaf staff members please inform them of the announcement.

*Director of Health Services/nurse on duty, please bring medication administration book.

*DOE secretary to bring information on location of students in mainstream classes and contact sources of students.

*The Devils Lake Police Department (DLPD) will assist NDSB staff/students to ensure a safe, orderly evacuation. The DLPD will also provide a place to temporarily house students in the event of cold weather until NDSB vehicles/staff can be assembled.

NDSB will assist the police department by assembling at one designated area so all persons can be accounted for. **(SEE NORTH DAKOTA SCHOOL FOR THE DEAF CONTINUITY OF OPERATIONS PLAN FOR DETAILED EMERGENCY PROCEDURES)**

NDSB staff will provide keys and personnel as requested to assist the police.

Transportation of students and staff

If transportation is needed upon assembly to the **North Parking Lot**, designated individuals will be assigned by the Superintendent/DOE/DOSL/Director of Health Services or designee to provide transportation to Lake Region State College where housing and meals will be assigned. Lake Region State College will be informed that students will be transferred there.

Contact all NDSB employees and parents.

All department heads/supervisors will notify appropriate staff for responsibility of duties. Parents will be informed of bomb threat by designated staff as assigned in the NDSB Continuity of Operations Plan for Detailed Emergency procedures.

FIRE EVACUATION/FIRE DRILL

POLICY

SIGNAL – flashing lights and siren

Vocational Building—students and staff will leave the building through east exits and go to the grass area east of the vocational building (by the log cabin). If the east exits are blocked, leave through the west exits and go to the football field.

Administration/School/Boys Dorm—leave building through south exit and go to the grass by the flagpole. If this exit is blocked, go out the north exit and go to the grass area by the log cabin.

Head Start Building—students and staff will leave the building through the north door and go to the grass area east of the vocational building. If the north exit is blocked, use the exit by the gym and take students to the grass area by the flagpole or go through the exit by the restrooms and take students to the grass area by the log cabin.

Resource/Library—students and staff leave building through south exit and go to the grass by the flagpole. If this exit is blocked, go out the north exit and go to the grass area by the log cabin.

Gym/Swimming Pool—students and staff can leave area by one of three east exits and go to the grass area by the flagpole. If the east exits are blocked, take students out west exits and go to the football field.

Blackhurst Dorm—leave building through front (north) exit. If this is blocked, use either of the south exits and go to the grass area by the flagpole. Northwest and northeast corridor windows can be used as exit. **Do not exit into the tunnel.**

Powerhouse—staff leave building through two west exits or east exit. **Do not exit into the tunnel.**

TORNADO

POLICY

SIGNAL—the Civil Defense siren will sound the tornado alert by a **STEADY TONE** lasting three minutes. This means that a tornado is or could be approaching.

If severe weather conditions exist during the daytime hours of a workweek, the business office personnel will be in contact with the Civil Defense Office and will listen to the radio for information pertaining to severe or threatening weather. If it is necessary to take shelter, the business office will announce the alert over the paging system.

If severe weather conditions exist during evening hours or on weekends, it is the responsibility of the staff on duty to keep updated by watching television or listening to the radio. If a warning is received to take shelter, it is the responsibility of the person receiving that warning to notify all dormitories.

Vocational Building—move students to tunnel area between Head Start and vocational buildings.

Administration/School/Boys Dorm—move students to assembly room.

Head Start Building—move students to tunnel area between Head Start and vocational buildings.

Resource/Library Building—move students to assembly room.

Gym/Swimming Pool—move students through basement to tunnel area between Head Start and vocational buildings and go to the assembly room.

Blackhurst Dorm—move students to assembly room by using tunnel between the two buildings.

Powerhouse Building—move to the tunnel area.

End of NDSD/RC Policy ACAB AR

References:

Adopted:

Reviewed:

ACAB Emergency and Disaster Plans and Drills

Emergency Plans

The goal of an emergency/disaster response plan is to ensure an organized, efficient, and effective response to major and life-threatening occurrences. The Superintendent in conjunction with the Facilities Director, and emergency response personnel shall develop an emergency/disaster response plan. The plan shall contain procedures for responding to threats; medical emergencies; natural disasters; and manmade disasters, including, but not limited to, nuclear attacks, terrorism, and other acts of violence.

Creation of an emergency/disaster plan does not guarantee that a trained responder will be present, able to properly respond to the situation, and/or able to properly administer first aid.

Dissemination

Threat response and emergency evacuation plans are exempt under the North Dakota open records law and will only be disseminated to individuals with an actual need to know.

Emergency Drills

The emergency/disaster response plan shall contain a means for evaluating its effectiveness, including provisions for carrying out emergency drills. The Superintendent shall ensure all required emergency and disaster drills are conducted in accordance with applicable law, including but not limited to, state law and city ordinances.

End of NDSD/RC Policy ACAB

References: ACAB AR, Evacuation Procedure
NDSD/RC original policy #4 Health and Wellness: Emergency Procedures
NDSD/RC original policy #12 Protection/Welfare of Students and Staff
NDSD/RC original policy #16 Emergency Procedures

Adopted:

Reviewed:

ACBA AR Automated External Defibrillators (AED) Procedures

Not current policy: Example only

Training

All	<ul style="list-style-type: none">• At least one person in every building will be CPR/AED certified• District employees will have a general knowledge of AED use and location in all BPS buildings
Principal Assistant Principals	<ul style="list-style-type: none">• Work with Safety Coordinator to ensure training is complete

Testing

Head Custodian	<ul style="list-style-type: none">• Complete a monthly check to ensure AED is working properly, per manufacturer guidelines• Document when check is completed
District	<ul style="list-style-type: none">• Safety Coordinator will keep documentation on pad and battery replacement per manufacturer guidelines

End of NDS/RC Policy ACBA AR

References:

Adopted:

Reviewed:

ACBA Automated External Defibrillators (AED)

Bismarck Policy for NDSD:

The Superintendent, working with the Health Services Director, 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 responder shall contact an emergency medical service provider as soon as possible.

The authorization of AED's at NDSD/RC 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, working with the Health Services Director, will determine the number of AED certified responders needed 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.

Current NDSD Policy:

The North Dakota School for the Deaf has three AED kits. One is located on the Main Floor Entry of the NDSD BUSINESS area (south side of Smith Building). It is located on the right side of the time clock. It is in a black bag marked *Zoll AED PLUS*. Another is located on the west wall in the gymnasium on a white wall shelving unit which also holds a first aid kit. The third is located in the Blackhurst Dorm on the rack outside of the Director of Student Life office.

The Automated External Defibrillator (AED) will be used in the event that an employee or student of NDSD should go into Cardiac Arrest while on the NDSD Campus.

The equipment will be utilized for anyone who appears to need resuscitation.

Use of the machine and actual shock of an individual will be determined by the machine itself as soon as the equipment is appropriately hooked up to the patient and turned on by pushing the lavender (on) button.

- The equipment will advise the operator as to whether a shock is needed and will instruct everyone to stand clear of the patient.
- The machine will advise the operator to push the red X to deliver the shock.
- If the patient is NOT in need of a shock, the equipment will advise the operator to begin CPR and/or rescue breathing.

- The equipment will assist with delivering CPR and rescue breathing. When the operator pushes the lavender, ON/OFF button, the equipment will begin to give the instructions to follow in order to deliver CPR and/or rescue breathing.

NDS Health Services has developed a policy for an employee who DOES NOT want to be resuscitated with this AED equipment at the worksite.

Anyone refusing to be resuscitated with this AED equipment must sign and date the appropriate form: EMPLOYEE REJECTION OF THE USE OF AN AUTOMATED EXTERNAL DEFIBRILLATOR SFN 53994. This form can be obtained from the Business Office/Risk Management Office at NDS or NDS Health Services.

{ See Appendix }

- Completed forms must be submitted to the Business/Risk Management manager. This person will inform the NDS Superintendent/Director of Health Services of the employee's decision not to be resuscitated. The form will be placed in that employee's personnel file and the employee's name will be listed inside the cover of the defibrillator.
- Any employee that signs the EMPLOYEE REJECTION OF THE USE OF AN AUTOMATED EXTERNAL DEFIBRILLATOR SFN 53994 will not be resuscitated at the worksite. (See terms within the Employee Rejection Form)
- However, upon the arrival of Emergency Medical Services (EMS), the patient will be resuscitated unless EMS has a document signed by both the patient and the patient's physician on file with Emergency Medical Services

End of NDS/RC Policy ACBA

References: ACAB, Emergency and Disaster Plans and Drills

NDS/RC original policy #4 Health and Wellness: Automated External Defibrillator

Adopted:

Reviewed:

ACBB AR1 Responding to Potential Health Threats

Determining if a Health Threat Constitutes a Communicable, Reportable, and/or Significant Contagious Disease

For the purposes of this rule, *communicable disease*, *reportable disease*, and *significant contagious disease* are defined by state law or administrative code, and these definitions are contained in **ACBB-E1**.

If a teacher or residential staff member believes that a student may have a communicable, reportable, and/or significant contagious disease, they shall inform the Lead Teacher, Director of Student Life, Health Services Director, or the Superintendent. Failure by a staff member to report this information may result in disciplinary action. The Lead Teacher, Director of Student Life, or Health Services Director shall contact the Superintendent to inform them of the student's suspected condition. The Health Services Director or the Superintendent should contact local public health or the ND Department of Health to assist in classifying the condition.

Once the illness is classified, Health Services Director and/or Superintendent shall comply with any applicable reporting and/or referral requirements contained in state law or administrative code (See NDCC 23-07-02 and NDAC 33-06-02-01). NDS/RC will comply with and implement all applicable provisions in NDS/RC's significant contagious disease policy (ACBB) if the illness is classified as such.

Procedure for Responding to a Communicable Disease or Other Public Health Threat

When a staff member suspects the presence of a communicable disease or other public health threat in an NDS/RC facility, the Superintendent may request the ND Department of Health's assistance with the following:

- Communicating about the threat to students, staff, parents, and the public;
- Determining if extracurricular activities should be canceled or postponed;
- Determining if immunization-exempt students and/or students with certain health conditions should be excluded from school;
- Determining if non-immunized staff, staff without verifiable immunization or other medical records that public health has recommended for review, and/or staff with certain health conditions should be excluded from district schools and/or facilities;
- Determining if schools or other NDS/RC facilities should be closed; and
- Determining if there are additional steps necessary to minimize risk of contagion.

Excluding Students from School Due to a Potential Health Threat

Students may be excluded from school for health reasons if any of the following criteria apply:

- The student's parent/guardian failed to provide, at the time of admission, either proof of all required immunizations or valid immunization exemption documentation (NDCC 23-07-17.1). NDS/RC shall inform parents who fail to submit this required documentation of compulsory attendance requirements and law enforcement referral procedures.

Students who are homeless must be admitted to schools regardless of whether or not they

have submitted immunization records or immunization-exempt documentation at the time of admission. Homeless students shall be referred to public health to receive assistance complying with immunization requirements and/or opt-out assistance.

- The student is immunization-exempt, an epidemic has been identified at NDS/RC, and a public health officer has deemed such students' attendance a potential public health threat. Such student shall be excluded from school until, in the opinion of the health officer, the danger of the epidemic is over (NDCC 23-07-17.1 (6)).
- The student has, or lives with someone who has, a significant contagious or infectious disease and has not been cleared to attend school under regulations of the local board of health (NDCC 23-07-16).
- The student is suspected of suffering from or has been exposed to a communicable condition (defined in ACBB-E1). The classroom teacher is required to report this suspected condition/exposure to the Lead Teacher or Superintendent. The Lead Teacher or Superintendent shall inform the Health Services Director. The Health Services Director or the Superintendent shall contact a local public health officer to determine if the student's condition/exposure should be examined and further investigated. If public health confirms the need for a medical examination, the student will be sent home with instructions to see a physician. The student shall not be permitted to attend school again until they present a certificate from a ND licensed physician or from the local health department stating that the student is not suffering from a communicable condition and that it is safe for the student to return to school (NDAC 33-06-02-01 (4)).

Educational Services for Students Excluded Due to a Potential Health Threat

Students excluded from school due to a potential health threat must be provided educational services if (a) they currently have an IEP or 504 Plan or (b) if their condition meets the definition of a disability under the Americans with Disabilities Act or significant contagious disease under state law. The Superintendent may consult with legal counsel to determine if NDS/RC is required to provide educational services to a student excluded from school due to health reasons.

NDS/RC may provide educational services, to the extent possible, to all other students who are currently enrolled but are barred from attending due to a potential health threat.

Educational services provided shall be determined by the Superintendent or multidisciplinary team (for students with a 504 Plan or IEP) based on factors such as the duration the student is excluded from school, available NDS/RC resources, and IEP/504 Plan requirements if applicable.

Excluding Staff from District Facilities Due to a Potential Health Threat

In the event of a potential health threat, the Superintendent shall work with the ND Department of Health to identify employees who must be excluded from campus or NDS/RC facilities. Reasons for exclusion may be related to an employee's current or past health conditions, non-immunized status, and/or inability to verify immunizations or medical documentation recommended for review by public health officials. Employers shall promptly communicate

work expectations, available accommodations, and applicable NDS/RC policies and procedures with employees excluded from NDS/RC during a potential health threat. Employees may return to work only when a public health officer or ND licensed physician deems their return safe. NDS/RC shall pay costs associated with employees obtaining any medical records requested by NDS/RC.

All temporary employees working on campus and in NDS/RC facilities during a potential health threat must submit proof of receiving all required immunizations and any other medical documentation recommended for review by public health officials. This documentation must be submitted before the temporary employee begins their duties, and NDS/RC shall pay any costs associated with obtaining medical records.

Confidentiality of Medical Records

All medical records, including immunization records, obtained by NDS/RC are confidential. NDS/RC shall not release such records except permitted by state or federal law.

End of NDS/RC Policy ACBB AR1

References:

Adopted:

Reviewed:

ACBB AR2 Universal Precautions and Sanitary Cleanup

The North Dakota School for the Deaf/Resource Center (NDS/RC) shall comply with the following universal precautions and sanitary practices to reduce the spread and transmission of illness and contagious diseases. These universal precautions and sanitary practices are to be used when providing care to all individuals, whether or not they appear infectious or symptomatic.

Attending to the Victim

1. Apply barrier (non-latex rubber gloves, thick layer of paper towels, or cloth) whenever blood/body fluids are present to minimize exposure of attending person while the injury is cleaned and/or dressed. Apply a barrier to the affected area of the victim if possible. Blood/body fluids should be removed with disposable paper towels, gauze, or rags.
2. Secure all cleansing materials, gloves, and other soiled items (e.g., diapers) in plastic bags. Tie bags and dispose in a sanitary disposal site.
3. Bag and send home soiled clothing and/or other personal items. Do not clean or rinse these items at school. **Residential?**
4. Remove gloves and dispose in a plastic bag.
5. Thoroughly wash hands with soap.

Cleaning and Disinfecting Environment

1. Apply a barrier (rubber utility gloves durable enough to withstand environmental cleaning and disinfecting, thick layer of paper towels, or cloth) whenever cleaning and disinfecting an area in which blood or body fluids are present.
2. Use disposal paper towels or other disposable materials to remove blood and body fluids.
3. Disinfect the affected area(s) and cleaning tools with a commercial disinfectant (mixed according to manufacturer's specifications) or bleach solution (approximately ¼ cup common household bleach per gallon of tap water, mixed fresh daily). The affected surface should remain wet for several minutes.
4. Secure gloves and waste in a plastic bag. Tie bag and dispose in a sanitary disposal site.

Cleanup for Attending Employee

1. Remove barrier, dispose, and secure in plastic bag.
2. Wet hands with clean, running water and apply soap.
3. Thoroughly scrub hands for at least 20 seconds. Pay particular attention to fingertips, nails, and jewelry.
4. Use an alcohol-based waterless hand sanitizer that contains at least 60% alcohol if soap and water are not available. Wash hands with soap and water as soon as possible.

End of NDS/RC Policy ACBB AR2

References:

Adopted:

Reviewed:

ACBB E1 Laws on Immunizations, Contagious Disease, Reportable Disease, and Significantly Contagious Disease

Definitions

- *Age-appropriate immunizations* (ND Administrative Code 33-06-05-01) refers to the vaccines a child should receive based on age and previous immunization history as recommended by the advisory committee on immunization practices of the United States department of health and human services and outlined by the North Dakota immunization schedule.
- *Communicable disease* (NDCC 23-07.6-01) means a disease or condition that causes serious illness, serious disability, or death, the infectious agent of which may pass or be carried, directly or indirectly, from the body of one person to the body of another.
- *Reportable disease* (ND Administrative Code 33-06-01): See ND Department of Health reportable disease chart at:
<http://www.ndhealth.gov/Disease/Documents/ReportableConditions.pdf>
- *Significant contagious disease* (ND Administrative Code 33-06-05.1-02): includes cytomegalovirus (CMV), hepatitis B (HBV) and human immunodeficiency (HIV) infection. The local board of health or the state health officer may determine that other diseases are significant contagious diseases.

Confidentiality Requirements

- **Employee medical records** (NDCC 44-04-18.1 (1)): Any record of a public employee's medical treatment or use of an employee assistance program is not to become part of that employee's personnel record and is confidential and, except as otherwise authorized by law, may not be used or disclosed without the written authorization of the employee. As used in this section, the term "public employee" includes any individual who has applied for employment, is employed, or has been employed by a public entity.
- **Student medical records:** At the elementary or secondary school level, students' immunization and other health records that are maintained by a school district or individual school, including a school-operated health clinic, that receives funds under any program administered by the U.S. Department of Education are "education records" subject to FERPA, including health and medical records maintained by a school nurse who is employed by or under contract with a school or school district. Parents have a right under FERPA to inspect and review these health and medical records because they are "education records" under FERPA. See 34 CFR §§ 99.10 – 99.12. In addition, these records may not be shared with third parties without written parental consent unless the disclosure meets one of the exceptions to FERPA's general consent requirement.

From Joint Guidance on Application of FERPA and HIPAA:

<https://www.hhs.gov/hipaa/for-professionals/special-topics/ferpa-hipaa/index.html>

- **Significant contagious disease**
 - Employees (ND Administrative Code 33-06-05.3-02): Unless disclosed by the affected person, or their personal physician, no disclosure of an affected individual's condition may be made. In order to eliminate discrimination, the local governing body should develop policies concerning the comprehensive application of universal precautions throughout the institution.
 - Independent Contractors (ND Administrative Code 33-06-05.4-02): Unless disclosed by the affected person, or their personal physician, no individual may be informed of an affected individual's infection. In order to eliminate discrimination, the local governing body should develop policies concerning the comprehensive application of universal precautions throughout the institution.
 - Students (ND Administrative Code 33-06-05.2-02): Unless disclosed by the affected person, their parent or guardian, or their personal physician, no individual may be informed of an affected individual's infection. In order to eliminate discrimination, the local governing body should develop policies concerning the comprehensive application of universal precautions throughout the institution.

Disease Reporting Requirements

- **Contagious disease** (ND Administrative Code 33-06-02-01 (4)): Whenever any school principal or teacher in any private, public, or parochial school has reason to suspect that any pupil is suffering from or has been exposed to any communicable condition, such principal or teacher shall send the child home with instructions to see the child's family physician. Any pupil so excluded shall not be permitted to attend school again until the pupil shall present a certificate from a physician licensed to practice medicine in North Dakota or from the local health department stating that the child is not suffering from a communicable condition and that it is safe for the child to return to school. Such principal or teacher shall also report any such suspected case to the local health officer, who, upon receipt of such report, shall use the officer's best judgment as to the necessity for further investigating the case.
- **Reportable disease** (NDCC 23-07-02 (2)): Who to report reportable diseases. Except as otherwise provided by section 23-07-02.1, the following persons or their designees shall report to the state department of health any reportable disease coming to their knowledge:

The director, principal manager, or chief executive officer of:

- a. Health care institutions, including hospitals, medical centers, clinics, long-term care facilities, assisted living facilities, or other institutional facilities;
- b. Medical or diagnostic laboratories;

- c. Blood bank collection or storage centers;
- d. Public and private elementary and secondary schools;
- e. Public and private universities and colleges;
- f. Health or correctional institutions operated or regulated by municipal, county or multicounty, state, or federal governments;
- g. Funeral establishments and mortuaries; and
- h. Child care facilities or camps.

Immunization Requirements

ND Administrative Code 33-06-05-01 (2b):

Minimum requirements for children attending kindergarten through grade twelve shall be age-appropriate immunizations against diphtheria, pertussis, tetanus, poliomyelitis, measles, mumps, rubella, varicella (chickenpox), and meningococcal disease.

See ND Department of Health immunization chart: <http://www.ndhealth.gov/immunize/schools-childcare/>

Immunization Exemptions

- NDCC 23-07-17.1 (2-3)
 - a. A child may enter an institution upon submitting written proof from a licensed physician or authorized representative of the state department of health stating that the child has started receiving the required immunization or has a written consent by the child's parent or guardian for a local health service or department to administer the needed immunization without charge or has complied with the requirements for certificate of exemption as provided for in subsection 3.
 - b. Any minor child, through the child's parent or guardian, may submit to the institution authorities either a certificate from a licensed physician stating that the physical condition of the child is such that immunization would endanger the life or health of the child or a certificate signed by the child's parent or guardian whose religious, philosophical, or moral beliefs are opposed to such immunization. The minor child is then exempt from the provisions of this section.
- ND Administrative Code 33-06-05-01 (4)

A child with a medical or a beliefs exemption is exempt from any one or all of the immunization requirements. A physician must sign an exemption form indicating the vaccines that are included in the medical exemption. A parent or guardian must sign an exemption form stating that the child has a beliefs exemption and indicate which vaccines are exempt because of beliefs. A child with a reliable history of chickenpox disease is exempt from varicella (chickenpox) immunization requirements. A physician or parent or guardian must sign an exemption form stating that the child has had chickenpox disease. Exemption forms must be kept on file with the immunization records at the child's school, early childhood facility, head start program, or preschool educational facility.

Non-Discrimination Protections for Affected Individuals

- **Disabled students and employees:** See Nondiscrimination and Anti-harassment Policy (AAC) and Education of Special Education/Disabled Students (FDE)
- **Significant Contagious Disease**
 - Employees (ND Administrative Code 33-06-05.3-01): No employee or potential employee may be terminated or prevented from becoming employed at the institution 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 personal physician, the employee must be permitted to perform the duties.
 - Independent Contractors (ND Administrative Code 33-06-05.4-01): No independent contractor may be terminated or prohibited from contracting with the institution solely because they have or they are perceived to have a significant contagious disease. If the independent contractor is capable of performing the work, or reasonable accommodations can be made to allow the independent contractor to perform the work, and the independent contractor does not constitute a public health threat to others, as determined by a personal physician, the independent contractor must be permitted to contract with the institution.
 - Students (ND Administrative Code 33-06-05.2-01): No student may be prohibited from attending the institution 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, the student must be permitted to attend the institution. If the student is unable to attend regular class instruction or requires special consideration, then special provisions or individualized education programs must be provided for the student.

Recordkeeping Requirements and State Reports

- **ND Administrative Code 33-06-05-01 (5)**

Recordkeeping and reporting. Records and reports requested by the state department of health shall be completed and submitted to the state department of health.

 - a. Certificates of immunization, a North Dakota immunization information presented to the designated institutional authority before any child is admitted to an institution.
 - b. Upon request by the institutional authority and approval by the department, the department shall provide access to the NDIIS by institutional authority. The department of health shall disclose immunization records maintained by the NDIIS to an institutional authority to fulfill the required proof of immunization.
 - c. The parent or guardian of a child claiming a medical or beliefs exemption shall present an appropriately signed statement of exemption to the designated institutional authority. Proof of immunization or the statement of exemption must be maintained by the child's school or early childhood facility.

- d. The school or early childhood facility immunization summary report must be submitted to the state department of health by November first of each year.
- **ND Administrative Code 33-06-05-01 (6)**
Appointment of an institutional authority.
 - An institutional authority shall be appointed for each institution by its governing board or authorized personnel. The authority must be an employee of such institution.
 - The name of the designated institutional authority, the institution, address, and telephone number shall be submitted to the appropriate

Student Exclusion from School Due to a Health Threat

- **Failure to provide, at the time of admission, either proof of all required immunizations or valid immunization exemption documentation (NDCC 23-07-17.1):** A child may not be admitted to any public, private, or parochial school, or day care center, child care facility, head start program, or nursery school operating in this state or be supervised through home-based instruction unless the child's parent or guardian presents to the institution authorities a certification from a licensed physician or authorized representative of the state department of health that the child has received age-appropriate immunization[s] . . .
 - a. A child may enter an institution upon submitting written proof from a licensed physician or authorized representative of the state department of health stating that the child has started receiving the required immunization or has a written consent by the child's parent or guardian for a local health service or department to administer the needed immunization without charge or has complied with the requirements for certificate of exemption as provided for in subsection 3.
 - b. Any minor child, through the child's parent or guardian, may submit to the institution authorities either a certificate from a licensed physician stating that the physical condition of the child is such that immunization would endanger the life or health of the child or a certificate signed by the child's parent or guardian whose religious, philosophical, or moral beliefs are opposed to such immunization. The minor child is then exempt from the provisions of this section.
- **The student is immunization-exempt, an epidemic has been identified in a district school or schools, and a public health officer has deemed such students' attendance a potential public health threat (NDCC 23-07-17.1 (6)):** When, in the opinion of the health officer, danger of an epidemic exists from any of the communicable diseases for which immunization is required under this section, the exemptions from immunization against such disease may not be recognized and children not immunized must be excluded from an institution listed in subsection 1 until, in the opinion of the health officer, the danger of the epidemic is over. The designated institution authority shall notify those parents or guardians taking legal exception to the immunization requirements that their children are excluded from school during an epidemic as determined by the state department of health.

- **The student has, or lives with someone who has, a significantly contagious or infectious disease and has not been cleared to attend school under regulations of the local board of health (NDCC 23-07-16):** Except as provided by section 23-07-16.1, no principal, superintendent, or teacher of any school, and no parent or guardian of any minor child, may permit any child having any significant contagious or infectious disease, or any child residing in any house in which any such disease exists or has recently existed, to attend any public or private school until permitted to do so under the regulations of the local board of health.
- **The student is suspected of suffering from or has been exposed to a communicable condition (ND Administrative Code 33-06-02-01 (4)):** Whenever any school principal or teacher in any private, public, or parochial school has reason to suspect that any pupil is suffering from or has been exposed to any communicable condition, such principal or teacher shall send the child home with instructions to see the child’s family physician. Any pupil so excluded shall not be permitted to attend school again until the pupil shall present a certificate from a physician licensed to practice medicine in North Dakota or from the local health department stating that the child is not suffering from a communicable condition and that it is safe for the child to return to school. Such principal or teacher shall also report any such suspected case to the local health officer, who, upon receipt of such report, shall use the officer’s best judgment as to the necessity for further investigating the case.

End of NDS/RC Policy ACBB E1

References:

Adopted:

Reviewed:

ACBB E2 Management of Students and Employee with Communicable Diseases and Conditions

It is the intent of the North Dakota School for the Deaf/Resource Center (NDS/RC) to work to control exposure and the spread of communicable diseases and conditions in the school and residential settings. Parents are the front line in this work through early recognition and treatment when a child is ill and could possibly transmit an illness to others.

NDS/RC will provide resources and educate parents regularly about communicable diseases through newsletters and the school websites.

NDS/RC will use the ND Disease Fact Sheets <https://www.ndhealth.gov/Disease/faq> and the ND Child Care/School Infection Control Manual <http://library.nd.gov/statedocs/Health2/daycaremanual20121206.pdf> as guidelines (not mandates) for managing communicable diseases and conditions. NDS/RC may use additional applicable resources, e.g. Centers for Disease Control. NDS/RC may adopt disease control practices specific to the needs of NDS/RC and as new information becomes available. NDS/RC will comply with the laws and requirements involving Reportable Conditions as stated in Article 33-06 and NDCC 23-07-01.

School Administrators in conjunction with the School Nurse (where available) and local and state public health authorities will make the final decision about excluding students or employees from school when needed to protect the health of others. NDS/RC will have procedures in place to clean areas where contagion is likely to exist, if the school or residence is notified of a diagnosed or suspected case of a communicable disease or condition.

All information related to students and staff having, or suspected of having, a communicable disease or condition will be considered confidential and subject to NDS/RC Policy **DEBA**.

The decision to share information with parents of exposed students will be made by the Superintendent or Health Services Director and local or state health authorities. Sharing information with parents of exposed students will be done when it is deemed necessary to control exposure or spread, such as if there is an increasing or unusual number of cases occurring in a classroom or building. Parents should not rely solely on NDS/RC notifications to alert them regarding the occurrence of communicable conditions, but should maintain regular surveillance in order to detect and treat conditions as early as possible.

End of NDS/RC Policy ACBB E2

References:

Adopted:

Reviewed:

ACBB Significant Contagious Disease

The North Dakota School for the Deaf/Resource Center (NDSD/RC) adopts this policy with the intent of protecting the health and safety of all students, staff, and independent contractors.

Definitions

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

Universal Precautions

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

Nondiscrimination 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. NDSD/RC prohibits harassment and/or discrimination against an individual diagnosed as having a significant contagious disease on NDSD/RC property, including, but not limited to, all buildings, vehicles, NDSD/RC events, and computer networks. Complaints alleging harassment/discrimination based on a significant contagious disease shall be handled in accordance with the NDSD/RC's Discrimination and Harassment Grievance Procedure.

Confidentiality

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

No employee or official of NDSD/RC may inform anyone of an affected individual's infection. No employee or official may release any information to the public either confirming or denying the presence within NDSD/RC 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 Health Services Director is designated as the person to receive information concerning the status of students from their physicians. The Business Manager or Superintendent is designated as the person to receive information concerning the status of employees and independent contractors from their physicians. The Superintendent shall be the official spokesperson for the institution when information concerning an affected individual becomes public and may not delegate this duty unless authorized by the Superintendent of Public Instruction. The

Superintendent may request assistance from the ND Department of Public Instruction or ND State Department of Health in developing a plan for conflict resolution and shall comply with all applicable requirements in NDS/RC's policy on relations with the news media (**KBA**) when handling media requests related to significant contagious diseases.

Reasonable Accommodations

1. **Students:** NDS/RC 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, the student may 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 may be provided for the student.
2. **Employees and Contractors:** Employees, potential employees, and independent contractors may not be terminated or prevented from becoming employed at NDS/RC 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, the employee may be permitted to perform the duties. NDS/RC 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:** NDS/RC 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 12.¹

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

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

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

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

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

End of NDS/RC Policy ACBB

- References:** AAC, Nondiscrimination and Anti-Harassment
AAC-AR1, Discrimination and Harassment Grievance Procedure
AAC-E, Filing a State or Federal Discrimination and Harassment Complaint
ACBB-AR1, Responding to Potential Health Threats
ACBB-AR2, Universal Precautions and Sanitary Cleanup
ACBB-E1, Laws on Immunizations, Contagious Disease, Reportable Disease, and Significantly Contagious Disease
ACBB-E2, Managements of Students and Employees with Communicable Diseases and Conditions
NDS/RC original policy #4 Health and Wellness: Communicable Diseases

Adopted:
Reviewed:

ACBC Use of Animals in Education and Residential Programs

The North Dakota School for the Deaf/Resource Center (NDS/RC) recognizes that animals may be an effective teaching aid and/or their presence may be required to reasonably accommodate students and staff with disabilities. NDS/RC also believes there may be medical and physical dangers associated with allowing interaction with and/or use of animals in the educational and residential program.

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 dog, trained to do work, perform tasks, or provide assistance for the benefit of an individual with a disability. The term includes a dog trained to provide assistance 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 NDS/RC campus and regional offices and all school buildings, structures, facilities, and school vehicles, whether owned or leased by NDS/RC, and the site of any NDS/RC-sponsored event or activity.

Use of Animals for Educational Purposes

Before a teacher may use an animal as part of the educational or residential program or participate in an activity involving animals (e.g., a field trip), the staff member must submit a request to the Superintendent. The Superintendent shall consider such requests on a case-by-case basis based upon criteria established by the Superintendent and/or Leadership Team.

Use of Service Animals by Individuals with a Disability

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 NDS/RC;
2. Require a fundamental alteration to an educational program;
3. Impact legally protectable rights of others.

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

The individual with a disability or designated handler is responsible for the proper care and supervision of the service animal at all times 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.

NDS/RC 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

The Superintendent, Lead Teacher, or Director of Student Life and parent/guardian (if a student is involved) must be notified as soon as possible if an animal injures an individual on school property or if an animal-related incident occurs on school property that could have an adverse effect on an individual's physical or emotional health. The Nurse on duty should also be notified.

End of NDS/RC Policy ACBC

References: ACBC-AR, Use of Animals in Curricular Programs

Adopted:

Reviewed:

ACBC AR Use of Animals in Education and Residential Programs

Procedure for Requesting Interaction With or Use of an Animal

1. Staff must submit such request to the Lead Teacher or Director of Student Life at least 5 days prior to the activity or event;
2. The written request must include a description of the activity, type of animal, educational purpose/benefit, length of the activity/event, and, if applicable, a plan for care of the animal.

Students who wish to opt out will be assigned an alternative activity and shall be treated in a nondiscriminatory manner with regard to grading.

Criteria for Granting or Denying Interaction with or Use of an Animal

1. The Lead Teacher and/or Director of Student Life shall deny all requests that would allow direct contact with poisonous and/or unvaccinated animals, reptiles, or insects.
2. The Lead Teacher and/or Director of Student Life shall deny requests for which there is not an executable and/or comprehensive plan for the animal's care, supervision, sanitation, and/or control.
3. The Lead Teacher and/or Director of Student Life shall consider whether there are any known animal-related allergies among students who will/may be exposed and whether reasonable accommodations can be made.

End of NDSD/RC Policy ACBC AR

References:

Adopted:

Reviewed:

ACBD School Medication Policy

When possible, prescription and non-prescription medication should be administered to students under parental or medical supervision. Because the North Dakota School for the Deaf/Resource Center (NDS/RC) is a residential school, there will be times when a student must receive or take prescription or non-prescription medication while on school grounds, in the residence, or during NDS/RC-sponsored activities. NDS/RC staff, students, and parents must comply with the following policy.

NDS/RC has established a program for administering medication to students during the school day, in the residential program, and when students are otherwise under NDS/RC's direct supervision (e.g., participating in a school activity, on an NDS/RC-sponsored trip).

Qualifications for Eligible School Medication Administrators

In order to be eligible to administer medication under this policy, an individual must meet the following criteria and receive approval from the Health Services Director or Superintendent:

1. Received appropriate education and training in medication administration;
2. Provided the Health Services Director or Superintendent with verification that the above training and education is complete;
3. Undergone a criminal history record check through NDS/RC and received satisfactory adjudication;
4. Agreed to perform the duty of administering medication;
5. Received written consent of the student's parent or guardian;
6. Agreed to comply with this policy and any additional district rules on administering medication.

NDS/RC shall pay the cost of all NDS/RC-authorized education and training for school medication administrators.

Requirements and Prohibitions for All School Personnel

All school employees and volunteers shall comply with the district's Drug and Alcohol-Free Workplace policy, which prohibits illegal activities associated with prescription and over-the-counter medication. In addition, eligible school medication administrators and all other school employees and volunteers with knowledge of a student's health condition and/or medication regimen shall comply with NDS/RC policies and law on confidentiality of student education records—records that include student health records. Additional rules governing school personnel's role in implementing the school medication program are contained in administrative rules.

All school employees and volunteers are required, as soon as possible, to report to the Health Services Director, the School Nurse on duty, their immediate Supervisor, and/or the Superintendent any observed or reported sign or symptom that a student may be having an adverse medication reaction or allergic reaction.

Any violation of this policy or other district rules governing medication may result in disciplinary action, including, but not limited to, discharge (in accordance with applicable law) and/or removal of medication provider duties, if applicable.

Types of Medication Administered

The NDSD/RC Health Services Department may administer both prescription and over-the-counter medication to students covered by this policy so long as they are legal under state law and:

1. Recognized as drugs in the official U.S. Pharmacopoeia and national formulary, or
2. Recognized as drugs in the official Homeopathic Pharmacopoeia of the U.S., or
3. Recognized as drugs in any supplementary publication to the above references, and
4. Are authorized to be administered to the student by their parent/guardian and, when applicable, healthcare provider in accordance with this policy.

NDSD/RC is not responsible for verifying the authenticity of the drug based on the above criteria but may consult a qualified healthcare provider (e.g., pharmacist) to determine if the above, applicable criteria have been met. NDSD/RC shall maintain the student's confidentiality when making such an inquiry unless the student's parent/guardian has waived confidentiality rights.

NDSD/RC and all employees and volunteers are prohibited from purchasing over-the-counter medications to administer to students. This includes items taken orally, topical application, etc.

Routes of Medication Administered

Eligible school medication administrators may administer oral and non-oral, noninvasive medication (i.e., medication provided by non-parenteral routes) to students covered by this policy. Eligible school medication administrators shall not administer medication through parenteral routes unless they have the proper authority under state law, including certification or licensure, to perform such functions. NDSD/RC shall retain verification of such authorization, certification, or licensure.

Except as otherwise delineated below, if a student's medication requires administration through the parenteral route, NDSD/RC may deny a parent's/guardian's request to administer such medication or may require the parents/guardians to reimburse NDSD/RC for the expense of hiring a healthcare provider who has authority under state law to administer such medication, if NDSD/RC does not have a medically qualified and eligible school medication administrator on staff who is willing to administer the medication.

For students whose Individual Education Program (IEP) or 504 Plan requires medication via a parenteral route, NDSD/RC shall attempt to reasonably accommodate the student.

If a medically qualified and eligible school medication administrator is requested to perform any invasive medication administration, NDS/RC first should contact its insurer to determine if additional liability coverage is necessary if NDS/RC has not previously made this inquiry.

Student Self-Administration

Students are authorized to self-administer medication when receiving appropriate consent as described by administrative regulations, or, for emergency medication, in accordance with law (NDCC 15.1-19-16). Students are authorized to possess/carry medication when permitted by law and in accordance with authorization procedures in administrative regulations beginning in middle school or when the medication is prescribed for life-threatening conditions, typically emergencies.

Additional Prohibitions, Restrictions, and Requirements for Students

All students are required to comply with the NDS/RC's policy on drug and alcohol-free schools, which contains prohibitions on illegal activities associated with prescription and over-the-counter medication. Students who violate the Drug and Alcohol-Free Schools policy by engaging in a prohibited activity with medication originally authorized by this policy may be subject to disciplinary action. In addition, NDS/RC may refuse to administer medication to the violating student and/or may prohibit the violating student from self-administering medication as long as:

1. The student's condition and treatment is not covered by an IEP or 504 Plan under which NDS/RC administers medication.
2. The medication is not covered by an emergency provision in law or needed on an emergency basis as determined by administration in consultation with the student's healthcare provider (i.e., an inhaler, epi-pen, or insulin).

Parents/guardians of violating students not subject to an exception above will be required to make arrangements to administer medication to their children during the school day.

Students who are covered by this policy and taking medication at school must agree to report any known sign or symptom of a side effect, adverse medication reaction, or allergic reaction to a school official when the student is in school or otherwise under the school's supervision. Students authorized to carry medication must agree not to leave the medication unattended or unsecured and accessible to other students.

Policy Implementation

The Superintendent, in consultation with other administrators and medical staff, is responsible for creating regulations governing parental authorization to administer medication, medication check-in requirements, and other necessary rules governing the operation of the medication program.

Medication Off-Campus When Student is Under District Supervision

Parents/guardians must make arrangements with the Superintendent, Lead Teacher, or Director of Student Life and the Health Services Director for students who will require medication off-campus while under NDSD/RC's supervision prior to the activity or event (e.g., students who participate in extracurricular events or field trips). At a minimum, parents/guardians making such a request shall be required to comply with the applicable authorization requirements contained in this policy. NDSD/RC shall develop, on a case-by-case basis, check-in and storage requirements for all medication provided or self-administered in this context. NDSD/RC may consult the student's healthcare provider(s) when developing these rules.

Liability Disclaimer

It is not the intent of NDSD/RC to expand or modify the district's potential liability exposure through the development of this medication program. NDSD/RC's voluntary creation of this program shall not be construed to create or assume any potential liability under any local, state, or federal law or regulation. State law provides liability protection for establishing and administering medication under a school medication program. This protection extends to all eligible school medication administrators and NDSD/RC employees so long as each party is acting in good faith.

NDSD/RC is not responsible for determining the qualifications of healthcare administrators whose signatures appear on prescriptions and other medical documentation submitted to NDSD/RC by parents/guardians. NDSD/RC assumes that by signing such documentation, the healthcare provider is attesting to the validity of their qualifications and credentials. NDSD/RC will comply with healthcare administrators' orders but assumes no liability for their content.

NDSD School Medication Administration Procedures

1. Medications administered at school shall be restricted to only medication that must be administered during the school day.
2. The first dose of newly prescribed medications should not be administered at school. (With exception that medication was prescribed from off-campus appointment referral and parent/guardian approval.)
3. All medications should be administered by the School Nurse. If the School Nurse is not available to administer medication, the Superintendent and Health Services Director should jointly identify medication administration trained assistive personnel to administer medications to students.
4. Only license prescribers may direct school personnel on medication administration. Parents cannot prescribe or change the licensed prescribers' orders including dosage, frequency or route. Parents cannot bypass the School Nurse and cannot delegate to assistive staff. Parents are encouraged to partner with the school in the medication administration plan as prescribed by the licensed provider.
5. Written instructions are required from the licensed prescriber for the administration of the prescribed or over-the-counter (OTC) medications during school, residential, and off-campus events. The written order form from the licensed prescriber shall be renewed annually and signed by licensed prescriber. Changes or discontinuation to prescription or

OTC medications must be in writing from the licensed prescriber. Written instructions for prescription and OTC medications should include:

- a. Student name
 - b. The name of the medication
 - c. The dose
 - d. The route
 - e. The frequency
 - f. Time to be administered.
 - g. The diagnosis or reason medication is needed
 - h. Licensed prescriber contact information
6. A written statement is required from the parent authorizing school personnel to administer OTC or prescription medication and authorizing school personnel to contact the licensed prescriber directly.
 7. A written authorization form is required from a licensed prescriber for the administration of an OTC medication that is to be given daily for greater than 10 days.
 8. Medication should be delivered to school by a responsible adult in an original pharmacy labeled container or manufacturers package.
 - a. When medication dose changes, a new prescription container label should be requested to replace the outdated dosage label.
 9. All school staff who administer medications shall adhere to the six rights of safe medication administration, which include:
 - a. The right student
 - b. The right medication
 - c. The right dose
 - d. The right route
 - e. The right time
 - f. The right documentation
 10. Safe dose ranges cannot be determined for **alternative and homeopathic medications** and therefore for the safety and protection of students, alternative and homeopathic medications will not be given in school.
 11. A prescribing provider may write standing orders for stock OTCs. Students may receive stock OTC medications if the parent has completed appropriate parent consent form.
 - a. If an OTC stock medication is administered, the school nurse will use discretion whether to notify parent/guardian.
 - b. Parent should inform the school staff if student was given OTC medications in the evening or the morning before school.
 12. A prescribing provider may write standing orders for stock emergency medications for anaphylactic allergy. I.e.: Epi Pen
 - a. School personnel are permitted to assume parental consent is given for the administration of emergency medication.
 - b. Stock emergency medications may be administered to students while on school grounds.
 - c. If stock emergency medication is administered 911/EMS will be called.

- d. Parents will be notified by either a school administrator or the School Nurse.
13. The parent/guardian shall pick up unused portions of medication after the completion of the school year or when medication has been discontinued. Medication return should be documented, dated and timed, and signed by the School Nurse.

End of NDS/RC Policy ACBD

References: DEAA, Drug- and Alcohol Free-Workplace
FFA, Student Alcohol and Other Drug Use/Abuse
FGA, Student Education Records

Adopted:

Reviewed:

ABCF Medical Marijuana

Definitions

This policy defines the following:

- *Cannabinoid concentrate* means a concentrate or extract obtained by separating cannabinoids from marijuana by a mechanical, chemical, or other process.
- *Cardholder* means a qualifying patient, designated caregiver, or compassion center agent who has been issued and possesses a valid registry identification card.
- *Debilitating medical condition*. A list of debilitating medical conditions can be found in NDCC 19-24.1-01(15).
- *Designated caregiver* means an individual who agrees to manage the well-being of a registered qualifying patient with respect to the qualifying patient's medical use of marijuana.
- *Medical cannabinoid product* is as defined in NDCC 19-24.1-01(24).
- *Medical marijuana product* means a cannabinoid concentrate or a medical cannabinoid product.
- *Minor* means an individual under the age of nineteen.
- *Pediatric medical marijuana* means a medical marijuana product containing cannabidiol which may not contain a maximum concentration or amount of tetrahydrocannabinol of more than six percent.
- *Possession* means:
 - Actual physical possession of the alcohol or drug while on school property;
 - Use or consumption of the alcohol or drug while on school property; or
 - In the student's locker, car, handbag, backpack, or other belongings while on school property.
- *Qualifying patient* means an individual who has been diagnosed by a health care provider as having a debilitating medical condition.
- *School property* is defined in NDCC 15.1-19-10(6)(b) as all land within the perimeter of NDSD/RC campus and regional offices and all school buildings, structures, facilities, and school vehicles, whether owned or leased by NDSD/RC, and the site of any NDSD/RC-sponsored event or activity.
- *Use* means that a student or employee is reasonably known to have ingested, inhaled, or otherwise taken into the body a prohibited substance, or is reasonably found to be under the influence of such a substance, while on school property.

Prohibitions

Although possession and use of marijuana for certain debilitating medical conditions is permitted in North Dakota, the North Dakota School for the Deaf/Resource Center (NDSD/RC) recognizes that the possession and use of marijuana remains illegal under federal law. In an effort to maintain a drug-free workplace and compliance with state and federal laws, NDSD/RC prohibits the possession, administration, and use of medical marijuana while on NDSD/RC property. Administration of all other prescription and nonprescription medications to students shall be in

accordance with applicable law and NDSB/RC policy concerning the administration of medications to students (see Policy [ACBD, School Medication Program](#)).

NDSB/RC shall not refuse to enroll or discriminate against any student solely on the basis of such student's status as a qualifying patient or use of medical marijuana pursuant to North Dakota law.

NDSB/RC shall not refuse to hire a person nor discharge, penalize, or threaten an employee solely on the basis of such person's or employee's status as a qualifying patient, cardholder, or designated caregiver. However, NDSB/RC retains its ability to prohibit the possession and/or use of medical marijuana during work hours and its ability to discipline an employee or student for being under the influence of medical marijuana during work hours and while on school property.

This policy applies to all independent contractors working for NDSB/RC.

Disciplinary Consequences

NDSB/RC shall notify employees and students of the NDSB/RC's policies and procedures regarding the prohibition of controlled substances and drug possession and usage while on NDSB/RC property. A student or employee who violates NDSB/RC policies may be subject to disciplinary action, up to and including suspension and/or expulsion for students or suspension and/or termination for staff. NDSB/RC may notify law enforcement agencies regarding a student's or staff member's violation of this policy.

The employee must notify their Supervisor of their conviction under any criminal drug statute for a violation occurring on NDSB/RC property or while performing work for NDSB/RC, no later than five calendar days after such a conviction. The Supervisor must notify the Superintendent within 24 hours of the employee's report. NDSB/RC may inform the appropriate licensing authority of such a conviction.

The protections provided to qualifying patients, both adult and minors, utilizing medical marijuana prescribed in state statute, do not apply if the qualifying patient uses or possesses marijuana while on NDSB/RC property or in violation of applicable law.

Confidentiality

Cardholder status for a student or employee is confidential and may not be requested or required by NDSB/RC. Only upon a cardholder's written request to the Department of Health may the Department confirm the cardholder's status as a registered qualifying patient or registered designated caregiver to NDSB/RC. All information received by NDSB/RC as a result of this policy is confidential. Access to this information is limited to those who have a legitimate need to know.

End of NDSB/RC Policy ACBF

References: [DEAA, Drug- and Alcohol-Free Workplace](#)

DEAA-AR, Procedure if Drug and/or Alcohol Use is Reasonably Suspected
DEAA-E, Drug and/or Alcohol Testing Consent Form
DBBA, Drug and Alcohol Testing for Employees
DBBA-AR, Drug and Alcohol Testing Procedures
DBBA-E, Drug and Alcohol Testing Notification Requirements for Employees
FFA, Student Alcohol and Other Drug Use/Abuse
FFA-AR, Alcohol and Other Drug Intervention and Disciplinary Procedure
NDS/RC original policy #2 Fundamental Operations: Drug-Free Workplace

Adopted:
Reviewed:

ACCA Sexual Offenders on School Property

Definitions

For the purpose of this policy:

- A *Sexual Offender* is a person defined as a sexual offender in NDCC 12.1-32-15 or is required to register under NDCC 12.1.-32-15.
- A *Parent Sexual Offender* is a sexual offender who has either parental or legal guardianship rights to a child attending NDS/RC or an NDS/RC-sponsored event.
- A *Nonparent Sexual Offender* is a sexual offender who has no parental rights or legal guardianship rights to a child attending NDS/RC or an NDS/RC-sponsored event.
- *School Property* means all real property within the perimeter of NDS/RC campus and regional offices including all buildings, structures, and facilities, whether owned or leased by NDS/RC.

1. Nonparent Sexual Offenders

A nonparent sexual offender is prohibited from entering school property except:

- a. When they are a qualified voter and are entering school property solely for the purpose of casting their vote.
- b. To attend an open meeting as defined in NDCC chapter 44-04.
- c. With prior written approval of the Superintendent for an approved purpose.

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

2. Parent Sexual Offenders

Parent sexual offenders are prohibited from entering school property except for the purposes outlined in Section 1, and for the following reasons:

- a. To attend a conference to discuss their student's progress, placement, or individual education plan (IEP). This requires prior approval from the Superintendent at least 72 hours before the event or activity.
- b. To attend a school activity in which their child is participating. This requires prior approval from the Superintendent at least 72 hours before the event or activity.
- c. To transport their child to school. The parent sexual offender shall drop off and/or pick up the child on public right of way which enables the child to enter the school facility safely. A parent sexual offender will only be permitted to transport their own child.

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

3. Student Sexual Offenders

As a general rule, qualifying (deaf, hard of hearing, or deafblind) students who exhibit unsafe sexual behaviors or are registered sexual offenders will not be granted admissions to NDSD/RC educational or residential programs.

Each admissions request of a qualifying student will be considered on a case-by-case basis with regard to age of student and extent of any exhibited or documented sexual behaviors.

4. General Provisions

The Superintendent will inform the appropriate NDSD/RC staff of the scope of the permission granted to each sexual offender.

Sexual offenders who receive permission to enter school property must immediately report to the individual or location designated in the Superintendent's written permission statement. The Superintendent may assign a chaperone to accompany the sexual offender while they are on school property. The only exceptions to these requirements are when a parent sexual offender transports their child.

Lack of notification of this policy does not excuse offenders from abiding by the requirements and prohibitions in this policy.

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

End of NDSD/RC Policy ACCA

References: NDCC 12.1-20 Sexual Offender Presence Near Schools Prohibited
NDCC 12.1-32-15 Offenders Against Children and Sexual Offenders
NDSD/RC original policy #12 Welfare/Protection of Students and Staff: Sexual Offenders on School Property

Adopted:

Reviewed:

ACDA Responsible Use

Scope

This policy refers to responsible use of technology and communication tools in the North Dakota School for the Deaf / Resource Center (NDS/RC).

Staff and Student (“users”) use of technology and communication tools include:

- NDS/RC owned/provided equipment and services
- Personally owned devices using NDS/RC accounts, used on NDS/RC owned/rented/contracted property (including busses) and at NDS/RC affiliated events
- Any device on any network when the uses is classified as Bullying (ACEA) or Hazing (ACEB)

Examples of tools include, but are not limited to:

- Computers, tablets, and related peripherals
- Internet accessibility from local, wide, virtual, and cellular networks, including wireless
- Local and internet hosted file and application services
- Cell phones, telephones, and multifunctional printers
- Video, audio, and recording technologies

Monitoring Use

The use of electronic resources, technologies, and the internet, whether NDS/RC owned or personal, on NDS/RC owned/rented/contracted property is a privilege not a right. All use must be in support of education and consistent with the educational goals, objectives, and priorities of NDS/RC. All tools and use shall be subject to the same scrutiny as school lockers for students. Staff and students shall have no reasonable expectation of privacy when use falls under that defined in “Scope.” All use, as defined under “Scope” may be monitored to maintain the integrity of the system and to ensure proper and responsible use. Teachers and administrators will exercise supervision of student use and educate students on responsible use. It is expected students also self-monitor and comply with this policy, rules, procedures, and guidelines.

Requirements for Staff

- *Purpose:*

NDS/RC employees are provided or allowed use of technologies as defined under “Scope” for educational and business purposes only. All employees are expected to communicate and use devices in a professional manner.

- *Use of Electronic Communication Devices:*

NDS/RC monitors internet and all device use defined under “Scope” to prevent or detect abuse and avoid legal exposure.

All employees are authorized to use the internet on NDSD/RC's network and technology devices for a purpose related to their employment or positions. **Limited non-work-related use is acceptable provided it:**

- Does not interfere with the performance of the employee's duties;
- Does not incur any additional cost to the NDSD/RC beyond standard internet operational costs;
- Does not create the appearance of impropriety;
- Is not for a political or personal commercial purpose;
- Is reasonable in time, duration, and frequency;
- Makes only minimal use of hardware and software resources;
- Is used in accordance with the standards of conduct delineated below.

• *Standards of Conduct:*

An employee is solely responsible and shall be personally liable, legally, financially, or otherwise, for his or her own misuse of the NDSD/RC's systems/networks, NDSD/RC technology, and/or NDSD/RC internet. Disciplinary action associated with improper use, negligence, or loss of equipment may include being billed for repair or replacement costs, reducing or revoking technology use privileges, or termination.

- Administration may deem misuse to have occurred when an employee violates any of the following standards of conduct. Violations occur when employees do any of the following using NDSD/RC tools or personal tools on NDSD/RC owned/rented/contractor property as defined under "Scope":
 - Employee use must be professional and ethical;
 - Employee use must not include gambling or betting;
 - Employee use must not be construed as harassing, bullying, insulting, threatening, alarming, or attacking to/of others;
 - Employee use must not be to access, display, archive, store, distribute, edit or record sexually explicit material;
 - Employee use must not be to create, download, or distribute immoral, obscene, threatening, defrauding or violent text or images or transmit inappropriate or unlawful materials;
 - Employee use must not be to create, distribute, copy or knowingly use unauthorized copies of copyrighted material, software, music, images, photos, or video; store such copies on NDSD/RC technology/computers, or transmit them over the NDSD/RC or state networks;
 - Employee use must not be for illegal activity;
 - Employees must not knowingly distribute viruses, bypass any detection system in place, or otherwise damage NDSD/RC-owned technological equipment;
 - Employees must not use another's account information, share account information, represent oneself as another, or trespass into another's folders, work, or files;

- Employee must not deliberately or negligently cause damage or loss to any NDS/RC-owned device;
- Employees must protect themselves, others, and the NDS/RC by learning and practicing safety with regard to phishing/spam, and data sharing.
- Employees should be aware that technology use as defined under “Scope” is, with limited exceptions (e.g. information pertaining to student’s educational record), public information and is likely subject to disclosure per North Dakota’s Open Records Law;
- Employees must comply with the NDS/RC’s policy on confidentiality (DEBA) when using technology as defined under “Scope.”

Other employee use deemed by administration to be disruptive, inappropriate, or not in the best interest of the NDS/RC, its employees, and students will be subject to disciplinary consequences.

Requirements for Students

- *Education:*

NDS/RC shall provide education to students about appropriate online behavior, including interacting with other individuals on social networking websites and cyberbullying awareness and response.

- *Prohibitions:*

Administration or designee may take disciplinary measures when any of the following actions occur while students are using technology tools as defined under “Scope.” Disciplinary action associated with improper use, negligence, or loss of equipment may include being billed for repair or replacement costs or reducing or revoking technology use privileges.

- Using obscene language;
- Accessing, creating, requesting, or distributing pornographic files or sites and/or other inappropriate material;
- Harassing, bullying, insulting, threatening, alarming, or attacking others;
- Damaging computers, computer systems, or computer networks;
- Violating copyright, trademark, trade secret, or other intellectual property laws;
- Using or participating in personal and/or non-curricular uses when that use is in violation of stated or written rules or regulations;
- Using another’s account information, sharing your account information, representing oneself as another, or trespassing into another’s folder, work, or files;
- Intentionally abusing network resources;
- Employing the network for political purposes as defined by state law, financial gain, and/or commercial purposes;
- Revealing anyone’s personal information such as, but not limited to, an address or phone number without appropriate consent;

- Other activities or actions deemed inappropriate and not in the best interest of the NDSD/RC, its employees, and students.

Off-Campus Technology Usage

NDSD/RC reserves the right to extend their authority to off campus staff and student speech that could reasonably come onto the campus and create disruption of the school functioning and/or substantially interfere with the rights of others. Any student conduct on or off campus that could be classified as Bullying (ACEA) or Hazing (ACEB), is subject to the disciplinary actions defined in those administrative policies. This includes, but is not limited to, staff/student created websites, social network postings, blogs, electronic messaging.

Violations

NDSD/RC reserves the right to actively monitor staff or student use of technology as defined under “Scope” to ensure compliance with this policy and shall investigate any suspected or alleged violation. Violation of this policy will result in disciplinary consequences as determined by the designated administrator, supervisor, and/or teacher. Disciplinary actions may include, but are not limited to:

- Loss or limits to technology access as defined under “Scope”;
- Removal of students from classes with loss of credit;
- Termination of employment;
- Expulsion;
- Billing for costs associated with repair or replacement of equipment associated with improper use;
- Additional disciplinary action may be determined at the site or NDSD/RC level in line with existing discipline procedures;
- When applicable, law enforcement agencies may be involved.

Internet Filtering and Online Safety

NDSD/RC participates in internet filtering services to help restrict access to internet content that is obscene, pornographic, or harmful as defined by the Children’s Internet Protection Act (CIPA). Although a filtering system is in place to limit user access to potentially objectionable material, no filtering system can provide complete protection and it is the user’s responsibility to access internet resources appropriately. Users accessing the internet through personal cellular connections or other non-NDSD/RC networks and who are on/using NDSD/RC owned/rented/contracted property (including busses) and/or at NDSD/RC affiliated events must adhere to the same filtering restrictions by avoiding internet sites that would be prohibited under CIPA, including those with visual depictions that are obscene, show child pornography, or are harmful to minors. Staff are responsible for supervising students using internet resources. Concerns/problems with the NDSD/RC filtering system should be reported immediately to the NDSD/RC Technology Department. Student online activity may be recorded or monitored.

NDS/RC instructs students about appropriate online behavior, including interacting with other individuals on social networking websites, awareness of and response to cyberbullying, and the construction and use of strong/secure passwords. This instruction is conducted throughout the year through NDS/RC library media specialists, counselors, teachers, residential staff, and online materials.

Legal Disclaimer

NDS/RC will not be responsible for damages users may suffer, including loss of data resulting from delay, non-delivery, or service interruptions; damages to personal property used to access school computers, networks, or online resources; or unauthorized financial obligations resulting from use of school accounts to access the internet. NDS/RC specifically denies any responsibility for the accuracy or quality of information obtained through internet services.

Since all transactions conducted through NDS/RC technology resources could be perceived as authorized NDS/RC activities, users of NDS/RC technology resources are responsible for respecting and adhering to local, state, federal and international laws. Any attempt to break those laws through the use of NDS/RC technology resources may result in legal action against the offender by the NDS/RC, injured third parties and/or governmental authorities. If such an event should occur, the NDS/RC will fully comply with proper requests for information related to the legal proceeding, subject only to prohibitions of law. NDS/RC will not be held liable for the actions of users, which violate the conditions of this policy.

End of NDS/RC Policy ACDA

References: NDS/RC original policy #9 Educational Resources: Technology Equipment
NDS/RC original policy #3 Ethics Revised: Personal Business During Work Hours

FFK, Suspension and Expulsion

FFK-AR, Suspension and Expulsion

Adopted:

Reviewed:

ACDB Use of Audio and Video Recording Equipment

EXAMPLE ONLY – not current policy

Purpose and Scope of Use

The North Dakota School for the Deaf/Resource Center uses video and audio recording equipment in buildings on campus in order to help ensure that the school premises and individuals on school premises are safe and secure. Any person entering an NDSD/RC facility, NDSD/RC state property, attending a school or residential function, or riding in a state vehicle, may be subject to being videotaped. Cameras may be used for the following purposes:

- To protect the school and residential premises from property damage;
- To deter property damage;
- To ensure the safety and security of individuals who are on the school premises;
- To monitor and deter criminal activity from occurring;
- To investigate student behavior on state vehicles transporting students to and from school, extracurricular activities, field trips, or any other school sponsored transportation.

Nonapplicable Provision

This policy does not apply to covert or overt security cameras being used by or on behalf of NDSD/RC as a case-specific investigation tool for law enforcement purposes where there is statutory authority and/or the authority of a search warrant.

Use of Recorded Information

The Superintendent and designee(s) may only use recorded information for purposes as outlined in this policy or for purposes expressly stated under state and federal law.

Retention and Disposal of Recordings

1. All exported information stored on removable media or on NDSD/RC or state systems shall be protected with access rights, passwords, or encryption.
2. Recorded information may never be sold, publicly viewed, or distributed in any other fashion except as provided for by this policy and applicable laws.
3. All recorded information used for the purpose of this policy shall be preserved with appropriate identifiers (site, camera #, incident date/time).
4. All recorded information shall be retained and disposed per applicable laws or NDSD/RC best practices and standards document. Video footage is systematically deleted 15 days after the initial recording if a request to retain footage is not made.

Video Recording Equipment in Schools

Camera Locations

1. Subject to the provisions below, cameras may be placed both in and outside school and residential building(s). Areas chosen for security cameras should serve the purpose outlined in Purpose and Scope of Use.
2. All cameras must be unconcealed, clearly visible, and operable.

3. Cameras shall not be placed in changing rooms, washrooms, and areas where students, staff, and others have a reasonable expectation of privacy.
4. Cameras located internally shall not be directed to look through windows to areas outside the building, unless necessary to protect external assets.
5. Cameras shall not be directed in adjacent, non-district buildings.

Notification

Signs shall be posted advising use of video recording equipment.

Access to and Disclosure of Recorded Information

1. Only authorized NDSD/RC personnel shall have access to the electronic security camera system.
2. Only the Superintendent or his/her designee shall be able to access, export, and/or release video.
3. Video monitors will be placed in locations free from public viewing.
4. NDSD/RC shall comply with all applicable state and federal laws related to access, review, and release of video recordings that are part of the student's educational record under the Family Educational Rights and Privacy Act.
5. Access is not intended for finding lost items. Under FERPA law, guardians have the right to view recordings that are considered their student's FERPA data. Parents must work with the Lead Teacher or the Superintendent to view video or audio recordings.

Audits

The Superintendent or his/her designee shall be responsible for auditing the use of security cameras, including recorded information.

Recording Equipment on School Buses and School Vehicles

Conduct Violations

Students in violation of transportation conduct rules shall be subject to disciplinary action in accordance with established NDSD/RC policy and rules governing student conduct and discipline.

Notification

Signs shall be posted advising use of video recording equipment in state vehicles if in use.

Access to and Disclosure of Recorded Information

1. The use of video and audio recording systems on transportation vehicles shall be supervised by the Superintendent or his/her designee.
2. NDSD/RC shall comply with all applicable state and federal laws related to access, review, and release of video recordings that are part of the student's educational record under the Family Educational Rights and Privacy Act.

3. Access is not intended for finding lost items. Under FERPA law, guardians have the right to view recordings that are considered their student's FERPA data. Parents must work with the Lead Teacher or Superintendent to view video or audio recordings.

End of NDSD/RC Policy ACDB

References:

Adopted:

Reviewed:

ACE Violent and Threatening Behavior

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 their immediate Supervisor and/or the 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 Supervisor shall contact the Superintendent or **Facilities Director**. The **threat assessment team** may be called in as needed. The Superintendent and Facilities Director shall determine if the report constitutes a true threat as defined above and whether, given the nature of the threat, it should be handled internally or turned over to law enforcement. These determinations will be 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 and Facilities Director 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 and Facilities Director shall consider, to the extent possible, the individual's:
 - a. State of mind;
 - b. Relationship with peers;
 - c. Age;
 - d. Domestic life;
 - e. Ability to carry out the threat (e.g., access to weapons);
 - f. Past behavior.
5. If any laws have been violated;
6. The identity and potential motives of the individual reporting the threat.

The threat assessment may involve interviews with 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, NDSD/RC shall take necessary and timely measures to safeguard students, staff, and district property.

Disciplinary Consequences for Threatening Behavior

1. **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.
2. **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

NDSD/RC 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, NDSD/RC 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.

End of NDSD/RC Policy ACE

References: FFD, Carrying Weapons
FFK, Suspension and Expulsion
FFK-AR, Suspension and Expulsion

Adopted:

Reviewed:

ACEA Bullying

Definitions

For the purposes of this policy:

- *Bullying* is defined as conduct prescribed in NDCC 15.1-19-17.
 1. "Bullying" means:
 - a. Conduct that occurs in school, on agency premises, in a state or agency owned or leased vehicle, or at any school or residential 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 school or residence; or
 - b. Conduct that is received by a student while the student is in school, on agency premises, in a state or agency owned or leased vehicle, or at any school or residential 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 school or residence.
 - c. Conduct received or sent by a student through the use of an electronic device while the student is outside of school, off agency premises, and off state or agency owned or leased property which:
 - i. Places the student in actual and reasonable fear of:
 - i. Harm; or
 - ii. 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 school or residence.
- *Conduct* includes the use of technology or other electronic media.

The Superintendent should place this definition, in its entirety, in student and staff handbooks and should develop guidelines to assist students and staff with identifying this conduct.

- *Protected classes* are classifications/characteristics protected from discrimination by NDCC 14-02.4-01 and federal law. The following classes are protected: race, color, religion, sex, national origin, age, disability (physical or mental), and status with regard to marriage or public assistance.

- *School property* or the term *on-campus* refers to all property owned or leased by the state, state and other vehicles, or any school or residential sponsored or school-sanctioned activity.
- *School-sanctioned activity* is defined as an activity that:
 1. Is not part of the NDS/RC’s curricular or extracurricular program; and
 2. Is established by a sponsor to serve in the absence of an NDS/RC program; and
 3. Receives NDS/RC support in multiple ways (i.e., not school facility use alone); and
 4. Sponsors of the activity have agreed to comply with this policy; and
 5. NDS/RC has officially recognized as a school-sanctioned activity.
 6. Examples would include, but are not limited to, NDS Summer Camps, Outreach Programs.
- *School-sponsored activity* is an activity that NDS/RC has approved through policy or other action for inclusion in NDS/RC’s extracurricular program and is controlled and funded primarily by the NDS/RC.
- *School staff* include all employees of NDS/RC, volunteers, and sponsors of school-sanctioned activities.
- *True threat* is a statement that, in light of the circumstances, a reasonable person would perceive as a serious expression of an intent to inflict harm.

Prohibitions

While at a school, on agency premises, in a state or agency-owned or leased vehicle, or at any school or school district sanctioned or sponsored activity or event, a student 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 NDS/RC.

Off-campus bullying that is received on state property is also prohibited.

Reporting Procedures for Alleged Policy Violations

1. Reporting requirements for school staff: Any employee 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 Superintendent to inform him/her as soon as possible. If the alleged violation implicates the Superintendent, the employee shall report it to the Business Manager. If the alleged violation implicates the Superintendent and the Business Manager, the employee shall file it with the Department of Public Instruction – Human Resources Department.

Should school administration determine that an employee knew of or suspected a violation of this policy and failed to report it in accordance with the procedure above, the employee may be subject to disciplinary consequences or other corrective measures.

2. Reporting options for students and community members: Students and community members (including parents/guardians) shall report known or suspected violations of this policy using any of the following methods:
 - a. Completing a written complaint form: A complainant will have the option of including his/her name on this form or filing it anonymously. NDSD/RC 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 employee, filed in the main office, or placed in a designated drop box located in each school.
 - b. Complete and submit an online complaint form. A complainant will have the option of including his/her name on the form or submitting it anonymously.
 - c. File an oral report with any employee. A complaint filed anonymously may limit NDSD/RC's ability to investigate and respond to the alleged violations.

Reporting to Law Enforcement and Others Forms of Redress

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

Documentation and Retention

NDSD/RC shall develop a form to report alleged violations of this policy. The form should be completed by employees when they:

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

All reports of an alleged violation of this policy received by NDSD/RC shall be forwarded to the Superintendent 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 NDSD/RC for six (6) years after a student turns 18.

Investigation Procedures

School administrators (i.e., Superintendent, Department Directors and Managers) 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 Director shall first determine if the alleged policy violation is based on a protected class—whether actual or

perceived. Reports involving a protected class shall be investigated in accordance with the NDSB/RC's harassment/ discrimination policy, including the timelines contained therein.

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

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

Investigations shall be completed within a reasonable timeframe. When the investigation extends beyond thirty (30) days, the Director or Manager must document good cause for extending this deadline. Such documentation should be sent to the parents/guardians of both the victim and alleged perpetrator during the investigation.

Disciplinary and Corrective Measures

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

1. Require the student to attend detention;
2. Impose in- or out-of-school suspension or recommend expulsion. Due process procedures contained in the district's suspension and expulsion policy shall be followed;
3. Recommend alternative placement. This recommendation shall be submitted to the Superintendent for approval or denial. The Superintendent may approve such recommendations only if the student has been given notice of the charges against him/her and an opportunity to respond;
4. Create a behavioral adjustment plan;
5. Refer the student to a school or mental health counselor;
6. Hold a conference with the student's parent/guardian and classroom teacher(s), and other applicable school staff;

7. Modify the perpetrator's schedule and take other appropriate measures (e.g., moving locker) to minimize contact with the victim;
8. If applicable, contact the administrator of the website on which the bullying occurred to report it.
9. Referral to Law Enforcement

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

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

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

Victim Protection Strategies

When NDSD/RC confirms that a violation of this policy has occurred, every reasonable effort shall be made to notify the victim's parents/guardians and NDSD/RC 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 education 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 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 schedules and other appropriate measures to minimize the perpetrator's contact with the victim.
6. Modification to schedules, alternative placement, and appropriate measures will first be applied to the perpetrator.

Prevention Programs and Professional Development Activities

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

End of NDS/RC Policy ACEA

References: NDS/RC original policy - #11 Behavior Management

Adopted:

Reviewed:

ACEB Hazing

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:
 - Any type of physical brutality such as whipping, beating, striking, branding, electric shocking, or placing a harmful substance on the body.
 - 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.
 - 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.
 - 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 or residential program.
 - 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

NDSD/RC 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, employee, volunteer, or contractor shall plan, direct, encourage, aid, or engage in hazing. No employee, volunteer, or contractor shall permit, condone, or tolerate hazing.

NDSD/RC 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, NDSD/RC 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 an employee, their immediate Supervisor, or the Superintendent. Teachers who receive a hazing complaint shall immediately report it to the Superintendent.

Submission of a good faith complaint or report of hazing will not affect the complainant's future employment, grades, or work assignments. Any student, employee, volunteer, or contractor shall be subject to disciplinary action in accordance with 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.

NDS/RC 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 Business Manager 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. NDS/RC 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, NDS/RC 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 of Public Instruction whose decision shall be final and binding.

End of NDS/RC Policy ACEB

References: FFK, Suspension and Expulsion
FFK-AR, Suspension and Expulsion Rules

Adopted:

Reviewed:

ACF Whistleblower Protection – Prohibition Against Retaliation

Protections: Employees

The North Dakota School for the Deaf / Resource Center (NDSD/RC) 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 a school employee or an entity/person with whom the school 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 an NDSD/RC-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)

NDSD/RC 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 NDSD/RC's name. NDSD/RC 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 NDSD/RC and/or any of its employees, contractors, or agents.

Protections: Students and Community Members

NDSD/RC 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 NDSD/RC (or an employee, contractor, or agent) under district policy or when authorized by law. Furthermore, NDSD/RC 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 an employee, contractor, or other authorized district agent may file a grievance in accordance with the NDSD/RC'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, the complainant should report to the Business Manager who shall investigate. If

the grievance concerns the entire administrative team, it should be filed with the Department of Public Instruction (DPI) for investigation.

Grievances not otherwise covered by deadlines in the applicable district policy must be reported within 180 calendar days unless state or federal law specifies otherwise.² 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 and Human Rights or ND Department of Public Instruction), the appropriate federal agency³, and/or, if applicable, law enforcement.

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

Policy Violation Consequences

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

Prohibition of False Claims

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

Notice of Policy

Each employee, contractor, volunteer, and student may find a copy of this policy online in the NDSD/RC's policy manual.

End of NDSD/RC Policy ACF

References: KGB, Grievance Policy

Adopted:

Reviewed:

² FCA has a three-year statute of limitations.

³ State and federal agencies may have reporting deadlines in place after which the grievance may be denied.

C - Administration

CAAA	<u>Superintendent Recruitment and Appointment</u>
CABA	<u>Creation and Elimination of Administrative Personnel Positions</u>
CABB	<u>Hiring of Employees</u>
CBA A	<u>Review of Policies</u>
CBE-AR	<u>Advisory Committee</u>
CBE	<u>Committees and Teams</u>
CCA	<u>Superintendent and Administrative Professional Development</u>
CE	<u>Business and Facilities Manager Duties and Authority</u>

CAAA Superintendent Recruitment and Appointment

Recruitment, Screening, and Selection

The Superintendent of Public Instruction at the Department of Public Instruction (DPI) will construct a set of desired qualifications and a job description for the new Superintendent. DPI will establish a salary range for the position and determine the method of advertising the vacancy. DPI may appoint a screening committee or hire consultants to assist in the search and selection.

The Superintendent of Public Instruction and DPI will determine the screening and selection process or follow the recommendations of any hired consultants to lead in the search, screening, and selection process.

The North Dakota School for the Deaf/Resource Center (NDS/RC) encourages DPI to recruit, screen, and select a candidate with experience in the field of Deaf Education. NDS/RC also encourages DPI to gather and use feedback from families, staff, and the Deaf Community including alumni.

End of NDS/RC Policy CAAA

References:

Adopted:

Reviewed:

CABA Creation and Elimination of Personnel Positions

The North Dakota Legislature grants the North Dakota School for the Deaf/Resource Center (NDS/RC) a certain number of full-time equivalents (FTEs). The Superintendent is responsible for implementing and maintaining FTEs to accomplish the mission and vision of NDS/RC. Classified positions may be filled, be vacant, or be reclassified to better meet the needs of NDS/RC.

The Superintendent or designee shall write the job descriptions for all personnel positions.

The job description shall set forth the broad purpose and function of the position, the qualifications necessary, and a general list of responsibilities and duties. The Superintendent will maintain a comprehensive, coordinated set of job descriptions for all such positions so as to promote accountability, efficiency, and economy in NDS/RC's operations.

End of NDS/RC Policy CAAA

References:

Adopted:

Reviewed:

CABB Hiring Staff

Definitions

For the purposes of this policy, personnel positions include all positions at the North Dakota School for the Deaf/Resource Center (NDS/RC) except the Superintendent position which is handled by the Department of Public Instruction (DPI).

Advertising

The Superintendent will advertise any open positions on the North Dakota State website, the NDS/RC website, local and community avenues, and through deaf-specific websites and agencies.

Prior to advertising, the Superintendent and the Department Manager should review and, if necessary, update the position's job description. All advertising may include a statement that applicants are eligible for Veteran's Preference and shall include a statement that NDS/RC is an Equal Opportunity Employer. The advertisement should include a closing date.

Screening

It is recommended that a committee be formed to review applications, select candidates who meet the minimum qualifications and recommend candidates for interviews.

Interviews

Interviews should be conducted either virtually or in-person by a small committee. Interviews should be conducted in accordance with best Human Resources practices. The finalist shall be required to submit to a criminal background check.

Hiring Authority

The Superintendent shall have final approval of the hiring for all personnel positions.

End of NDS/RC Policy CABB

References: [DBAA-AR, Background Check Screening Procedure](#)
[DBAC, Recruitment, Hiring, and Background Checks for New Instructional Personnel](#)

Adopted:

Reviewed:

CBAA Review of Policies

The North Dakota School for the Deaf/Resource Center (NDS/RC) shall have a standing Policy Committee to review policies on an ongoing basis. The Superintendent shall prepare and disseminate NDS/RC policies and shall ensure reviews and updates to policies are conducted periodically.

Policies should also be reviewed by any department to which the policy impacts. Input should be gathered from the Department Managers and/or employees of the department even if they are not on the Policy Committee.

Membership of the Policy Committee will be as follows:

1. Team members may volunteer to join the Policy Committee.
2. The Superintendent may ask various employees to join the Policy Committee.
3. Each department should be represented on the Policy Committee. If any department is not represented, the Superintendent will seek that Department Manager's and/or those employees' input outside of the committee work.

The Policy Committee will meet as needed to review policies. Recommendations and revisions will be noted by the Superintendent.

After final input and review, the Superintendent will authorize the updates to the Policy Manual. The Superintendent will communicate with all staff on any and all updates, changes, and additions.

End of NDS/RC Policy CBA

References: NDS/RC original policy #1 School Overview: Policy and Procedure Team

Adopted:

Reviewed:

CBE AR Advisory Committee

The purpose of the Advisory Committee is to advise the North Dakota School for the Deaf/Resource Center (NDSB/RC) Superintendent in matters pertaining to the operation of the school and its programs. This committee is set up at the discretion of the Superintendent.

The functions could include, but not be limited to:

- Look at undefined areas of concern and recommend action to the Superintendent.
- Review policies, mission statement, and objectives for NDSB/RC and recommend possible changes.
- Review, study, and comment on issues as they are directed.
- Assist in parent education and in recruiting parents and other volunteers who may contribute to the school.
- Encourage public involvement in the school.
- Act in support of individuals with hearing differences.
- Facilitate communication among students, parents, and members of the school community.
- Inform and advise NDSB/RC staff regarding community conditions, aspirations, and goals for individuals with hearing differences.
- Provide support to parents, teachers, students, and the school community for any program that affects individuals with hearing differences.

End of NDSB/RC Policy CBE AR

References: NDSB/RC original policy #1 School Overview: Advisory Committee

Adopted:

Reviewed:

CBE Committees and Teams

The Superintendent shall create and maintain appropriate mechanisms such as councils, cabinets, and committees to:

- Foster good communications within the staff.
- Allow each member of the staff to have a voice in the development of policies and in the making of decisions affecting them.

Standing Committees shall be established by administration for issues needing ongoing review and action.

Ad Hoc Committees shall be established by administration and staff to address time-limited issues and/or actions.

Committees shall have defined goals and operating guidelines. Committees shall have as broad a representation as necessary to achieve their goals. Membership shall be rotated to be inclusive and as evenly distributed amongst departments and staff members as possible and logical.

Examples of Standing Committees are, but not limited to, the following:

- Advisory Committee
- Leadership Team
- Wellness Committee
- Crisis Intervention Team
- Curriculum Committee

Examples of Ad Hoc Committees are, but not limited to, the following:

- Playground Committee
- Calendar Committee

Committee status and membership shall be reviewed annually. Goals and guidelines for each committee or team shall be defined within each group and/or administrative directive.

End of NDS/RC Policy CBE

References: NDS/RC original policy #1 School Overview: Committees

Adopted:

Reviewed:

CCA Superintendent and Other Administrative Professional Development

The Superintendent and all Department Managers and Directors shall comply with all licensure and certification requirements and renewals established by the Department of Public Instruction (DPI) and North Dakota laws and regulations.

All Department Managers and Directors, including the Superintendent, shall continue learning and participating in professional development to stay current in their respective fields.

End of NDS/RC Policy CCA

References:

Adopted:

Reviewed:

CE Business and Facilities Manager Duties and Authority

The Business Manager and Facilities Director shall perform all duties required of them by law, as delineated in their job description, and as otherwise assigned by the Superintendent.

End of NDSD/RC Policy CE

References:

Adopted:

Reviewed:

D - Personnel

DBAA	<u>Recruitment, Hiring, and Background Checks for New Personnel</u>
DBCB	<u>Staff Job Descriptions</u>
DCABC	<u>Worker's Compensation Insurance</u>
DCAD	<u>Expense Reimbursements</u>
DCAK	<u>Shift Differential</u>
DDDA	<u>Professional Growth Leave for Employees</u>
DE	<u>Staff Ethics</u>
DEAA	<u>Drug- and Alcohol-Free Workplace</u>
DEAC	<u>Staff Dress Code</u>
DEAD	<u>Staff Responsible Use</u>
DEAF-AR	<u>Hazardous Substance Communication Program</u>
DEAF	<u>Occupational Safety</u>
DEAG	<u>Weapons Prohibition on District Property - Employees</u>
DEBA	<u>Confidentiality</u>
DEBB	<u>Staff Conflict of Interest</u>
DEBC	<u>Gifts to NDS/RC Personnel</u>
DEBD	<u>Staff-Student Relations – Nonfraternization</u>
DEBE	<u>Employee Relations with Vendors</u>
DEBI	<u>Staff Power-Differentiated Fraternization</u>
DED	<u>Progressive Discipline</u>
DFA	<u>Staff Evaluation</u>
DFB	<u>Promotion</u>
DGB	<u>Employee Assistance</u>
DGGA	<u>Professional Personnel Development Opportunities</u>
DGH	<u>Staff Involvement in Decision Making</u>
DHBB	<u>Employee Work Schedules</u>
DI-AR	<u>Personnel Records</u>

DBAA Recruitment, Hiring, and Background Checks for New Personnel

The North Dakota School for the Deaf/Resource Center (NDS/RC) is committed to hiring individuals who will best meet the needs of NDS/RC consistent with budget limitations, with its goal to ensure student and staff safety, and in compliance with state and federal law.

Definitions

For the purposes of this policy:

- *Applicant* is defined as any individual applying for an open position.
- *Certified employees* are defined as those who hold teaching degrees and/or certification and licensure from the North Dakota Education Standards and Practices Board (ESPB) and/or the Department of Public Instruction (DPI).
- *Classification/reclassification* means the placement of a position in a specific job classification at a specific pay grade based on the duties and responsibilities of the position.
- *Classified employees/personnel* are defined as employees who hold a position with a specific classification in the state system.
- *Competitive personnel system* is defined in accordance with NDCC 37-19.1-01.
- *Crime* is defined as a felony offense, misdemeanor, a violation of an ordinance, and charges that result from non-sufficient funds or “no account.”
- *Probationary period* is the first six (6) months of employment for a new employee. During this time, the employee can be let go without cause. Probationary periods can be extended for up to six (6) months.
- *Sexual offender* is an individual meeting the criteria in NDCC 12.1-32-15 and/or is required to register under NDCC 12.1-32-15.
- *Temporary employee* is defined as an individual who is employed in a position that is time-limited in duration.
- *Unsupervised contact* is defined in accordance with NDCC 12-60-24 as being in proximity to one or more students, on school grounds, or at school functions.

Recruitment and Hiring Authority

When a position becomes vacant, the Department Manager and/or Superintendent will review the needs of that department to determine if the position should be advertised to fill. The Department Manager and/or Superintendent will review the position description and make any necessary updates or determine that the position should be reclassified to better meet the needs of NDS/RC.

The position will be advertised on the ND State website, the NDS/RC website, deaf-specific websites as appropriate, and other avenues to recruit qualified applicants to apply.

All advertising for classified positions shall include a statement that applicants are eligible for Veterans Preference and NDS/RC is an Equal Opportunity Employer.

The advertisement should include a closing date.

Application Screening Process

All applications shall be reviewed by the Department Manager and/or Superintendent. It is best practice for a small committee to also review applications and make recommendations for interviewing.

Preference for interviewing will be given to individuals who are fluent in American Sign Language (ASL) and/or have experience working with individuals who are deaf or hard of hearing.

The application screening process is confidential. No information about applicants should be shared outside of the screening committee.

Interview Process

The Department Manager or Superintendent will determine who should be part of the interview committee. Applicants who meet or exceed the minimum requirements should be interviewed. Interviews can be in-person or virtual. After completing all interviews, the interview committee should make finalist recommendations. Reference checks should be done before any official job offer.

As part of the qualifications investigation, finalists for positions that allow unsupervised contact with students shall be required to:

1. Submit to a criminal history record check; and
2. Certify in writing that the applicant has never been charged with a crime or provide a written description of the disposition of the charge.

The Superintendent or designee shall adjudicate criminal history records based on the following factors:

1. The nature and gravity of any known misconduct and/or offense(s);
2. The time that has passed since any known misconduct, criminal conviction, and/or completion of a sentence occurred;
3. The nature of the job sought.

Applicants will be deemed to be at a risk unsuitable for district employment in at least the following instances:

1. The applicant is a sexual offender or has committed an offense involving a child victim;
2. The falsification or omission of any information concerning criminal convictions or pending criminal charges.

The interview process is confidential. No information about applicants should be shared outside of the interview committee, except with the Department Manager and/or Superintendent if they were not part of the interview process.

Applicant Rights

Applicants claiming Veterans Preference must provide appropriate certification in accordance with law.

Records obtained by the District for background and other record checks will be used solely for purposes that they were requested and will only be disseminated and retained in accordance with the personnel records policy. The Superintendent shall advise applicants that the procedure for obtaining, correcting, or updating federal records is contained in 28 CFR 16.34. Before making a hiring determination, the Superintendent shall give the applicant a reasonable time to correct and/or complete his/her criminal history record or decline to do so. The Superintendent shall follow the requirements under the Fair Credit Reporting Act if using credit reports to make employment decisions.

Final Selection

The District will make all final selections of employees for classified positions in accordance with Veteran Preference law (NDCC 37-19.1-02). When permitted by law, this may include further inquiry (i.e., after initial qualifications screening and, if applicable, the completion of the competitive personnel exam) into an applicant's qualification based on screening mechanisms such as interviews, background checks, and skills testing.

End of NDS/RC Policy DBAA

References: DBAA-AR, Background Screening Procedure
DBAA-E, Adjudication System
DI, Personnel Records
Office of Management and Budget, Human Resources Policy Manual
NDS/RC original policy #2 Fundamental Operations: Criminal Background
Check and Probationary Status for New Employees

Adopted:

Reviewed:

DBCB Staff Job Descriptions

The Superintendent shall maintain a comprehensive, up-to-date set of job descriptions for all positions at the North Dakota School for the Deaf/Resource Center (NDS/RC). Job descriptions shall include the purpose and function of the position, title of immediate supervisor, qualifications, and a list of duties and responsibilities.

Supervisory relationships shall be in accord with the current organizational chart, and other organizational procedures shall be determined by rules of the Superintendent.

End of NDS/RC Policy DBCB

References:

Adopted:

Reviewed:

DCABC Worker's Compensation Insurance

Not current policy: Example only

The North Dakota School for the Deaf/Resource Center (NDS/RC) furnishes worker's compensation insurance coverage at its expense. Worker's compensation insurance is intended to provide medical care and pay for lost time resulting from injuries on the job and those illnesses caused by the employee's work. At no time should sick leave payments and any other NDS/RC-provided insurance exceed the regular earnings for an employee.

Employees who are reimbursed by North Dakota Work Force Safety and Insurance for a loss of time claim for days absent from work due to a work-related injury cannot have both sick leave payments and/or any other NDS/RC-provided insurance exceed their regular earnings. When an employee has a loss time claim and receives workers compensation reimbursement, the employee must send a copy of the check and benefits summary to payroll. Payroll will deduct the amount earned from North Dakota Work Force Safety and Insurance from the employee's next paycheck.

If the employee received more than the regularly scheduled earnings, the district will deduct the overage in the next pay period.

End of NDS/RC Policy DCABC

References: Office of Management and Budget, Human Resource Policy Manual
North Dakota Workforce Safety and Insurance
<https://www.workforcesafety.com/WSI/OFROI/>

Adopted:

Reviewed:

DCAD Expense Reimbursement

Not current policy: Example only

Personnel and district officials who incur expenses in carrying out their authorized duties will be reimbursed by the district upon submission of a properly filled out and approved voucher and such supporting receipts in accordance with state law.

When official travel by personally-owned vehicle has been authorized, mileage payment shall be made at the state allowance. To the extent budgeted for such purposes in the school budget, the approval of travel requests shall be vested in the superintendent or his designee.

A traveler on official school business is expected to exercise the same care in incurring expenses that a prudent person would exercise in traveling on personal business. Excess cost shall not be accepted.

All travel reimbursements for mileage, lodging and miscellaneous travel expenses for the current fiscal year must be submitted prior to July 15th each year. Expenses submitted after July 15th will not be reimbursed.

End of NDSD/RC Policy DCAD

References:

Adopted:

Reviewed:

DCAK – Shift Differential

The North Dakota School for the Deaf / Resource Center (NDS/RC) provides a differential for staff members who work a night and/or weekend shift. Team members who work these shifts are provided with an additional \$1.00 per hour.

Night shift is defined as starting at 12:00am and ending at 8:00am. Weekend shift is defined as Friday after school starting at 3:00pm and ending at Sunday afternoon at 3:00pm

Any employee who is regularly scheduled to start before 8:00am Mondays through Fridays is not provided with a differential (ex, staff who arrive at 7:30am to assist students in morning routines). Any employee who is assigned to drive or provide transportation assistance (riders) are not provided with a differential.

End of NDS/RC Policy DCAK

References: DHS Human Resources Policy, pg 22.

Adopted:

Reviewed:

DDDA Professional Growth Leave for Employees

Professional Development

The North Dakota School for the Deaf/Resource Center (NDS/RC) will provide a comprehensive professional development plan related to the needs and specific requests of each department. Attendance and participation at certain professional development sessions may be required.

All employees shall work with their supervisors in developing their professional development goals. Employee and supervisors may use feedback from formal/informal observations, conferences to discuss progress and concerns, and performance evaluations (performance appraisals, discussion of self-evaluations, and/or evaluations) in developing individual annual goals.

All NDS/RC employees are encouraged to participate in professional development activities.

The Superintendent and/or Department Managers will gather formal and informal input regarding professional development needs. These needs may be addressed, but not limited to, the following:

- Fall In-service / Back to School Orientation
- Monthly or weekly department meetings
- Staff meetings
- Professional leave for conferences and workshops
- Guest speakers
- Course offerings

Personal professional goals shall be developed during the annual Performance Review and Development.

Professional Leave Travel Requests and Reimbursements

Professional leave and professional travel expense reimbursement may be approved for staff considering the following factors:

- Benefit to NDS/RC
- Benefit relative to expense
- Interruption to student programming
- Availability of funds
- Submission of leave/travel request

Expenses for attendance at annual conferences of professional organizations may be approved for reimbursement if the staff member has been requested to attend by the administration.

Individuals granted professional leave are responsible to:

- Represent the school professionally.
- Report back to supervisor the benefit of the leave.
- Share information with colleagues as requested by the supervisor.

Current policy?

Tuition Reimbursement

Tuition reimbursement is intended to assist in the professional development of employees and the attainment of NDS/RC goals and objectives. Employees may attend courses which are of benefit to the employee's present position.

The following priority order has been established:

Priority 1: Tuition for coursework/training required for certification or re-certification for the employee's current position (follow DPI's Policy).

Priority 2: Tuition for other coursework/training (percent determined by supervisor and Superintendent with consideration for job related need/use for the course). According to DPI Policy and ND Century Code "An employee who receives employer paid tuition who leave employment with the state within 2 years of receiving the tuition must repay the tuition received on a prorated basis" (NDCC 54-06-33).

Costs for tuition, lab fees, and books will be reimbursable up to \$1000 per fiscal year. Requirements for this will include the relevance of the course to NDS/RC and the employee's job preference and related need for the course. Additional costs such as matriculation or application fees, activity fees, parking fees and health fees, as well as the cost of transportation to and from classes are not reimbursable in most situations. Completion of the course with a final grade of C or higher, or SATISFACTORY if the course is ungraded, is necessary for reimbursement.

All reimbursement is dependent on the availability of funds.

End of NDS/RC Policy DDDA

References: NDS/RC original policy #2 Fundamental Operations: Professional Development
NDS/RC original policy #2 Fundamental Operations: Professional Leave /
Travel Requests and Travel Reimbursements
NDS/RC original policy #2 Fundamental Operations: Tuition Reimbursement

Adopted:

Reviewed:

DE Staff Ethics and Conduct

All staff members have a responsibility to make themselves familiar with, and abide by, the laws of the state as well as the policies of the North Dakota School for the Deaf/Resource Center (NDS/RC), policies of the Department of Public Instruction (DPI), and policies and administrative rules related to being a state employee.

Since the realization of NDS/RC goals is dependent upon the professional behavior of all staff, the following specific responsibilities will be required:

1. Conducting oneself professionally and with integrity whenever serving in his/her official capacity as an NDS/RC employee and interacting with students, parents, colleagues, supervisors, and the general public.
2. Faithfulness and promptness in attendance at work.
3. Support and enforcement of policies and regulations of the school administration.
4. Diligence in submitting required reports at the time specified.
5. Care and protection of NDS/RC property.
6. Concern and attention for their own and the NDS/RC system's legal responsibility for the mental and physical safety and welfare of students, including the need to ensure that students are under proper supervision at all times.
7. Properly using and protecting all NDS/RC properties, equipment, and materials.
8. Faithfully and promptly complying with Supervisors' directives

Licensed Staff

Licensed staff shall adhere to professional conduct standards developed by the Education Standards and Practices Board and, in the case of school administrators, the Administrator's Professional Practices Board.

End of NDS/RC Policy DE

References:

Adopted:

Reviewed:

DEAA Drug- and Alcohol-Free Workplace

Definitions

For purposes of this policy:

- *Alcohol* means any alcoholic beverage as defined in 23 U.S.C. 158 and NDCC 5-01-01.
- *Drug* means any controlled substance as defined in NDCC Sections 19-03.1-05 through 19-03.1-13 and 19-03.1-26 (paraphernalia); schedules I through V of the Controlled Substances Act (21 U.S.C. 812), and as further defined by regulation 21 CFR 1308.11 through 1308.
- *Possession* shall mean:
 - Actual physical possession of the drug or alcohol while on school property;
 - Use or consumption of the drug or alcohol while on school property;
 - Drugs or alcohol in the employee's car, handbag, backpack, or other belongings while on school property; or
 - Appearance by an employee on school property after having consumed or ingested the drug or alcohol that is noticeable by breath odor, speech alterations, unsteadiness of gait or posture, or like symptoms of chemical intoxication.
- *Reasonable suspicion* means a good faith suspicion by a trained District administrator and/or supervisor that an employee, based on objective facts and articulable observations, that an employee has violated this policy and is using, or appears to presently be under the influence of, drugs or alcohol.
- *School property* is defined in NDCC 15.1-19-10(6)(b) as all land within the perimeter of the school site, 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* means that an employee is reasonably suspected to have ingested, injected, inhaled, or otherwise taken into their body drugs or alcohol, or is reasonably found to be under the influence of drugs or alcohol.

The North Dakota School for the Deaf/Resource Center (NDS/RC) is committed to a safe, healthy working and learning environment for its employees and students. Therefore, NDS/RC enforces the Drug- and Alcohol-Free Workplace Act by prohibiting employees from the use, manufacturing, possession, distribution, or dispensing of drugs or alcohol while on school property, unless use is at the instruction of a physician, and the physician has advised that use shall not affect the employee's ability to perform duties. Employees are also prohibited from knowingly or intentionally aiding or abetting in any of the above activities.

An employee must inform their immediate supervisor, who is then responsible for informing the Superintendent and/or Business Manager, when the employee's ability to perform job duties is impaired due to on- or off-duty drug or alcohol use.

Employee Assistance Program

The Superintendent shall create an employee drug-free awareness program in accordance with federal law. Information on the effects of drug and alcohol misuse, signs and symptoms of a drug

and/or alcohol problem, and available methods of intervention when a misuse problem is detected can be found on the NDSD/RC website.

Policy Dissemination

The Superintendent shall post this policy on the NDSD/RC website. Employees are responsible for reviewing it annually.

New employees and volunteers are provided a copy of this policy and sign a form acknowledging receipt of this policy. This signed form will be filed in the employee's personnel file.

Reasonable Suspicion Reporting

NDSD/RC shall take steps to ensure that Department Managers and supervisors receive proper training to recognize the signs and symptoms of drug and alcohol misuse prior to making determinations for reasonable suspicion testing.

Reasonable suspicion reporting shall be based on objective facts and articulable observations that are consistent with the signs and symptoms of drug and alcohol abuse; including, but not limited to, appearance, behavior, motor skills, attendance, and/or work performance by the employee. Any suspicion of drug or alcohol abuse should be reported to the Department Manager and/or the Superintendent who will follow established procedures for follow up.

A Department Manager and/or the Superintendent may require an employee to leave the workplace if it is determined that the team member has reported to work in an inappropriate condition and cannot perform the essential functions of the job effectively in a safe manner that does not endanger themselves or others. The employee may be required to use annual leave or sick leave. If the Department Manager or Superintendent determines the employee should not operate a motor vehicle, transportation arrangements will be made for the employee. If the employee refuses to accept transportation and insists on operating a motor vehicle, they will be informed that law enforcement officials will be notified that the employee appears unfit to operate a motor vehicle. Law enforcement officials should then be appropriately notified.

Violation Reporting

As a condition of employment, each employee shall agree to abide by this policy and notify the Superintendent of any criminal drug statute conviction for a violation occurring in the workplace no later than five (5) days after such conviction. The Superintendent, in accordance with applicable law, will notify the appropriate federal and/or state agency after receiving any notice of a conviction for a violation occurring in the workplace. Failure of the employee to report the conviction within the time prescribed may lead to disciplinary action up to and including discharge.

Violations

Violations of this policy may result in the following:

1. Mandatory participation in the Employee Assistance Program (EAP) and/or a rehabilitation program. Chemical dependency leave shall be granted in accordance with the chemical dependency leave policy;

2. Unpaid leave or suspension;
3. Termination of employment. Due process procedures shall be followed prior to termination, if required; or
4. Notification of proper law enforcement authorities.

Assistance

NDS/RC may offer an Employee Assistance Program (EAP) to assist in rehabilitation and intervention efforts. Use of the EAP will not jeopardize employment or promotion opportunities. Treatment for drug and/or alcohol addiction may be covered by the employee benefit plan; however, the ultimate financial responsibility for this treatment belongs to the employee.

Confidentiality

All information received by NDS/RC as a result of this policy is confidential. Access to this information is limited to those who have a legitimate need to know or upon written consent of the employee.

NDS/RC shall maintain employee testing records in accordance with federal law on drug and alcohol testing regulations.

End of NDS/RC Policy DEAA

References: NDS/RC original policy #2 Fundamental Operations: Drug-Free Workplace
Office of Management and Budget, Human Resource Policy Manual
DE, Staff Ethics and Conduct
DEAA-AR, Procedure if Drug and/or Alcohol Use is Reasonably Suspected
DEAA-E, Drug and/or Alcohol Testing Consent Form
DGB, Employee Assistance

Adopted:

Reviewed:

DEAC Staff Dress Code

As role models, staff should always be conscious of how their dress and grooming affects students. All staff shall wear attire appropriate to their profession and the occasion, which provides protection, safety, and modesty as necessary.

End of NDSD/RC Policy DEAC

References:

Adopted:

Reviewed:

DEAD Staff Responsible Use

Not current policy: Example only

The North Dakota School for the Deaf/Resource Center (NDS/RC) provides technology for staff to use in their job duties. The expectation for staff use of NDS/RC-owned electronic devices used anywhere and personally owned electronic devices used on NDS/RC property are in **Policy ACDA, Responsible Use**. In addition to Policy ACDA, the following apply:

General Prohibitions

Use of an electronic device in an area where others have a reasonable expectation of privacy such as a lavatory or locker room is strictly prohibited.

Inappropriate use of any electronic devices by staff is subject to disciplinary action up to and including, but not limited to, revocation of the privileges granted in Policy ACDA, dismissal, and referral to law enforcement officials, as appropriate in accordance with law. Inappropriate use shall be determined by school administration and includes, but is not limited to, violations of the prohibitions established by this policy and by Policy ACDA.

NDS/RC should contact legal counsel prior to searching an employee's personal electronic device.

Social Media

NDS/RC defines social media as websites and applications that enable users to create and share content or to participate in social networking. Examples of social media include, but are not limited to: Facebook, Twitter, Snapchat, Instagram, YouTube, TikTok, special interest apps such as fitness (FitBit, Strava), music (Playlist, Bandlab), hunting/fishing (Fishbrain), etc.

NDS/RC employees who create Teacher, Group, or other social media accounts that represent NDS/RC staff, groups, teams, or organizations, are solely responsible for the monitoring, maintenance, and use of the pages until it has been deactivated or until administrative access has been transferred to another individual.

- It is required that any staff desiring to start a social media account for a school group first contact the Technology Director and/or Superintendent.
- NDS/RC employees may not use social media that is associated with NDS/RC accounts for personal use. **Use your personal email to sign up for personal accounts and your NDS/RC account for approved NDS/RC affiliated use.**
- **All social media accounts that are associated with a school (courses/programs, clubs, activities, departments, etc.) must be set up to include the school principal, program director, or a District designee, as a co-administrator.**
- **It is required that parents are notified regarding the intended use of the social media accounts.**
- NDS/RC employees are prohibited from requiring or encouraging students to create and use specific social media applications unless the application is explicitly approved by the NDS/RC for student use.

- NDSD/RC does NOT support the practice of "friending" current students on social media applications not designated as official school applications through **Policy FGA**.

Use of Electronic Devices While Driving

All employees are to follow state laws as stated in NDCC 39-08-23 while conducting business with electronic devices while driving. Drivers operating any NDSD/RC vehicle are prohibited from operating a vehicle while using an electronic device. These prohibitions do not apply to the use of cellular phones in the following instances:

1. During an emergency situation;
2. To call for assistance related to a mechanical problem or breakdown.

In such instances, the driver shall only use a cellular phone if the vehicle is parked, unless the nature of the emergency situation prohibits this.

The prohibitions under this section do not apply to use of a dispatching device.

Emergency Use

Staff members are encouraged to use any available communication device in the event of an emergency that threatens the safety of students, staff, or other individuals.

Current policy:

NDSD/RCDHH recognizes the need for its staff and students to have access to technology in a global network. The NDSD/RCDHH local area network (LAN) is a part of the State of North Dakota's IT infrastructure and as such, must not damage the reputation of the state of North Dakota, nor jeopardize the systems' integrity. The use of technology shall be consistent with NDSD/RCDHH's mission and philosophy as well as in accordance with the State of North Dakota guidelines. The purpose is to support and enhance teaching and learning in addition to expanding its mission by facilitating resource sharing, innovation, and communication. The technology is defined as systems owned and operated by the school including the hardware [equipment] and software as well as utilizing the state network for internet access, email and voicemail. The use of technology and the local area network (LAN) is a privilege, not a right.

With the rights and privileges of network access come certain responsibilities and procedures to follow. Inappropriate use, damaging equipment or facilities, abusing the network, or access and use in violation of the guidelines and purposes shall result in termination of privileges, potential disciplinary and/or appropriate legal action. Based upon NDSD/RCDHH's guidelines and policies, network administrators deem what is inappropriate use and their decision is final.

For students and staff to gain access to the network and internet, the student and the student's parent(s)/guardian(s), and the staff member must read, sign and have on file an Acceptable Use Policy Agreement Acknowledgement. A copy of the AUP will be provided to the student, his/her parent/guardian, and staff member.

A detailed list of the guidelines and responsibilities of each user can be found on the NDSD/RCDHH Technology Acceptable Use Policy (AUP) located in the Appendix.

PROCEDURES:

Obtaining a Network and Email Account

Network and email accounts shall be setup for new students and/or staff at the request of the administration to the technology coordinator. Information pertaining to the account shall be shared with the student or staff member once the accounts are set up.

Note:

- An 'Acceptable Use Policy Acknowledgement Agreement' form must be on file prior to obtaining access to the network. By signing the AUP the student (parent(s)/guardian(s)), and staff member is affirming that they have read and understand the responsibilities and policies required to follow when using the computer network, internet and email accounts. Signature also affirms that they understand the consequences for any violation of misuse and destruction of the equipment.
- Copies of the "Acceptable Use Consent" form will be provided to the student (parent(s)/guardian(s)) and staff for their records.
- At the Fall In-service, students and staff shall be reminded to review the 'Acceptable Use Policy' which outlines their responsibilities to proper usage of the internet, email and computer network.

Supervision and Access to the Network and Email Accounts

Students shall be supervised at all times by a school staff member (during the school day and in the evenings) when using the computers for internet, email and other network access. Any violation of the policy shall be reported in writing to the administration and/or technology coordinator immediately for general disciplinary action.

Staff shall have access to the network (internet, email and computer access) before and after school hours and during the day as their schedule permits. When using the network and email, users shall adhere to rules of this policy, of the Acceptable Use Policy, and of those posted in the areas of computers.

Security

Network security is a high priority. If a user (student/staff) identifies or perceives a security problem or a breach of these responsibilities by another user on the Internet, email usage and network, the user shall **immediately** notify (in writing) the administration and/or technology coordinator. The user shall not demonstrate or relay such security breach to any other user. Failing to report network security issues immediately is a violation of the policy and individuals shall be denied access to the network and appropriate disciplinary action will be taken.

Vandalism of Equipment, Materials, and Data

Vandalism is a violation and will be addressed. Vandalism is defined as any malicious attempt to harm or destroy the school's equipment or materials, data of another student, the internet network or agency. This includes but is not limited to the uploading or creation of computer viruses.

All users are required and shall report immediately (in writing) to the administration and/or technology coordinator the witness of another user's destruction and/or vandalism of the school's equipment, materials or data of another user. The offender shall be held responsible for compensating the school for any losses, costs, or damages incurred by the school system relating to or arising out of destruction to the network's equipment, materials and data.

The school shall not be liable for personal equipment or software utilized at the school.

Terminating, Suspending, and Removing a Network and Email Account

Network accounts shall be terminated, suspended and/or removed by:

- a) Administrative and/or personal request.
- b) Retirement, termination, and/or personal choice to leave (staff).
- c) Transfer to another school and/or graduation (students).
- d) Violation of school policy and/or administrative regulation. Prior to a suspension or termination of system service or as soon as practicable, the network administrator will inform the system user of the suspected violation and give the member an opportunity to present an explanation. The member may appeal in writing the suspension or termination within seven (7) calendar days (students & staff).

Note: Accounts and files, unless required by law, will be permanently removed upon departure.

Obtaining a Temporary and/or using a Guest Account

Staff hired on a temporary basis or visiting for one day may obtain a temporary or guest account. Accounts shall be setup at the request of the administration or by the individual themselves to the technology coordinator. After the account is setup, information pertaining to the account will be shared with the individual. Accounts shall be considered on a case-by-case basis. Use shall be granted as needs and resources permit.

AUDIO VISUAL EQUIPMENT

POLICY:

Audio-visual equipment shall be available for use by staff and students in support of classes and other department sanctioned activities. All AV equipment is available on a checkout basis. It is best to schedule equipment needs as soon as you can with at least a two (2) day notice. Please keep in mind that some equipment resources are limited and therefore, is reserved on a first come, first serve basis.

Accommodation of all AV equipment requests shall be made but cannot guarantee immediate access to the staff or equipment. It is the responsibility of the user to reserve such equipment beforehand. Please update reservations if your needs change in order to avoid scheduling conflicts and to free reserved equipment for others when you no longer need it.

For the purpose of repairing, replacing and purchasing AV equipment, it is important that the technology coordinator records and monitors its usage. Request to purchase (in writing) AV equipment not available shall be made to the technology coordinator.

Equipment available for checkout includes: iPads, FM PA System, TVs, DVD units, digital cameras, overhead projectors, laptops, LCD projectors, camcorders, and tape recorders.

PROCEDURE:

Reserving Equipment

Equipment reservations shall be made by contacting the technology coordinator via telephone, e-mail or intercampus messaging. Once reserved, the equipment will be either brought to your room or notification for pickup will be sent to the individual.

To reserve equipment, please supply the following information:

your name / class

the equipment you wish to use

the date(s) you need the equipment

the time and duration of when you need the equipment

The monitoring of equipment usage shall be used when considering the purchase and/or replacement of AV equipment.

Pick-up and Return of Equipment

Reserved equipment shall be available for pickup at the technology coordinator's office (unless noted otherwise) the day of or day before the equipment is needed. If the equipment is to be delivered, it shall be delivered to the room by the technology coordinator (unless noted otherwise) the day of or the day before the request depending upon its current use.

Please note:

If you require equipment setup or retrieval you must schedule this with the technology coordinator. A standard request for equipment reservation does not include any setup unless you specify it.

When returning equipment, please make note (in writing) of any problems and/or broken equipment to the technology coordinator. This will allow the issues to be handled prior to the next request for usage.

When using equipment from another room, users shall return the equipment to that room when done for the purpose of keeping accurate inventory records maintained by the technology coordinator and the business office.

Supervision of Equipment Usage

Students shall be supervised at all times by a school staff member (during the day and in the evenings) when using AV equipment for school related projects. Classroom teacher/supervising adult shall be responsible for the care of the equipment during the time the student(s) are using it.

Users shall adhere to proper care and usage of the equipment. Any problems and/or broken equipment, shall be reported (in writing) to the technology coordinator upon return.

Overnight or weekend use

Equipment shall be reserved for evening or weekend events with a two (2) day prior notice in support of a class or department event. Regular classroom teacher/supervising adult and/or department assume responsibility of the equipment until it is returned at the beginning of the next working day. Any problems and/or broken equipment must be reported immediately (in writing) to the technology coordinator so it can be handled prior to the next request for usage.

Off-campus use

Staff requesting equipment to be taken off-campus is responsible to make arrangements and seek approval with at least a two (2) day notice to the technology coordinator. An “Equipment Checkout” form shall be signed by the staff member responsible for the equipment while off campus. Staff member could be held liable for any repair of damage to the equipment or replacement costs if it is unable to be repaired or if lost, or stolen depending on the situation.

Equipment Maintenance, Repair and Replacement

Staff and students shall be held responsible for damage to AV equipment that is the result of negligence, however, not responsible for normal wear and tear damage to AV equipment. Equipment needing maintenance, repair and/or possible replacement shall be reported (in writing) to the technology coordinator to handle as soon as possible.

Request to purchase AV equipment not available shall be made (in writing) to the technology coordinator.

Note: The school shall not be liable for personal equipment utilized at the school.

End of NDSD/RC Policy DEAD

References: ACDA, Responsible Use
DE, Staff Ethics and Conduct
DEBD, Staff-Student Relations (Nonfraternization)
NDSD/RC original policy #9 Educational Resources

Adopted:

Reviewed:

DEAF AR Hazardous Substance Communication Program

Personnel at the North Dakota School for the Deaf/Resource Center (NDS/RC) shall be encouraged to make less dangerous substitutions for hazardous substances to the extent possible and to minimize the quantities of such substances stored on NDS/RC property.

The Superintendent shall administer an employee hazardous substance communication program. The program shall include written procedures for identifying chemicals in the workplace with potential physical and/or health hazards; means of notifying employees of hazardous substances such as, but not limited to, warning labels and safety data sheets; and an employee training program that, at a minimum, instructs employees on safety measures and practices, contains procedures for detecting hazardous substance safety breaches, and emergency response procedures. The program shall comply with all local, state, and federal laws and regulations that pertain to the safe and proper storage, transportation, and disposal of hazardous materials.

It is not the intent of NDS/RC to expand or modify NDS/RC's potential liability exposure through the implementation of this program. NDS/RC's voluntary compliance with any statute or regulation to which it is not otherwise subject shall not be construed to create or assume any potential liability under any local, state, or federal law or regulation.

End of NDS/RC Policy DEAF AR

References: NDS/RC original policy #15 General Safety

Adopted:

Reviewed:

DEAF Occupational Safety

The Superintendent shall develop an occupational safety program for all employees of the North Dakota School for the Deaf/Resource Center (NDS/RC) with at least the following components:

1. An orientation program for new employees that provides an overview of duties, potential hazards and safeguards, NDS/RC safety rules, location of fire extinguishers and other safety equipment, and emergency procedures.
2. Issuance of personal protective safety equipment to employees as the Superintendent deems necessary. Employees required to wear safety equipment shall be instructed that failure to comply may cause NDS/RC to impose disciplinary consequences in accordance with policy, law, and, when applicable, the negotiated agreement.
3. In-service safety training on such topics that the Superintendent deems needed.
4. An occupational risk assessment program, which shall include a procedure for identifying and projecting occupational risks associated with proposed equipment purchases and building safety audits.
5. Installation of safety features on NDS/RC equipment and in NDS/RC facilities.

Accident Reporting

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

Current Safety Information: Incorporate into this policy?

GENERAL SAFETY POOL

POLICY

POOL RULES:

- 1) All persons using pool do so at own risk. We are not responsible for accidents or injuries.
- 2) No glass in pool area!
- 3) No drinks or food in pool area!
- 4) No dogs or cats allowed!
- 5) Unnecessary noise not permitted at any time.
- 6) NO RUNNING! NO PUSHING!
- 7) People with long hair should wear bathing caps.
- 8) Manager/Lifeguard reserves the right to deny use of pool to anyone at anytime.
- 9) **NO DIVING!**
- 10) Pool hours as scheduled or as announced.

SPA (HOT TUB)

POLICY

CAUTION:

- 1) Elderly persons, pregnant women, infants and those with health conditions requiring medical care should consult a physician before entering a spa.
- 2) Water temperature to be 103 degrees Fahrenheit.
- 3) Unsupervised use by children under the age of 14 is prohibited.
- 4) Hot water immersion while under the influence of alcohol, drugs, or certain medications may lead to serious health implications and is prohibited.
- 5) DO NOT USE ALONE! TWO TO THREE PEOPLE IN TUB AT ONE TIME!
- 6) Long exposure may result in nausea, dizziness or fainting! (15 minutes maximum time to be spent in tub at one time)
- 7) SPA CAPACITY- 3 persons

SMALL APPLIANCES

POLICY

- 1) **All** small appliances used by students/staff (for example, toasters, blenders, coffeemakers, irons, curling irons, blow driers, etc.) must be UNPLUGGED when not in use.
- 2) Supervisors are responsible to check their area for plugged-in appliances before leaving the area.
- 3) Microwaves, toasters, popcorn poppers, frying pans, warming plates, or other appliances used to cook food are not approved for general use in non-designated areas.
- 4) Exceptions for special occasions will be made with approval of the superintendent.
- 5) All appliances and cords must be in good repair and have the seal of a qualified testing agency (Underwriters Laboratories (UL) or Underwriters Laboratories of Canada (ULC). They must be plugged into a single receptacle. They cannot plug into a power strip.
- 6) NDSB/RCDHH reserves the right to request the removal of all appliances in violation of this policy.
- 7) Approved space heaters are provided, installed, and monitored by NDSB/RCDHH plant services department personnel.
- 8) Supervisors/students note the location of fire extinguishers.

Student Use of Teacher Lounge/Dorm

POLICY

Children often lack the skills to protect themselves. It is our responsibility, as teachers, parents, and staff to teach and role model the skills to remain safe. Together, we can protect our children by teaching them to be safe in any circumstance.

- 1) A fire extinguisher must be accessible at all times for the Special Needs kitchen.
- 2) All small appliances (for example, toaster, blender, coffeemaker, etc.) must be UNPLUGGED when not in use.
- 3) Students must be supervised at all times.
- 4) Safety training per activity (use of cutlery, grater, pizza cutter, etc.) is the responsibility of the adult supervisor.
- 5) The adult supervisor is responsible for universal precautions/ blood borne pathogens policies being followed at all times.

End of NDSB/RC Policy DEAG

References: NDSB/RC original policy #15 General Safety

Adopted:
Reviewed:

DEAG Weapons Prohibition on Property – Employees

Definitions

For purposes of this policy, and as defined by state and federal law, weapon includes:

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

Prohibitions

The North Dakota School for the Deaf/Resource Center (NDS/RC) employees, NDS/RC contractors and/or their employees, and volunteers shall not possess a dangerous weapon or firearm on NDS/RC property or at school- or residential-sponsored events, including those individuals who may otherwise be permitted by law to carry such weapons. This prohibition does not apply to law enforcement personnel, including school resource officers. Weapons under the control of law enforcement personnel, including school resource officers, are permitted on NDS/RC property.

The Superintendent will ensure notice of this policy is posted on the website for employees, NDS/RC contractors, and volunteers.

Employees in violation of this policy will be subject to discipline up to and including dismissal in accordance with any applicable law. Individuals contracting with NDS/RC and volunteers will be subject to appropriate sanctions. A referral to law enforcement may be made by appropriate school officials.

Any employee who has the knowledge or reasonable cause to suspect that a person on campus has a dangerous weapon shall:

1. Report the incident immediately to their supervisor.
2. That supervisor shall take immediate action by:
 - A. Securing the weapon, if there is no immediate threat of danger.
 - B. Informing the Superintendent.
 - C. Contacting the police, if appropriate.

Depending on the circumstances of the situation an employee may be suspended, with or without pay, or terminated from employment.

End of NDS/RC Policy AAC

References: NDS/RC original policy #15 General Safety

Adopted:

Reviewed:

DEBA Confidentiality

Any person working for or providing services to the North Dakota School for the Deaf/Resource Center (NDS/RC) has a responsibility to protect the privacy of students and their parents. This responsibility applies to time spent at school as well as away from school. Questions from the general public concerning students or staff should be referred to an administrator.

As NDS/RC and the Deaf community at-large are small communities, staff members are advised to use discretion when discussing school matters in public or with people outside of these communities.

NDS/RC employees and service providers must follow confidentiality requirements under the Family Education Rights and Privacy Act (FERPA) and the Individuals with Disabilities Education Act (IDEA). Information considered harmful, an invasion of privacy, or that is personally identifiable information shall not be released without appropriate consent or authorization under law and then only by an administrator. Before disseminating directory information, employees and service providers shall consult with the Lead Teacher, Director of Student Life, or Superintendent to ensure the information is directory information and that it does not contain information about students who have opted out of directory information dissemination.

Employees of NDS/RC shall receive training on the parameters under law for discussing confidential information.

Violations

Employees that violate this policy may be subject to disciplinary action up to and including termination of employment in accordance with district policy.

End of NDS/RC Policy DEBA

References: [DI, Personnel Records](#)
[FGA, Student Education Records](#)
[FGA-BR, Student Education Records Access and Amendment Procedure](#)
[FGA-E, Notice of Directory Information](#)
NDS original policy #3 Ethics: Confidentiality
North Dakota Educational Standards and Professional Board: Professional Code of Conduct

Adopted:

Reviewed:

DEBB Staff Conflict of Interest

The North Dakota School for the Deaf/Resource Center (NDS/RC) not only prescribe that staff members of NDS/RC adhere to all laws regarding conflict of interest, but also be alert to and avoid situations which have the appearance of a conflict of interest.

This policy prescribes a mandatory code of conduct that will be followed by all members of the staff and vendor/contractors in the business of providing goods and/or services to the school system. The policy will apply to, but not be limited to, the following situations:

1. Awarding of any and all building and construction contracts regardless of amount;
2. Awarding of any and all contracts for the providing of goods; e.g., football equipment; basketball equipment, track shoes, films, books, food services and items of a like nature;
3. Awarding of any and all contracts for the providing of services, e.g., window washing, accounting, architectural, cartage, snow removal, security, pre-employment physicals and other services of a like nature;
4. Selection of financial institutions for the deposit of funds;
5. Such other relationships as the Superintendent determines.

Standards Determining Conflict of Interest

For the purpose of this policy, a conflict of interest is deemed to exist whenever the employee has a personal, professional (e.g., business interest outside scope of employment), or pecuniary interest in an NDS/RC contract or matter. A conflict will also be deemed to exist whenever the employee's spouse, relative, business or professional associate has a personal, professional, or pecuniary interest in an NDS/RC contract or matter. For the purposes of this policy, *relative* is defined as parent, sibling, or child.

End of NDS/RC Policy DEBB

References:

Adopted:

Reviewed:

DEBC Gifts to NDSD/RC Personnel

Employees at the North Dakota School for the Deaf/Resource Center (NDSD/RC) shall not accept an offer of reward or a reward for purchase from individuals or companies who are attempting to do business with NDSD/RC.

End of NDSD/RC Policy DEBC

References: DEBE, Employee Relations with Vendors

Adopted:

Reviewed:

DEBD Staff-Student Relations (Non-Fraternization)

The North Dakota School for the Deaf/Resource Center (NDS/RC) requires employees, volunteers, and students to treat one another with respect and professionalism. All employees and volunteers are expected to exercise good judgment and maintain professional boundaries when interacting with students at all times, on and off school property.

Prohibited Behavior

Any behavior of a harassing or sexual nature towards students is strictly prohibited. Such behavior includes but is not limited to the following:

1. Insults, disparaging remarks/names, and/or sarcasm, used to force compliance with an employee's or volunteer's requirements or expectations.
2. Any conduct that would amount to sexual harassment, discrimination, or retaliation under Title IX of federal education amendments.
3. Any activity that may lead to a sexual relationship such as dating, sending intimate correspondence, and/or engaging in sexualized dialogue.
4. Any sexual relationship between an employee or volunteer and a current student, regardless of his/her age, or a former student under the age of 18.
5. Any conduct by an employee or volunteer that would constitute a sexual offense as defined in state law.

Individuals aware of any of these prohibited behaviors are expected to report such action to the Superintendent or Business Manager.

All reported prohibited behavior shall be investigated. If disciplinary action is deemed warranted at the completion of the investigation, NDS/RC shall take appropriate action up to and including termination of employment in accordance with law and/or reporting such activity to appropriate state licensing and law enforcement officials.

End of NDS/RC Policy DEBD

References: [AAC, Nondiscrimination and Anti-Harassment](#)
[AAC-BR, Discrimination and Harassment Grievance Procedure](#)
[AAC-E, Filing a State or Federal Discrimination and Harassment Complaint](#)

Adopted:

Reviewed:

DEBE Employee Relations with Vendors

Employees are prohibited from endorsing a product on behalf of the North Dakota School for the Deaf/Resource Center (NDS/RC). Employees are prohibited from making purchases on behalf of NDS/RC unless authorized by policy or administrator approval.

Employees are authorized to make purchasing recommendations in accordance with the NDS/RC's requisition procedure. Employees making such recommendations shall not:

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

NDS/RC's purchasing activity is designed solely to serve the school system. Purchases will not be made for individuals through NDS/RC. All employees are required to adhere to state law and district policy prohibiting vendor gifts to school employees.

End of NDS/RC Policy DEBE

References: DEBC, Gifts to District Personnel
HCAA, Purchasing Agent
HCAA-AR, Requisitions and Purchase Orders
Office of Management and Budget, Fiscal and Administrative Policies

Adopted:

Reviewed:

DEBI Staff Power-Differentiated Fraternization

Not current policy: Example only

In addition to the North Dakota School for the Deaf/Resource Center (NDS/RC) policy against sexual harassment, it is the policy of NDS/RC to ensure that the work environment is free from intimate, romantic, or dating relationships between supervisors and their subordinates or between employees involved in a power-differentiated work relationship. NDS/RC believes that such power-differentiated relationships can lead to sexual harassment in the workplace (or the appearance of harassment) and adversely affect company morale, operations, and productivity because of favoritism, bias, or unfair treatment (or the appearance of favoritism, bias, or unfair treatment). A power-differentiated relationship is any supervisor/subordinate work relationship or other work relationship in which one employee supervises or manages (directly or indirectly) another employee or makes decisions concerning another employee's terms, conditions, or privileges of employment.

NDS/RC does not intend this co-worker dating policy to otherwise discourage friendship or social activities among the company's employees. This policy applies solely to employees who are involved in a power-differentiated work relationship and who are engaged in an intimate, romantic, or dating relationship.

Covered Employees

This policy applies to all NDS/RC employees.

Application and Enforcement

To enforce this policy, NDS/RC believes that communication and dialogue between management and other employees, in order to protect the interests of both, are extremely important. Therefore, NDS/RC will apply an "open-door policy" to effectuate the expressed purposes of this co-worker dating policy and to allow employees involved in a supervisor/subordinate or other power-differentiated relationship to discuss their situation with the appropriate management officials. As part of the open-door policy, when an intimate, romantic, or dating relationship develops between a supervisor and subordinate, the employees involved in the relationship are strongly encouraged to report it immediately to the Superintendent or Business Manager or any other management official.

Once NDS/RC learns that an intimate, romantic, or dating relationship exists between a supervisor and subordinate or between other power-differentiated employees, NDS/RC may attempt to modify the work relationship by transferring at least one of the employees within the organization to remove the direct supervisor/subordinate relationship or by considering other available options. In making this decision, NDS/RC will work with both employees and obtain their input on which employee would best be suited to a transfer or any other available option. This decision, however, remains solely in NDS/RC's discretion. If these options are unworkable, NDS/RC may give the employees the option either to terminate their relationship or to continue it. If the employees choose to continue the relationship, one employee may be asked to resign. Additionally, supervisors who have had a dating relationship with any subordinate will not be permitted to have any continuing influence over the subordinate employee's promotions, raises, or other terms of employment

Violations of Policy

If NDS/RC determines that an employee has encouraged, participated in, or permitted a violation of this policy, the employee will be subject to appropriate disciplinary action. If, however, any violation of this policy has caused or led to favoritism, unfair bias, harassment, or preferential treatment or has in any way adversely affected company operations or productivity, then more serious disciplinary action may be taken, up to and including termination from employment. This policy is not a contract of employment and does not purport to change, alter, or modify each employee's at-will or contractual employment relationship with NDS/RC. The above-mentioned policy is a condition of each employee's employment.

End of NDS/RC Policy DEBI

References:

Adopted:

Reviewed:

DED Progressive Discipline

The North Dakota School for the Deaf/Resource Center (NDS/RC) believes reasonable rules of employee conduct and performance standards are necessary. Rule violations and performance deficiencies are grounds for disciplinary action up to and including termination.

NDS/RC follows a system of progressive discipline unless an infraction or a violation of a serious nature is committed, including insubordination, theft, falsification of pay records, or assaulting or threatening to harm a manager or employee, student, or any family member of a student or staff, and for which the imposition of less severe disciplinary action would be inappropriate.

The progressive discipline system is intended to correct a regular employee's behavior by beginning with a less severe appropriate action and progressing to a more severe appropriate action, for repeated instances of poor job performance or for repeated violations of the same or similar rules or standards. Progressive discipline includes verbal warnings, written warnings, suspension (paid or unpaid), demotion, and dismissal.

Written warnings and notices of suspension (paid or unpaid), demotion, and dismissal must be coordinated with the Superintendent, who may also consult the Department of Public Instruction (DPI) Human Resources department. A copy must be submitted to the employee, and the original copy retained in the employee's personnel file. All disciplinary documentation placed in an employee's personnel file must be reviewed and signed by the employee and must inform the employee they have the opportunity to respond to any materials filed in their personnel file.

If the employee refuses to sign the copy to be filed, the Superintendent or the Department Manager shall indicate on the copy to be filed that the employee was shown the material, was requested to sign the material to verify that the material had been read, and that the employee refused to sign the copy to be filed. In the presence of the employee and a witness, the Superintendent or the Department Manager shall sign and date a statement verifying the refusal of the employee to sign the copy to be filed.

Definitions

- *Cause* means conduct or factors related to a regular employee's job duties, job performance, or working relationships that are detrimental to the discipline and efficiency of the service in which the employee is or was engaged.
- *Demotion* means a reassignment of an employee, for cause, to a position in a lower class that would result in either a reduction of an employee's base salary or a reduction in the pay grade assigned the position's class that would prevent receiving subsequent pay adjustments; or an involuntary reassignment, for reasons other than disciplinary, from one classified position to another classified position with a lower pay grade.
- *Dismissal* means an involuntary termination of a regular employee's employment.
- *Progressive discipline* means the disciplinary actions imposed to correct a regular employee's behavior, beginning with a less severe appropriate action and progressing to a more severe appropriate action, for repeated instances of poor job performance or for repeated violations of the same or similar rules or standards.

- *Regular employee* means a person who has completed the probationary period and who is or was in a position classified by Human Resource Management Services (HRMS) at the time of the disciplinary action.
- *Suspension with pay* means a forced paid leave of absence.
- *Working days* means Monday through Friday, excluding holidays, or Sunday through Thursday for residential staff, unless otherwise defined by NDSD/RC.

Discipline of Probationary and Temporary Employees

An employee on probation may be separated at will from employment and may be terminated without cause and without progressive discipline. The employee may not grieve or appeal a lawful separation.

The Superintendent shall notify the employee of the separation in writing. However, in the Supervisor's sole discretion, a Supervisor may use progressive discipline to correct the job performance of a probationary employee.

Temporary employees may be terminated without cause and without progressive discipline. However, in the Supervisor's sole discretion, a Supervisor may use progressive discipline to correct the job performance of temporary employees.

Even where *cause* is not required, Supervisors are encouraged to document the reasons for imposing discipline in terms of *cause*. Where the Supervisor's reason for imposing discipline cannot be documented to fit within the broad definition of *cause* used in this chapter, the Supervisor should consult with the Superintendent, who may also consult with the DPI Human Resources office before taking disciplinary action.

Discipline of Regular Employees

An employee who has completed the probationary period may be disciplined only for cause.

Progressive discipline shall be used to correct a regular classified employee's job performance or for a violation of rules or standards, unless the infraction or violation is of a serious nature as described above and for which the imposition of a less severe disciplinary action would be inappropriate.

Documents concerning an employee's character or performance may be placed in the employee's file only with the employee has signed them. Should an employee refuse to sign the copy to be filed, the Department Manager or Superintendent shall indicate that the employee was shown the material, was requested to sign the material, and that the employee refused to sign the copy to be filed. In the presence of an employee and a witness, the Department Manager or Superintendent shall sign and date a statement verifying the refusal of the employee to sign the copy to be filed. The material must then be placed in the file.

Verbal Warning

A verbal warning is intended to change behavior or influence a employee toward improved performance. The verbal warning shall describe the problem, how the behavior or poor performance is detrimental to the discipline and efficiency of the service in which the employee

is or was engaged, the performance or behavior expectations going forward, and the consequences if the performance, behavior, or misconduct continues. Verbal warnings must be documented in the Department Manager's notes or records. A copy of the verbal warning shall be given to the employee and to the Superintendent.

Written Warning

A written warning may be appropriate when a pattern of unacceptable performance is recognized or misconduct has occurred. A written warning typically follows, but is not required, after a verbal warning has been given. The written warning shall contain the same elements as the verbal warning detailed above, in the form of a letter, memo, or official agency form, and signed by the Department Manager and employee. The written warning must be placed in the employee's personnel file and a copy must be given to the employee.

The written warning should contain the following:

- The date of the warning.
- A detailed description of the misconduct or inadequate performance, including dates.
- The effect on the workplace or the policy, administrative rule, or practice that was violated.
- A statement that if the conduct is repeated, the employee will be disciplined again more severely.
- A final warning may also be included in the written warning that specifies that termination will result if another infraction occurs.
- A signature line for the Department Manager or Supervisor.
- A statement at the end, such as "I have read and understand this document. I am aware that it is being placed in my personnel file. I acknowledge that my signature does not necessarily indicate agreement with the contents of this document. I understand that I have the right to attach a response if I so choose."
- A signature line for the employee or a signature of a witness if the employee refuses to sign.

The Supervisor must ensure that a copy of the written warning is placed in the employee's personnel file.

A written warning may also include a formal "Performance Improvement Plan," depending upon the nature and severity of the offense. A formal action plan may include the following elements:

- The steps to follow to correct the problem or meet the desired level of performance, attendance, or behavior.
- Any commitments of assistance or support that the Manager or Supervisor has made.
- The time frame to be followed to achieve improved performance, attendance, or behavior.
- The consequences will occur if the performance, attendance, or behavior are not improved within the specified time frame.

If the employee's performance or conduct has not reached the expected level, further discipline should be administered unless there are mitigating circumstances.

Suspension of Employment With or Without Pay

The Superintendent, with the coordination of the Department Manager and/or DPI Human Resources, must determine if the suspension is with or without pay and the length of the suspension. The suspension must be consistent in severity with the seriousness of the employee's poor performance or misconduct. A suspension of employment action must follow the pre-action notice procedure as set forth below. A suspension without pay may not exceed thirty (30) calendar days. If the suspended employee is exempt from the overtime provisions of the Fair Labors Standards Act, the Superintendent may make deductions from pay for unpaid disciplinary suspensions of one or more full days.

A suspension with pay may be used during an investigation or pending disciplinary action and does not require pre-action notice.

Demotion

An employee may be demoted for inefficiency, misconduct or other cause. A demotion may be to a lower classification, a lower salary grade, or both. The Superintendent or Department Manager will give the team member written notice of the demotion following the pre-action procedure and an explanation of the appeal process.

Dismissal from Employment

This is the most severe disciplinary action and is intended as a final action. This level of discipline will normally be taken when previous disciplinary actions have been ineffective or severe misconduct. Dismissal from employment may be used earlier in the disciplinary process when it is necessary and consistent with the performance and misconduct.

The written notice given to the employee will include an explanation containing the elements described in the pre-action procedure.

Pre-Action Notice

Before suspending, demoting, or terminating a classified employee who has successfully completed the probationary period, the Department Manager shall provide a written pre-action notice of the reasons for such action, an explanation of the allegations, and supporting evidence, and provide an opportunity for the employee to respond. All pre-action notices must be approved by the Superintendent.

The written pre-action notice must include:

- a. A statement that the Department Manager's or Supervisor's believes there is cause to take disciplinary action that may result in demotion, suspension without pay, or dismissal of the employee.
- b. An explanation of the allegations against the employee.
- c. A statement of specific policy, administrative rule, practice violation, or a statement citing what work expectation was violated and how the employee would have known the work expectation.

- d. A provision for the employee to respond in writing within a minimum of five (5) working days to provide evidence, explanation, or other information in writing which contradicts the allegations and evidence.
- e. A statement regarding the employee's status until a final decision is made.
- f. A statement that a written notice of the final action taken will be provided to the employee.
- g. A statement at the end such as "I have read and understand this document. I am aware that it is being placed in my personnel file. I acknowledge that my signature does not necessarily indicate agreement with the contents of this document. I understand that I have the right to attach a response if I so choose."
- h. A signature line for the employee to acknowledge receipt or a witness to acknowledge the employee's receipt and/or refusal to sign.

Any time a pre-action notice is sent to an employee via the US Postal service, an Affidavit of Service by Mail form must be used to document the date the letter was sent to the employee.

Opportunity to Respond

The employee must be given no less than five (5) working days following the receipt of the notice to respond in writing to the allegations. The employee must be given reasonable access to his or her official personnel file and all information upon which the allegations are based. If necessary, the employee may be placed on a leave of absence with pay during this time. If the employee makes a written request for an extension of time to answer the allegations, the Superintendent may grant a reasonable extension on the condition that the employee agrees to take the extension as a leave of absence without pay. Extensions with pay must be approved by the Superintendent. The employee's response to the allegations must be in writing and placed in the employee's personnel file.

Final Action Notice

After reviewing all the evidence, including all written information provided by the employee, the Superintendent must determine whether to take the proposed disciplinary action. Once the Superintendent makes a final decision on the basis that there are reasonable grounds to believe that the allegation(s) against the employee are true and support the proposed action, the Superintendent must notify the employee, in writing, of the final disciplinary action to be taken.

The Superintendent shall determine the method of delivery that best guarantees the employee's receipt of the final action notice. Any time a final notice is sent to an employee via US Postal service, an Affidavit of Service by Mail form must be used to document the date the letter was sent to the employee.

When an employee wishes to resign rather than be dismissed, it is at the employee's discretion and at no time will be recommended by management. If an employee tenders a resignation prior to the implementation of a pre-action process, the employee's personnel record should show that the employee resigned. However, if a pre-action process is already underway and the employee decides to resign, documentation of the pre-action process must remain in the personnel file. The employee may contest the disciplinary action through the internal grievance procedure found in chapter 13. In cases of termination, the employee may request that DPI agree to waive the

internal agency grievance procedure and appeal directly through HRMS to the Office of Administrative Hearings.

The final action notice must contain either of the following:

- If the final disciplinary action is less than demotion, suspension without pay, or termination, a statement must be made explaining the reasons for reducing the intended disciplinary action. Any stipulations that may apply to continued employment must also be stated.
- If the final disciplinary action taken demotes, suspends, or dismisses the employee, a detailed explanation of the basis for the action must be provided. This notice must also inform the employee of the right to grieve the decision in accordance with Chapter 13 of this manual.
- A statement at the end, such as "I have read and understand this document. I am aware that it is being placed in my personnel file. I acknowledge that my signature does not necessarily indicate agreement with the contents of this document. I understand that I have the right to attach a response if I so choose."
- A signature line for the employee to acknowledge receipt or a witness to acknowledge the employee's receipt and/or refusal to sign

End of NDS/RC Policy DED

References: Office of Management and Budget, Human Resources Policy Manual, Chapter 13

NDAC 4-07-19-02

NDAC 4-07-20.1

Department of Public Instruction Human Resources Manual, Chapter 12

Adopted:

Reviewed:

DFA Staff Evaluation

The North Dakota School for the Deaf/Resource Center conducts performance evaluations with employees to ensure employees are adequately performing the assigned job duties and to provide a basis for employee development discussions and salary administration actions.

The performance evaluation process is an ongoing discussion between an employee and the direct supervisor to establish a clear understanding regarding:

- essential job functions of the position;
- how the employee's job contributes to the objectives of the department;
- how the employee and supervisor will work together to sustain, improve, or build on existing employee performance;
- how job performance will be measured;
- identification and removal of barriers; and
- identification of development plan to learn and grow.

All non-probationary classified and certified state employees will complete a performance evaluation annually. See paragraph below for information about First- and Second-Year Teachers.

Annual Evaluation Timeline

- July – September: Priorities are set within NDS/RC. Job descriptions are reviewed to ensure the information is current. Employees complete their key goals, outcomes, and development planned for the next 12 months. The supervisor and employee review the information together.
- October – March: Supervisor meets with the employee to discuss goal progress, associated development plan, as well as a check-in on performance. This discussion should be documented as part of the performance appraisal.
- April – June: Employee completes the self-evaluation, and the supervisor completes their portion of the form. Supervisor schedules a discussion with the employee concerning accomplishments, outcomes, and development achieved throughout the past year. Completed annual performance evaluations may serve as a basis for salary administration. NDS/RC deadlines will be established each year for completion in accordance with the annual statutory requirement but no later than June 30.

An employee receiving an overall needs improvement rating must have an improvement plan.

If an employee's supervisor changes during the evaluation cycle, both supervisors share responsibility for the yearly evaluation. It is the responsibility of the new supervisor to assure the performance evaluation is completed within the required timeline, and the former supervisor's responsibility is to provide feedback for the appropriate portion of the evaluation.

Performance evaluations are not grievable beyond the next level supervisor unless the evaluation is combined with a demotion, dismissal, reduction in pay, or if the employee alleges

discrimination or retaliation in the evaluation. Such allegations are grievable through the grievance process of NDS/RC.

Probationary Period Evaluation

A probationary status employee will receive a performance evaluation at the end of the six-month probationary period. If the employee is not meeting performance standards, their probationary period may be extended for up to an additional six months, or they may be terminated from employment. A probationary employee must be advised by the supervisor of an extension of probation, in writing, prior to the completion of the original six-month probationary period. Lack of notice within fifteen (15) working days of completion of the probationary period means that the employee has successfully completed the probationary period and is moved to regular status.

First- and Second-Year Teachers: Evaluation Renewal and Non-renewal of Contracts

NDS/RC requires two written evaluations during each school year for every Teacher in his or her first and second year of teaching within the school. The evaluation should be in the form of written performance reviews, and the first review should be completed and available to first- and second-year teachers no later than December 15th. Should a Teacher fail to adhere to school policies governing conduct, the Teacher is subject to disciplinary action, up to and including discharge. First- and second-year Teachers do not have appeal rights to either grievance procedures or hearings before the **Advisory Committee**.

The second review should be completed and made available no later than March 15th of each year. The administrator contemplating not renewing the contract of a first- or second-year Teacher should, after reviewing the evaluations, meet with the Teacher to discuss the reasons for the proposed non-renewal. The Teacher may be represented at the meeting by two representatives of the Teacher's own choosing. No claim for relief for libel or slander may be brought for any statement expressed either orally or in writing at any meeting held pursuant to this section.

If the administration determines not to renew the contract of a first- or second-year teacher, written notification of the decision of non-renewal must be given to the Teacher no earlier than March 1st nor later than May 1st. This requirement does not operate to prohibit a first- or second-year teacher from being disciplined or dismissed prior to March 1st if the school administration believes that discipline or dismissal is warranted following the guidelines contained in the Teacher's Policy Manual or NDS/RC Policy Manual. Failure by the administration to provide written notification of non-renewal to a first- or second-year teacher by May 1st constitutes an offer to renew the contract of the Teacher for the ensuing school year.

End of NDS/RC Policy DFA

References: **NDAC 4-07-10**

NDS/RC original policy #2 Fundamental Operations: Employee Evaluation
Department of Public Instruction Human Resources Policy Manual, Chapter 11
Teacher's Policy Manual

Adopted:

Reviewed:

DFB Promotion

It is the policy of the North Dakota School for the Deaf/Resource Center to consider competent and faithful employees within NDSB/RC whenever they are qualified for the position. All openings for promotion and/or new positions will be sent to employees through the NDSB/RC listserv and qualified personnel will be given adequate opportunities to make application for such positions. Existing employees are ineligible for Veterans Preference when applying for an internal position.

End of NDSB/RC Policy DFB

References:

Adopted:

Reviewed:

DGB Employee Assistance Program (EAP)

It is the policy of the North Dakota School for the Deaf/Resource Center (NDSB/RC) to assist, in a strictly confidential manner, employees who are experiencing problems relating to physical illness, mental or emotional illness, marital or family relations, finances, alcoholism, drug abuse, and other concerns. The Employee Assistance Program (EAP) is available to all regular employees and their immediate family members (spouse and children living in the same household as the employee and dependent children attending school). An employee or employee's immediate family member may contact an EAP provider directly for assistance. Self-referrals are strongly encouraged.

Employees are responsible for their job performance. Their performance appraisals will be based on their actual job performance. No employee will have job security or promotional opportunities jeopardized by coming forward to request counseling or EAP assistance. Sick leave may be used to attend EAP sessions.

End of NDSB/RC Policy DFB

References: Department of Public Instruction, Human Resources Policy Manual, Chapter 8
Teacher's Policy Manual

Adopted:

Reviewed:

DGGA Professional Personnel Development Opportunities

Staff development is essential to the continued growth of our educational system and the North Dakota School for the Deaf/Resource Center (NDS/RC) is committed to providing opportunities for the continual professional development of its staff. Such opportunities shall include district workshops and study groups, professional resources through the Library, staff orientation and mentoring programs, assistance from supervisors, coaches and consultants, and release time for visits to other classrooms and attendance at conferences and other professional meetings.

Department Managers or the Superintendent, within approved budgetary constraints, plan, schedule, and pay for job-related training programs appropriate and/or required to the work assigned to a regular employee. Department Managers or the Superintendent will determine if the program is job-related.

Professional growth is defined as either undergraduate or graduate credit and must be either in professional education or applicable to the employee's job duties, certified major, minor, or endorsement areas. NDS/RC encourages professional growth and self-improvement through further study, publication, and other means of self-improvement. Incentives for such improvement are built into the salary schedule for some employees.

A record of all staff development should be maintained by each employee and should be submitted to the Superintendent or Business Manager for agency record-keeping and filing in employee personnel files.

Certified staff will be required to maintain their certification by adhering to the regulations established by the Educational Standards and Practice Board (ESPB).

End of NDS/RC Policy DGGA

References: Department of Public Instruction, Human Resources Policy Manual, Chapter 10
Teacher's Policy Manual
NDS/RC original policy #2 Fundamental Operations: Professional Development
NDS/RC original policy #2 Fundamental Operations: Professional Leave and
Travel Requests and Reimbursement

Adopted:

Reviewed:

DGH Staff Involvement in Decision Making

The North Dakota School for the Deaf/Resource Center (NDSD/RC) believes that its major policy decisions should be reached with meaningful participation by the staff and stakeholders in a process which culminates in a recommendation and informal approval to the Superintendent. This participation is to be interpreted as contributing to the efficient functioning of the organization.

Further, NDSD/RC believes that major decisions of the administration regarding the overall school and agency programs, including curriculum, instruction, and budget, should also be reached with meaningful participation by the staff in the decision-making process. Staff participation in the decision-making process is to be interpreted as non-binding recommendations to decisions by the administration pursuant to the authority delegated by the State Superintendent of Public Instruction.

NDSD/RC believes that participation by staff in the decision-making process should be conducted in a spirit of cooperation.

The Superintendent will assure that each Department Manager encourages a process by which meaningful participation by the staff is sought during the decision-making process on major decisions. Major decisions should include systems which encourage staff to make suggestions and express views, orally or in writing, during the decision-making process. Staff should be encouraged to express their views, preferably before, but always after, decisions affecting large numbers of students and staff. Staff shall be given a reasonable oral or a written explanation, upon request of any staff member, after major decisions are made. There shall be no punitive retribution for staff members expressing their views. All staff members must be respectful in expressing their views. Ultimately, the goal is for everyone to support the necessary actions for NDSD/RC to accomplish its mission and vision.

The Superintendent shall use staff development opportunities to provide in-service training for staff in methods of participation in the decision-making process.

The Superintendent shall provide administrative guidance for encouraging administrators to have meaningful participation of staff in decision-making.

The Superintendent shall:

1. Review annually the culture and climate of the staff including their view of their participating in decision-making.
2. Include appropriate elements regarding administrator implementation of staff involvement in decision-making in the annual administrator evaluations.

End of NDSD/RC Policy DGH

References: NDSD/RC original policy #1 School Overview: Committees

Adopted:

Reviewed:

DHBB Employee Work Schedules

Work schedules for employees are developed to best meet the needs of the students and operations of the agency and school.

Teachers' workdays will be scheduled according to the current "bell schedule" of the school. Modification of these times may be made during the year according to class schedule and student need.

Lunch breaks will be scheduled each year, based on student supervision / instructional needs. Teachers work a 40-hour week.

Staff are to be in their assigned areas five (5) minutes before student arrival.

Educational support staff members work a 40-hour work week with one hour off for lunch. Alternate scheduling, e.g. 8:00 a.m. to 4:30 p.m. with one-half hour off for lunch, may be approved by the Superintendent.

Schedules will be designed to best meet the needs of the students and considering staff needs.

Other employees' schedules will be determined by the Department Manager.

End of NDS/RC Policy DHBB

References: NDS/RC original policy #2 Fundamental Operations: Work Schedules

Adopted:

Reviewed:

DI AR Personnel Records

Current Policy

Staff members may view their personnel records. Staff members request an appointment with the Business Office receptionist.

Individual Education Staff Files

Individual educational staff files, located in the Education Office, shall include copies of professional certificates, transcripts, etc. for reference purposes and shall be accessible to the individual staff member upon request through the Education secretary. Permanent personnel files are located in the Administration Office.

All files maintained in the Education Office are filed alphabetically.

Not current policy: Example only

Records Personnel files shall be maintained for all employees. Payroll and human resources information will be kept in the central office and performance evaluations and other current files will be kept in the employee's home school.

The location and content of the files for the employees is as follows:

Teachers

Each teacher has three personnel files. These files are located at their home school, in the payroll office, and in the human resources office. Content of each file is listed below. Upon termination of employment the three files are consolidated into one file and stored in the vault in the Administrative Offices.

School Building

1. Disclaimer form (employee handbook)
2. Information on attendance at required district training
3. Letters from parents, students, etc. concerning the teacher
4. Performance evaluations
5. Information of a positive nature including information indicating special competencies, achievements, performance or contributions
6. Records of any disciplinary actions taken against the employee including written warnings, demotions, suspensions without pay, etc.)

Payroll

1. Authorizations for payroll deductions
2. Direct deposit authorization form (if completed)
3. Employee information form
4. Insurance forms
5. Leave of absence forms
6. Retirement forms
7. W-4 form

Human Resources

1. Application materials
2. Offer letter
3. Information for salary schedule placement and advancement
4. Teacher certification information
5. Personnel information form
6. Requests and approval of leave (more than two days of personal leave, leave of absence, sabbatical leave, leave without pay)
7. Family and medical leave and medical information are kept in a separate file because this information is confidential

Support Staff

Each support staff employee has three personnel files. These files are located at their home school or location, in the payroll office, and in the human resources office. Upon termination of employment the three files are merged and stored in the vault in the Administrative Offices.

School Building

1. Disclaimer form (employee handbook)
2. Information on attendance at required district training
3. Letters from parents, students, etc. concerning the employee
4. Performance evaluations
5. Information of a positive nature including information indicating special competencies, achievements, performance or contributions
6. Records of any disciplinary actions taken against the employee including written warnings, demotions, suspensions without pay, etc.

Payroll

1. Application form and materials
2. Authorization for payroll deductions
3. Direct deposit authorization form (if completed)
4. Employee information form
5. Insurance forms
6. Retirement forms
7. W-4 form

Human Resources Office

Family and medical leave and medical information are kept in a separate file because this information is confidential.

Administrators

Each administrator has two personnel files. These files are located in the payroll office and in the Superintendent's office. Upon termination of employment the two files are merged and stored in the vault in the Administrative Offices.

Payroll

1. Authorizations for payroll deductions
2. Direct deposit authorization form (if completed)
3. Employee information form
4. Insurance forms
5. Retirement forms
6. W-4 form

Superintendent's Office

1. Application materials
2. Letter of offer
3. Disclaimer form (employee handbook)
4. Information on attendance at required district training
5. Letters from parents, students, etc. concerning the employee
6. Performance evaluations
7. Information of a positive nature including information indicating special competencies, achievements, performance or contributions
8. Records of any disciplinary actions taken against the employee including written warnings, demotions, suspensions without pay, etc.
9. Medical information will be kept in a separate file in the Superintendent's office

Miscellaneous Information

Placement of information in personnel files:

Any information addressing an employee's performance or character will not be placed in the personnel file unless the employee has had the opportunity to read the material. The employee should sign the actual copy to be filed with the understanding that the signature merely signifies that the employee has read the material and does not necessarily indicate agreement with the content. If the employee refuses to sign the copy to be filed, the administrator should indicated on the copy that the employee was shown the material, was requested to sign the material, and refused to sign the copy.

Administrators may maintain written notes or records of the employee's performance separate from the personnel file for the purpose of preparing evaluations or possible disciplinary action.

End of NDS/RC Policy DI AR

References: NDS/RC original policy #2 Fundamental Operations: Personnel Records
NDS/RC original policy #2 Individual Education Staff Records

Adopted:

Reviewed:

F - Students

FABA	<u>Assignment to Teachers and Classes</u>
FACA	<u>Admissions of New Students</u>
FC	<u>Student Safety and Supervision</u>
FCAA	<u>Severe Allergens</u>
FCAC	<u>Head Lice</u>
FCAD-AR	<u>Emergency Illness and Accidents</u>
FCAD	<u>Student Accidents</u>
FCAF-AR	<u>Concussion Management Program</u>
FCAF	<u>Concussion Management</u>
FCBD	<u>Student Custody</u>
FCC	<u>Restraint or Seclusion</u>
FDE	<u>Education of Students with Disabilities</u>
FEBB	<u>Psychological Testing</u>
FECB	<u>Gifts and Awards to Students</u>
FF R	<u>Student Conduct Standards and Disciplinary Procedures</u>
FF	<u>Student Conduct, Discipline, and Corporal Punishment Prohibition</u>
FFA-AR	<u>Alcohol and Other Drug Intervention and Disciplinary Procedure</u>
FFA	<u>Student Alcohol and Other Drug Use Abuse</u>
FFB-AR	<u>Attendance and Absence Procedures</u>
FFB	<u>Attendance and Absences</u>
FFBA	<u>Compulsory Attendance Reporting</u>
FFC-AR	<u>Student Conduct on School Transportation</u>
FFC	<u>Student Conduct on District and/or Contracted Transportation</u>
FFD	<u>Weapons on School Property</u>
FFE	<u>Extracurricular and Co-Curricular Participation Requirements</u>
FFF-AR	<u>Field and Other School-Sponsored Trips</u>
FFF	<u>Field and Other School-Sponsored Trips</u>
FFG	<u>Student Assemblies</u>
FFH	<u>Student Dress Code</u>
FFI	<u>Student Responsible Use</u>
FFK-E1	<u>Suggested Procedure for Conducting an Expulsion Hearing</u>
FFK-E2	<u>Suspension and Expulsion of Students Receiving Special Education Services</u>
FG	<u>Student Rights and Responsibilities</u>
FGA-E	<u>Notice of Directory Information</u>
FGA	<u>Student Education Records and Privacy</u>
FGBA	<u>Released Time for Outside Instruction</u>
FGBB	<u>Student Prayer During Non-Instructional Time</u>
FGCA	<u>Searches of Lockers</u>
FGCB	<u>Searches of Students and Students' Personal Property</u>
FGCC	<u>Student Interviews, Interrogations, and Custody by Outside Authorities</u>
FGDB	<u>Student Handbooks</u>
FIA	<u>Student Gifts to School</u>
FIB	<u>Participation in Non-School-Sponsored Contests and Competitions</u>

FABA Assignment to Teachers and Classes

Assignment of students shall be based on the student's individual needs as determined by professional judgment. Student and parent requests will be considered in making the assignment.

The Lead Teacher and/or Superintendent will make the final determination of assignment to teachers and classes if consensus cannot be reached.

End of NDSD/RC Policy FABA

References:

Adopted:

Reviewed:

FACA Admissions of New Students

ADMISSIONS

Section 2. Amendment. Section 25-07-04 and Section 25-07-05 of the North Dakota Century Code is amended and reenacted as follows:

25-07-04. Qualifications for admission to school for deaf--Residents of state entitled to free education.

- 1. A child who is a resident of this state and who, because of deafness or a hearing impairment, is unable to receive an education in the public schools, is entitled to attend the school for the deaf at the expense of the state. A child is entitled to attend the school at any age up to twenty-one.*
- 2. The school for the deaf shall provide application forms upon request. A child may not be admitted to the school until the child's application is completed and approved.*
- 3. The school for the deaf shall provide transportation to any child who has been admitted, in accordance with the child's individual education plan.*
- 4. Any child who is a resident of this state and who is deaf or hearing-impaired is entitled to receive special education and related services in accordance with the child's individual education program. Each individual education program must address the child's academic, recreational, and leisure needs, as well as the acquisition of independent living skills and career and technical education opportunities.*

25-07-05. Admission of nonresidents.

A child who is deaf or hearing-impaired but who is not a resident of this state may be admitted to the school for the deaf, provided the annual cost of the child's education, as determined by the superintendent of public instruction, is paid on behalf of the child in advance of the child's admission and on a yearly basis thereafter. The school may not admit a child who is not a resident of this state to the exclusion of a child who is a resident of this state.

The North Dakota School for the Deaf/Resource Center (NDS/RC) assures that all children residing within the state boundaries who have disabilities and who need special education and related services will be identified, located, and evaluated.

Before a student is placed for a 15-day Assessment Period at NDS/RC or enrolled, an IEP or 504 must be provided by the Local Education Agency (LEA). The LEA may request assistance in evaluations and IEP development from the NDS/RC Outreach Department. Approval for placement at NDS/RC happens after the 15-day Assessment Period at NDS/RC and must be

an IEP team decision based on the application process, current and previous educational and medical data, and feedback from the Assessment Period at NDSD/RC.

If the student is to be a Residential student, Residential Assessments and feedback from Residential staff will be included in the IEP meeting.

Admissions Process

Referrals may be received from a variety of sources including, but not limited to, North Dakota's special education units, preschool and Head Start screenings, the North Dakota Early Hearing Detection and Intervention (EHDI) program, audiologists, families, etc. Referrals may be received from LEA's and/or parents directly to NDSD/RC campus or through the Outreach Consultant from that area. If the referral is made by the parents/guardians, the LEA will be contacted by either the parent or NDSD/RC.

Application Process:

1. The family completes an Application including Release of Information for school records.
 - a. Application
 - b. Release of Information
 - c. Current Evaluation reports
 - d. Current IEP or 504
 - e. Current progress notes
 - f. Current Report Card
 - g. Audiogram
 - h. Educational and behavior assessment records
 - i. Discipline reports
 - j. Immunization records
 - k. Birth Certificate
2. The family and/or school team schedules and complete a tour of campus.
3. The Admissions Coordinator gathers paperwork and compiles the application folder.
4. The Admissions Team* reviews the records and determines if NDSD/RC can provide the necessary educational and related services for the 15-day Assessment Period.
 - a. A student will not be recommended for the 15-day Assessment Period if:
 - i. The student is a danger to self or others.
 - ii. The student presents with medical or safety concerns that are beyond the scope of care provided by the Education and/or Health Services staff.
 - b. If any of the services or goals from the student's current IEP or 504 cannot be met during the 15-day Assessment Period at NDSD/RC, some modifications may be made and noted in the IEP before the 15-day Assessment Period begins.
5. If an Assessment Period is recommended by the Admissions Team, a 15-day Assessment Period Acceptance meeting is held with NDSD/RC, the LEA, and the family to determine a start and end date and to document any modifications to the IEP services and goals while at NDSD/RC.
6. At the end of the 15-day Assessment Period, an IEP meeting is held to review data collected during the Assessment Period and determine future placement.

**The Admissions Team may include, but not be limited to the Superintendent, Lead Teacher, Health Services Director, Director of Student Life (if residential placement is being considered), Potential Classroom Teacher, School Psychologist, School Counselor, Audiologist, Speech Language Pathologist, and additional Support Specialists.*

Placement Process:

At the end of the 15-day Assessment Period, an IEP meeting is held to review data collected during the Assessment Period and determine future placement. If placement at NDS/RC is NOT recommended, the student will return to their home district for educational services. NDS/RC Outreach may continue to provide consultative services to the family and the school. If placement at NDS/RC is recommended, the student will continue to receive educational services on campus. The IEP team will decide to adopt and follow the current IEP or develop a new IEP based on the results from the 15-day Assessment Period.

A student will not be placed for educational or residential services at the NDS campus without the concurrence of an NDS representative.

Enrollment and Registration for New Students

All students to be officially enrolled at NDS/RC must complete the registration process which includes completing required papers and providing necessary information.

Registration Packets

When a student is accepted for placement at NDS/RC, an initial registration packet may be completed by the family. The registration packet includes the following:

- Cover letter
- School calendar
- NDS/RCDHH application form
- Request for proof of child's identity
- Release forms, including release of information from LEA
- Parental rights booklet
- Teacher information sheet
- Optometric exam certificate
- Dental exam certificate
- NDHSAA physical card
- Hearing aid repair
- Parental right to access of student records
- Clothing list/Checklist (Residential students only)
- Student/Parent Handbook
- Internet/computer contract (NDS/RCDHH Technology)
- Acceptable Use Policy (AUP)
- See Special Education Safeguards registration forms in Appendix

DES NOTES: Yellow highlight-these would be included in the admissions packet. Pink highlight-these are the same thing.

End of NDS/RC Policy FACA

References:

Adopted:

Reviewed:

FC Student Safety and Supervision

The Superintendent is responsible for the North Dakota School for the Deaf/Resource Center's (NDS/RC) overall safety program. As part of this program, the Superintendent shall develop a procedure for integrating safety education into the curriculum and for ensuring adequate supervision of students during the school day. NDS/RC will notify parents when supervision is available before and after school.

Staff will receive appropriate training on student safety measures and will be required to follow student safety precautions subject to disciplinary consequences for willful disregard of these rules.

As NDS/RC is a residential facility, students' whereabouts should be known and age-appropriately supervised at all times by staff members. If a student is missing or does not report to staff or the agreed-upon location at the appropriate time, the Superintendent, Lead Teacher, or Director of Student Life should be notified **immediately**.

The North Dakota Century Code (NDCC14-09) states that caretakers (the individual who is responsible for the physical control of a child and who is the child's biological or adoptive parent, the spouse of the child's biological or adoptive parent or another individual acting in the stead of a child's parent at the request of the parent or another with authority to make the request) shall report to law enforcement when they know or have reasonable cause to believe that a child:

1. Has/is believed to been missing for 24 hours if student is under 13 years of age.
2. Has/is believed to been missing for 48 hours if student is ages 13 through 17.

If a student goes missing, staff members will immediately notify the Superintendent, Lead Teacher, or Director of Student Life who will oversee the search for the student and make the decision about when/if to call law enforcement. Parents will be notified by the Superintendent.

If staff members suspect a student has gone missing while not on NDS/RC property or during an NDS/RC event (i.e., at home) the staff members shall notify the Superintendent, Lead Teacher, or Director of Student Life. As soon as possible, the Superintendent shall attempt to contact the student's parents/guardians to verify the student's whereabouts and should document this attempt and findings. Teachers and administrators must report a child in violation of compulsory attendance laws.

End of NDS/RC Policy FC

References: [ACAB, Emergency Plans and Drills](#)
[ACAC, Accident Reporting](#)
[FC-E, Missing Student Reporting Form](#)

Adopted:

Reviewed:

FCAA Severe Allergens

Students and adults may have allergic reactions to products. Although the North Dakota School for the Deaf/Resource Center (NDSD/RC) cannot guarantee an allergen-free environment, it is the goal of NDSD/RC to minimize the risk of exposure to allergens that pose a threat to those with severe allergies, to educate the community about allergens, and to maintain and regularly update a system-wide protocol for responding to the needs of students and staff with life-threatening allergies. A system-wide effort necessitates cooperation of staff, students, and families.

NDSD/RC and the Health Services Department will consider the following steps to reduce opportunities for students and/or adults to be exposed to dangerous or life-threatening allergens:

1. Identify and work to eliminate from school food service menus foods or food products that are known to potentially trigger life-threatening allergic reactions.
2. Establish a uniform snack policy that reduces or eliminates opportunities for foods that are commonly known to trigger allergic reactions from being brought into classrooms.
3. Make available to parents, students, and staff educational materials about allergens and recommend that foods which are known to cause life-threatening allergens are not brought into the school.
4. Establish age-appropriate procedures and guidelines for students and schools within NDSD/RC that minimize the risk for students to be exposed to life-threatening allergens.
5. Establish a uniform policy to ensure that the lines of communication are open between parents, teachers, and staff, recognizing it is the parent's or guardian's responsibility to inform NDSD/RC and the Health Services Department about a child's medically certified allergic condition which might affect the child's welfare or safety.
6. Establish uniform policies and procedures for NDSD/RC to cooperate with parents and appropriate health professionals in the development of an Allergy/Anaphylaxis or other appropriate Action Plan.
7. Provide education and training to staff regarding their roles and responsibilities, medical emergency planning at the building level, and age-appropriate emergency and accommodation planning for individual students.
8. Review and update the handbook, *Managing Allergies in the NDSD/RC Setting*, every two years by the School Health Committee and school nurses or other designated staff.

End of NDSD/RC Policy FCAA

References: NDSD/RC Original Policy #4: Health and Wellness

Adopted:

Reviewed:

FCAC Head Lice

Background

For additional information regarding head lice treatment and eradication please refer to “Head Lice - A Lousy Problem” available at www.ndhealth.gov/head-lice/ and the American Academy of Pediatrics 2015 clinical report available at

https://publications.aap.org/pediatrics/article/135/5/e1355/33653/HeadLice?_ga=2.176749415.393729069.1652816358-789812490.1652816358

Symptoms

- Itching on the head and scalp
- A tickling feeling on the head or in the hair
- Live lice
- Nits (lice eggs) attached to hairs
- Irritated spots on the head caused by the child scratching
- Irritability and trouble sleeping

Protocol for Head Lice Identification

1. Immediate or long-term exclusion of students with head lice is no longer recommended as best practice from the American Academy of Pediatrics and the North Dakota Department of Health. Students with an active infestation are referred to parents. However, if students are not picked up by parents, they may remain in class and return to school the next day after the appropriate treatment has been completed.
2. A *trained staff member or a School Nurse will check any student reported to have symptoms of head lice. An active infestation (case) is defined as the presence of live lice or nits laid close (1/4 in.) to the scalp.
3. If an active case of head lice is found:
 - a. The Teacher and Director of Student Life will be informed immediately and the child should not have head-to-head contact with other students.
 - b. Parents of the child with lice will be notified. If parents of the affected student are not able to come and get their child, the student will be allowed to stay in school and will return to the classroom until the end of the school day. Staff will discreetly manage lice infestations by reducing the child’s contact with others so that the student is not ostracized, isolated, humiliated, or psychologically traumatized.
 - c. The school nurse will give parents of the affected student information for treating head lice. These resources are the ND Disease Fact sheet on head lice and the Quick Guide for Managing Head Lice which are available at <http://www.ndhealth.gov/head-lice/>
 - d. Staff will maintain student confidentiality at all times.
 - e. Following treatment, the affected student will be checked by the school nurse or a *trained staff member once a week for 2 weeks or until the issue is resolved. Parents should be instructed to check their child daily for any signs of reinfestation and to continue to remove nits to avoid misdiagnosis.

4. Siblings of the affected student who attend BPS should be screened for head lice. Playmates who are known to have prolonged head-to-head contact will be screened and parents notified of results.
5. Classroom screening will not be done unless the principal and school nurse feel there are unique circumstances that warrant a mass screening (i.e. certain preschool and kindergarten rooms where specific activities have included close head-to-head contact for prolonged periods of time). Parental consent is not required for classroom screening; however, parents will be notified.
6. Custodians will perform the appropriate cleaning procedures as stated in “Head Lice - A Lousy Problem,” from the North Dakota Department of Health.

***Trained staff:** Staff members who perform lice checks in the absence of the school nurse must receive prior training from the School Nurse. Until a trained staff member has the opportunity to become skilled at identifying active head lice, the School Nurse will need to perform the head check on students suspected of having head lice and will do so as soon as possible.

End of NDSD/RC Policy FCAC

References: NDSD/RC Original Policy #4 Health and Wellness: Head Lice

Adopted:

Reviewed:

FCAD AR Emergency Illness – Accidents

Staff members will submit a written report of any accident involving students, staff, or other persons occurring on the North Dakota School for the Deaf/Resource Center properties or during NDSD/RC-sponsored events to the Superintendent's office, even since minor accidents may later become a basis for legal action.

These reports will be submitted on NDSD/RC forms so that all necessary data, such as the following, will be included:

- Name of person involved in accident
- Date
- Time of day
- Place
- Names of witnesses
- Apparent cause and extent of injury
- First aid given
- Arrangements made for further care

Such additional reports will be made of accidents involving school employees as are requested for workers' compensation purposes. The Business Office will maintain records and reports pertaining to workers' compensation and will administer this insurance program.

End of NDSD/RC Policy FCAD AR

References: NDSD/RC Original Policy #4 Health and Wellness: Parent Notification
NDSD/RC Original Policy #4 Health and Wellness: Emergency Procedure
NDSD/RC Original Policy #4 Health and Wellness: First Aid
NDSD/RC Original Policy #4 Health and Wellness: Parent Notification

Adopted:

Reviewed:

FCAD Student Accidents

The North Dakota School for the Deaf/Resource Center shall follow its medical emergency response procedure if a student is injured while at school or during an NDS/RC-sponsored event. NDS/RC shall develop a protocol for notifying a student's parent/guardian in the event of an injury. This protocol shall contain notification procedures for injuries that occur on NDS/RC property during school hours, on NDS/RC-sponsored trips, and during extracurricular activities.

In the event of a severe injury, an ambulance shall be called. When an ambulance is unavailable, a medical or school official will transport the student to a medical facility.

Exception to this Policy

NDS/RC's policy and regulations on concussion management shall supersede any NDS/RC emergency response policies/regulations when the concussion management policy/regulations are applicable.

End of NDS/RC Policy FCAD

References: NDS/RC Original Policy #4 Health and Wellness: Parent Notification
NDS/RC Original Policy #4 Health and Wellness: Emergency Procedure
NDS/RC Original Policy #4 Health and Wellness: First Aid
NDS/RC Original Policy #4 Health and Wellness: Parent Notification

Adopted:

Reviewed:

FCAF AR Concussion Management Program

*NOTE: Items designated with a * are from a National Federation of State High School Associations document entitled “Concussion in Sports: What You Need to Know” written by Dr. Michael Koester, Jennifer Adams, and Angie Webster and available at: www.nfhslearn.com*

While the North Dakota School for the Deaf/Resource Center (NDS/RC) does not currently have an active sports program, this Concussion Management Program policy applies to all students and staff involved in any NDS/RC-sponsored activity and is involved with a head injury.

Concussion Signs & Symptoms

The signs and symptoms of a concussion are as follows:

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

Requirements when Signs & Symptoms are Observed/Reported

1. Removal

- a. An official NDS/RC designee with direct responsibility for a student individual during practice, training, or competition shall remove from practice, training, or competition a student:
 - i. Who reports any sign or symptom of a concussion
 - ii. Who exhibits any sign or symptom of a concussion

NOTE: Policy prohibits coaches and officials who are minors or current high school students from making removal decisions due to a suspected concussion. Such individuals are required to inform, as soon as possible, an adult with removal authority of reported or observed signs or symptoms of a concussion.

- b. A licensed, registered, or certified healthcare provider whose scope of practice includes the recognition of concussion signs and symptoms has removal authority if they determine, after observing the student, that the student may have a concussion.
- c. If two or more parties listed above with removal-from-play authority disagree on whether a student (who reports or exhibits signs or symptoms of a concussion) should be required to sit out, NDS/RC requires that the ruling 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.

2. When to Call for Emergency Assistance*

If an individual exhibits the following symptoms, an NDSD/RC employee, sports authority (e.g., coach, assistant coach, trainer, referee) or designee should call 911 for emergency medical assistance:

- a. The individual lost consciousness or has a decreasing level of consciousness
- b. The individual has symptoms of a concussion and his/her conditions appear to be worsening
- c. The individual's neurological function is deteriorating or mental status changes (lethargic, confused, agitated, difficulty maintaining focus/arousal)
- d. The individual's respiration is decreasing or irregular
- e. The individual exhibits any sign or symptom of associated injuries, spine or skull fracture, or bleeding
- f. The individual exhibits seizure symptoms/activity.

3. Transportation when Emergency Assistance is NOT Activated

Under no circumstances should a student with a suspected head injury be sent home or allowed to drive. An individual removed from play in accordance with this procedure whose condition appears stable (i.e., not worsening) should be transported by their parent or NDSD/RC employee, if appropriate, to a medical facility as soon as possible. If the student's parent is unavailable, the NDSD/RC designee shall make arrangements to have the student transported to a medical facility by a school employee as soon as possible. The NDSD/RC designee shall make a continued effort to notify the student's parent of the student's possible injury, transportation arrangements, and destination.

4. Examination

A student removed from practice, training, or competition for one or more of the reasons in #1 above must be examined as soon as practical by a licensed healthcare provider who is acting within their scope of practice and trained in evaluation and management of concussions as determined by the provider's licensing board.

5. Return-to-Play Requirements

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

Training

Upon initial employment (or selection, in the case of volunteers) and every two years thereafter, each district coach, official, and other individuals designated by NDSD/RC who has removal-from-play authority due to suspected or reported concussions shall receive training regarding the

Concussion Management Program Descriptor Code: FCAF-AR nature and risk of concussions.⁴
The **Health Services Director** shall determine the method most suitable for carrying out this training requirement and shall keep documentation of the date(s) the NDS/RC designee completed concussion training.

NDS/RC shall develop information on concussions incurred by individuals and disseminate this information to student individuals and their parents. Before allowing a student to participate in an athletic activity, NDS/RC shall require the student and student's parent to submit written documentation verifying that they have viewed the concussion management information disseminated by the school.

End of NDS/RC Policy FCAF AR

References:

Adopted:

Reviewed:

⁴ NOTE: NDHSAA officials have received concussion management training in accordance with law.

FCAF Concussion Management

The North Dakota School for the Deaf/Resource Center (NDSB/RC) shall comply with the concussion management program requirements contained in law (NDCC 15.1-18.2). For the purposes of compliance, NDSB/RC 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 Rule (JGCH-R)**.

For the purpose of implementing the concussion management program law, NDSB/RC has also established the following definitions and requirements.

Definitions

Law requires that all school-sponsored and sanctioned athletic training, practices, and games be governed by a concussion management program. For purposes of determining what constitutes athletic sponsorship and sanctioning, NDSB/RC has developed the following definitions:

- *School-sponsored athletic activity* is a sport that NDSB/RC has approved through policy or other board action for inclusion in NDSB/RC's extracurricular program, is controlled and funded primarily by NDSB/RC, and requires participating students to regularly practice or train and compete.
- *School-sanctioned athletic activity* is a sport that:
 - Is not part of NDSB/RC's curricular or extracurricular program
 - Is established by a sponsor to serve in the absence of an NDSB/RC program
 - Receives NDSB/RC support in multiple ways (i.e., not school facility use alone)
 - Requires participating students to regularly practice or train and compete
 - Is officially recognized by NDSB/RC as a school-sanctioned activity

NDSB/RC 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 as required by law and providing appropriate information to parents and students as required by law. The sponsor shall provide to NDSB/RC documentation certifying that this training has occurred and students/parents have viewed required informational material on concussions prior to beginning the activity.

Removal From Play Decisions

Under the concussion management law, NDSB/RC is authorized to designate removal-from-play authority to individuals who have direct responsibility for student athletes during practice, training, and/or games if a student reports or exhibits a sign or symptom of a concussion. The **Health Services Director** or their designee shall make this determination, and the **Health Services 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. This measure in no way guarantees that a healthcare provider trained and credentialed in accordance

with law shall be present at athletic training, practices, and/or events nor shall the voluntary creation of this safety precaution be construed to created or assume any potential liability under local, state, or federal law or regulation.

NDS/RC prohibits anyone other than the NDS/RC contracted provider or the Health Services from making removal and return-to-play decisions. If two or more parties with removal-from-play authority disagree on whether a student (who reports or exhibits signs or symptoms of a concussion) should be required to sit out, NDS/RC requires that the ruling be made in the interest of the student's safety, and that the student shall be required to sit out and comply with return-to-play requirements contained in law.

Return to Play

NDS/RC designates the Health Services Director or their designee 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 18, whichever is later.

End of NDS/RC Policy FCAF

References:

Adopted:

Reviewed:

FCBD Student Custody

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

The North Dakota School for the Deaf/Resource Center (NDSB/RC) 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 NDSB/RC policies and regulations that are applicable to all parents/guardians and when access/participation is reasonably predicted by the Superintendent, Lead Teacher, or Director of Student Life 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 NDSB/RC 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. NDSB/RC personnel shall not initiate a request for or otherwise actively seek information pertaining to student custody.

NDSB/RC 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. 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, NDSB/RC shall notify both parents that the documentation on file is unclear, that NDSB/RC needs further clarification from the court on this matter, and that NDSB/RC 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 their child at school shall be handled in accordance with applicable NDSB/RC policy and rules (e.g., rules on visitors in schools, parent visits to school, phone calls at school, etc.). NDSB/RC shall deny any request that the Superintendent, Lead Teacher, or Director of Student Life 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 their child shall be handled in accordance with NDSB/RC policies and rules governing this matter; however, NDSB/RC shall deny any request that the Superintendent, Lead Teacher, or Director of Student Life reasonably predicts will disrupt the educational environment or any request that is prohibited by current legally binding custody documentation on file with the school.

NDSB/RC 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), NDSD/RC 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
2. NDSD/RC is aware that a student or their parent is participating in domestic violence or sexual assault program. In such cases, NDSD/RC 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 NDSD/RC property or during an NDSD/RC activity or event, a school official, if possible, shall remove the student from the dispute to ensure the child's safety (e.g., escort the child to a safe place) and contact law enforcement.

Parent requests related to their child's education shall be handled in accordance with applicable NDSD/RC policy except when the parent does not have authority to make such requests as stipulated in current legally binding custody documentation on file with NDSD/RC.

End of NDSD/RC Policy FCBD

References: ACCA, Sexual Offenders on School Property
ACCA-BR, Criteria for Granting Parent Offenders Privileges to Enter School
FC, Student Safety and Supervision
FCBA, Student Dismissal Precautions
FGA, Student Education Records
FGA-BR, Student Education Records Access and Amendment Procedure
KAAA, Visitors in Schools

Adopted:

Reviewed:

FCC Restraint or Seclusion

Restraint and seclusion shall be implemented in a nondiscriminatory manner. Interventions authorized by this policy may be applied to any student enrolled in the North Dakota School for the Deaf/Resource Center (NDS/RC) so long as such interventions are implemented in compliance with this policy.

Definitions

For the purposes of this policy:

- *Dangerous Behavior* is violent, disturbed, or depressed behavior which may **immediately** result, or has resulted, in harm to that person or other persons or behavior that has or may immediately result in extensive or extreme damage to property.
- *Chemical Restraint* is medication used to control behavior or restrict freedom of movement that is not a standard treatment for the student's medical or psychological condition.
- *Mechanical Restraint* is any device or object used to restrict or limit a student's body movement or any normal function of any portion of their body to prevent or manage dangerous behavior. Mechanical restraints are prohibited at NDS/RC. Mechanical restraints do not include devices used by trained school personnel or by a student themselves for approved therapeutic or safety purposes for which devices were designed and, if applicable, prescribed.
- *Physical Escort* is the temporary touching or holding of the hand, wrist, arm, shoulder, waist, hip, or back for the purpose of inducing a student to move to a safe or alternate location. This definition excludes physical prompts or physical escorts that are deemed developmentally or age appropriate by the school team.
- *Physical Restraint* is the use of physical intervention intended to hold a student immobile or limit a student's movement by using body contact as the only source of restraint to deescalate dangerous behavior or used as part of a parent approved plan such as, but not limited to, a behavioral intervention plan (BIP), Individualized Education Program (IEP), or 504 Plan. This definition excludes physical prompts and physically escorting a student so long as the physical prompt/escort does not render a student immobile.
- *Behavioral Intervention Strategies* shall not be construed to mean a name-brand method of identifying and assessing students potentially in need of a behavioral intervention plan. Under this policy, *Behavioral Intervention Strategies* is defined as methods used to identify students who exhibited past incidents of dangerous behavior or exhibit the potential likelihood to engage in such behavior. NDS/RC shall determine the appropriate scope and method of conducting a needs assessment for implementation of behavioral intervention strategies under this policy and should document completion of this assessment.
- *Seclusion* is placing a student in a room or limited space alone to deescalate dangerous behavior or as part of a parent-approved plan such as, but not limited to, BIP, IEP, or 504 Plan except for the presence of a staff monitor who shall monitor the student directly in the space or immediately outside it. This definition excludes disciplinary sanctions designed to penalize students by separating them from the student population (such as,

but not limited to, detention and in-school suspension), and alternative placement (which is often used to separate the student from the student population for safety reasons).

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

Behavioral Intervention Strategies

To minimize the need for physical restraint or seclusion to respond to dangerous behavior, NDSD/RC shall use de-escalation and positive behavioral intervention strategies to the extent possible. To implement behavioral intervention strategies NDSD/RC should at least take the following steps:

1. Identify 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.
2. Train staff on identifying the need for behavioral intervention strategies and on implementing these interventions once established.
3. Develop a Behavioral Intervention Plan (BIP) for identified students. This plan should at least identify antecedents 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.
4. Involve parents in the development of the BIP and receive their consent on the document. In the case of students with mental or physical disabilities, behavior intervention strategies, if necessary, should be addressed in the IEP or 504 Plan.

Prohibitions

NDSD/RC prohibits employees, contractors, volunteers, and other individuals serving or working in any capacity for NDSD/RC 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 means the use of physical restraint or seclusion to control violent, disturbed, or depressed behavior which may immediately result, or has resulted, in harm to that person or other persons or to control behavior that has or may immediately result in extreme or extensive damage to property. Restraint or seclusion may also be used when authorized by a parent-approved plan such as, but not limited to, BIP, IEP, or 504 Plan.

NDSD/RC further prohibits staff from the following:

1. Using restraint and seclusion interventions simultaneously except when necessary, temporary measure (e.g., to evacuate a classroom, restrain a secluded student who is exhibiting self-destructive behavior).
2. Using restraint or seclusion to discipline a student.
3. Using restraint or seclusion as a behavioral intervention when:

- a. Behavior does not pose an immediate risk of harm or has not resulted in harm to the student or others,
 - b. Behavior does not pose an immediate risk of extensive or extreme damage to property,
 - c. Or when not authorized by a parent-approved plan such as, but not limited to, BIP, IEP, or 504 Plan.
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, covering a child's face, or restricting hand movements to prevent signing).
 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 staff member is attempting to obtain possession of a weapon or other dangerous object within the control of a student, is attempting to stop a physical altercation between the student and another individual, or is acting in self-defense and inadvertently causes harm to the student in the process. Administration shall investigate anytime a student was harmed during restraint or seclusion to determine the appropriateness of the intervention technique under the circumstances.
 8. Using physical restraint or seclusion for longer than when the dangerous behavior has subsided or longer than prescribed by the parent-approved plan.

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

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

1. Behavior at issue.
2. Age of the child.
3. Whether a proposed intervention would violate restraint or seclusion interventions prohibited by policy. Such interventions shall not be used.
4. The child's needs.
5. Terms of the child's BIP, IEP, and/or 504 Plan.
6. Whether staff have received appropriate training in the intervention proposed.
7. Number of staff needed to administer the intervention. At a minimum, two staff members should be on hand when physical restraint or seclusion is used—one to witness implementation of interventions.
8. Whether a staff member will be available to continually monitor a student who is restrained or placed in seclusion. NDS/RC requires continuous monitoring of a student placed in seclusion.
9. If seclusion is the recommended intervention, whether the area has a seclusion area free from any objects that the child could use to harm themselves. If there is no such room or area available, alternative interventions must be used.
10. Whether the proposed interventions have been reviewed and approved by a qualified licensed or education specialist such as, but not limited to, a therapist, an individual

certified in special education, or psychologist. NDSD/RC 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 their 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.

Student engagement in unforeseen dangerous behavior shall be reviewed by a team convened by the Superintendent, Lead Teacher, or Director of Student Life to review the circumstances surrounding the incident and determine the need for a BIP, IEP, or 504 Plan.

Staff Training

NDSD/RC shall provide training to appropriate staff in physical restraint and seclusion and shall provide a copy of this policy to all staff via this manual and the NDSD/RC's website. Only trained staff members should implement physical restraint or seclusion interventions. If a trained staff member is unavailable in situation necessitating use of restraint or seclusion as defined by this policy, the untrained staff member should contact a trained staff member to seek assistance. If the urgency of the situation prohibits contacting a trained staff member for assistance, the untrained staff member shall implement physical restraint or seclusion interventions in compliance with all prohibitions contained in this policy and in the BIP/IEP/504 Plan (if the staff member is aware of the contents of such plan, if such plan exists). Staff administering restraint or seclusion under these circumstances are subject to administrator notification and reporting requirements contained in this policy. The Superintendent, Lead Teacher, or Director of Student Life 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, and Re-Evaluation

Whenever any student is placed in seclusion or is restrained, the intervening staff member shall contact the Superintendent, Lead Teacher, or Director of Student Life as soon as practical. The Superintendent, Lead Teacher, or Director of Student Life 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 their decision in writing.

Anytime restraint or seclusion is used, the staff member administering the intervention should document it using the **NDSD/RC'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 them of the restraint or seclusion intervention used. If parents cannot be reached, the administrator should document a description of their 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 or 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, NDSD/RC 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

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

Policy Adoption and Review

NDSD/RC should seek input of 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 use of restraint or seclusion is reported accurately and consistently.
5. Whether data collected on restraint and seclusion are used to plan behavioral intervention strategies and staff development.
6. Whether policy continues to protect students and staff.
7. Whether policy is still aligned with any applicable law.

End of NDSD/RC Policy FCC

References: **FCC-E, Restraint or Seclusion Reporting Form**
FFK, Suspension and Expulsion

FFK-AR, Suspension and Expulsion Administrative Rule

Adopted:
Reviewed:

FDE Education of Students with Disabilities

The North Dakota School for the Deaf/Resource Center (NDS/RC) serves all individuals, including children and their families who are deaf, hard of hearing, or deafblind in the state of North Dakota through our Outreach Programs. NDS/RC's Education and Residential Programs serve those students from age 3 through 21 who have an IEP or 504 and benefit from direct instruction from teachers and staff who are familiar with Deaf Education.

NDS/RC believes 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, NDS/RC complies with Section 504 requirements. For the purpose of compliance with state and federal laws concerning with disabilities students in special education and providing this assurance, NDS/RC subscribes to policies and procedures required to comply with IDEA and Section 504, such as but not limited to child find and procedural safeguards.

End of NDS/RC Policy FDE

References: FACA Admission of New Students

Adopted:

Reviewed:

FEBB Psychological Testing

Not current policy: Example only

When concern about a student is expressed by the parent, the teacher, or the building principal the Bismarck Public Schools will have available, qualified psychologists to administer the appropriate evaluation instrument. The Department of Special Services shall implement guidelines to insure proper procedures and any applicable laws are followed as well as the confidentiality of testing results.

End of NDS/RC Policy FEBB

References:

Adopted:

Reviewed:

FECB Gifts and Awards to Students

Not current policy: Example only

In compliance with North Dakota law, the District shall not spend public money for purposes other than permitted by law. The District shall not use public funds to award scholarships to students nor shall it, in any way, use public funds to reward students in a manner that would have a direct individual financial benefit. The District will not use public funds to subsidize award and recognition programs created by parent, civic, or booster groups.

District schools may offer award and recognition programs that enrich the school environment and that conform to the restrictions in this policy.

End of NDSD/RC Policy FECB

References:

Adopted:

Reviewed:

FF R Student Conduct Standards and Disciplinary Procedure

Not current policy: Example only

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 consider 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, they shall consult with the building principal or, in the case of a building principal, the Assistant 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 and 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 to the building principal a misconduct report, 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. Billing the student/parent for property damaged caused by the student;
7. Comply with specific disciplinary consequences listed in the policy that the student violated.

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

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

Moderate offenses

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

Options four through eight 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 least prior to the student serving the detention.

End of NDSD/RC Policy FF R

References:

Adopted:

Reviewed:

FF Student Conduct, Discipline, and Corporal Punishment Prohibition

The North Dakota School for the Deaf/Resource Center (NDS/RC) outlines expectations for student conduct.

Conduct Standards

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 the Education or Residential programs, respect all NDS/RC property, utilizing it only as authorized and in a non-destructive manner; and will be expected to respect the rights of others on NDS/RC property, including, but not limited to, NDS/RC owned/leased/chartered vehicles, at school-sponsored events, and off-campus (including online) when student conduct has or is reasonably predicted to have a substantially disruptive effect on NDS/RC operations and/or the educational and/or residential environment. Students are also expected to be reasonably prepared for all their classes, including completion of all homework and assignments.

Students shall comply with student conduct standards and prohibitions contained in NDS/RC policies and accompanying regulations, including the following:

- AAC, Nondiscrimination and Anti-Harassment
- ABBA, Tobacco Use
- ACDA, Acceptable Use
- ACE, Violent & Threatening Behavior
- ACEA, Bullying
- ACEB, Hazing
- FFA, Student Alcohol & Other Drug Use/Abuse
- FFB, Attendance and Absences
- FFC, Bus Conduct
- FFD, Weapons on School Property
- FFE, Extracurricular Participation
- FFH, Student Dress Code
- FFI, Student Use of Personal Electronic Devices
- FFK, Suspension and Expulsion
- FG, Student Rights and Responsibilities

Disciplinary Standards

Consequences for misconduct will be fair and developmentally appropriate in light of the circumstances. Each Teacher shall develop age-appropriate disciplinary standards in consultation with the Lead Teacher and/or Superintendent for their classrooms. In addition, the Superintendent shall develop administrative regulations to guide investigating potential conduct violations. Disciplinary measures shall be as positive as possible, including discussion with the student and counseling, involving the student in defining acceptable behavior, and when the Teacher or IEP Case Manager feels it is necessary, involving parents when a student's behavior is inappropriate.

Disciplinary policies, procedures, and guidelines should be consistent throughout the school environment and throughout the dorm environment. However, the school and the dorm need not be identical.

Disciplinary Standards for Special Education Students

NDS/RC employees are required to comply with the Individuals with Disabilities Education Act (IDEA) when responding to violations of student conduct standards by special education students.

Prohibited Disciplinary Actions: Corporal Punishment

NDS/RC recognizes that reasonable physical force may occasionally be necessary to guard the safety and well-being of students or employees or to deliver a student to an administrator's office; however, the use of corporal punishment, defined as the willful infliction of physical pain on a student, is not allowed at NDS/RC. Corporal punishment does not include action taken by an employee for self-defense, protection of persons or property, obtaining possession of a weapon or other dangerous object, to quell a verbal disturbance, for the preservation of order, or pain or discomfort caused by athletic competition or recreational activities voluntarily engaged in by a student. Complaints alleging that an NDS/RC employee inflicted corporal punishment will be dealt with in accordance with NDS/RC policy on personnel complaints.

Disciplinary Authority

Regulations on disciplinary standards and investigation procedures shall delineate the degree of disciplinary authority that NDS/RC shall grant to Education and Residential staff. Other school personnel shall be granted disciplinary authority by the Lead Teacher, Director of Student Life, or the Superintendent on a case-by-case basis based on the nature and scope of the employee's duties. Personnel granted such authority shall be required to comply with this policy and any disciplinary authority limits established by regulations. Employees unauthorized to administer student discipline shall report student misconduct to the appropriate school authority. Any NDS/RC employee who acts outside the scope of their assigned level of disciplinary authority may be subject to disciplinary action, including but not limited to, discharge from/termination of employment in accordance with law and/or the negotiated agreement.

End of NDS/RC Policy FF

References: FF-AR, Student Conduct Standards and Disciplinary Procedures
FF-E, Examples of Student Conduct Violations
AAC, Nondiscrimination and Anti-Harassment
ABBA, Tobacco Use
ACDA, Acceptable Use
ACE, Violent and Threatening Behavior
ACEA, Bullying
ACEB, Hazing
FFA, Student Alcohol and Other Drug Use/Abuse
FFB, Attendance and Absences

FFC, Bus Conduct
FFD, Weapons on School Property
FFE, Extracurricular Participation
FFH, Student Dress Code
FFI, Student Use of Personal Electronic Devices
FFK, Suspension and Expulsion
FG, Student Rights and Responsibilities
KACB, Patron Complaints About Personnel

Adopted:
Reviewed:

FFA AR Alcohol and Other Drug Intervention and Disciplinary Procedure

Not current policy: Example only

For the purposes of this rule, prohibited substance is defined by policy FFA.

Preventive Activities Will Include

1. Continued use and refinement curricula for students in grades K-5 to help them understand the impact of peer influence.
2. Instruction concerning the social, physical and mental problems created by use and abuse of mood-altering drugs as a part of the eighth grade health curriculum.
3. Establishment of a student assessment or child study team that shall meet at least once per month while school is in session.
4. Review (K-12) of the curricular efforts in chemical health as established by NDSD/RC's curriculum review process.

Intervention

1. Student in Possession of a Prohibited Substance
 - a. The staff member reports student to an administrator immediately.
 - b. Administrator calls parents/guardian and notifies police, detaining student until proper authority arrives.
 - c. Student is immediately suspended, from the day of disciplinary action implementation, from all extra-curricular activities as determined by the rules of the North Dakota High School Activities Association.
 - d. If the violation is the **first offense**, then the parents/guardian and the student are given the following choices:
 - i. Out-of-school suspension for the remainder of the day and one additional day in the parent/guardian's custody, and completion of recommendations as determined by the building administrator/ referral agency. Should the student not follow through with these recommendations, a three-day out-of-school suspension would go into effect
 - ii. Three-day out-of-school suspension in the custody of parent/guardian.
 - e. If violation is a **repeat offense**, the parents/guardian and student are given the following choices:
 - i. Three-day out-of-school suspension in the custody of the parent/guardian, attendance at appropriate chemical health classes and a chemical evaluation at no cost to NDSD/RC made by an appropriate community agency. Should the student miss any of the chemical health classes assigned by an administrator or the scheduled chemical evaluation, a five-day out-of-school suspension would go into effect.
 - ii. Five-day out-of-school suspension in the custody of parent/guardian.
2. Student Consuming and/or Under the Influence of a Prohibited Substance
 - a. The staff member reports student to an administrator immediately.
 - b. Administrator calls parents/guardian and police. The student will be detained until released by police. Other school procedures will be dependent upon whether it is a first offense or repeat offense for prohibited substance use or possession.

- c. Student is immediately suspended, from the day of the disciplinary action implementation, from all extra-curricular activities as determined by the rules of the North Dakota High School Activities Association.
 - d. If the violation is the **first offense**, then the parent/guardian and the student are given the following choices:
 - i. Out-of-school suspension for the remainder of the day and one additional day in the parent/guardian's custody, and completion of recommendations as determined by the building administrator and/or referral agency. Should the student not follow through with the recommendations, a three-day out-of-school suspension would go into effect.
 - ii. Three-day out-of-school suspension in the custody of parent/guardian.
 - e. If violation is a **repeated offense**, the parent/guardian and student are given the following choices:
 - i. Three-day out-of-school suspension in the custody of parent/guardian, attendance at appropriate chemical health classes and a chemical evaluation at no cost to the school district made by an appropriate community agency. Should the student miss any of the chemical health classes assigned by an administrator or the scheduled chemical evaluation, a five-day out-of-school suspension would go into effect.
 - ii. Five-day out-of-school suspension in the custody of the parent/guardian.
3. Reasonable Suspicion that a Student has Consumed and/or Is Under the Influence of a Prohibited Substance
- a. The staff member reports student to an administrator immediately.
 - b. Administrator and reporting staff member confer with the student as soon as possible. The following options are available:
 - i. If it is determined the student has consumed and/or is under the influence, the administrator or their designee calls the student's parent/guardian regarding the nature and outcome of the conference with the student. The police will also be called. The administrator then follows the procedures from any section above, letters c-f.
 - ii. If the nature of the problem cannot be determined, the parent/guardian should be called immediately and a conference scheduled within two working days. The conference will include the administrator, reporting staff member and/or the Lead Teacher and/or the Director of Student Life (as appropriate), and the parent/guardian of the student. In the conference, the following issues will be addressed:
 - 1. A review of the circumstances (behaviors) which necessitated the conference.
 - 2. A request for information from both the student and parent/guardian to aid in determining the possible reasons for the student's behavior.
 - 3. Review possible referral sources within the school and community, both medical and counseling, that may help the parent/guardian and student in dealing with the behavior exhibited.
4. Behavioral Evidence for Chemical Abuse Problems

- a. Both certified and classified staff will be alert to chemical abuse behaviors. Inservice training will be given all staff members to be aware of the policies and procedures concerning chemical abuse.
- b. If behaviors of possible chemical use or abuse are present, staff members and administrators will:
 - i. Collect data from parents/guardian and NDSD/RC staff.
 - ii. Schedule a conference with referral teacher and building Student Assessment Team to assess data collected.
 - iii. The conference may result in any of the following:
 1. Conference with student and parent.
 2. Referral to a school social worker, psychologist, or guidance counselor for consultation.
 3. Referral to a local agency for a chemical evaluation.
 4. Other options as determined by the Assessment Team.

Aftercare

1. While the student is attending inpatient treatment, the IEP Case Manager will coordinate the student's educational program with appropriate teachers, treatment tutor, and the student's parents or guardian.
2. When a student returns from inpatient treatment, the IEP Case Manager will schedule a preliminary conference with an administrator, appropriate staff, and a representative from the treatment center. From that conference the team may do any or all of the following recommendations:
 - a. Schedule individual counseling sessions with the NDSD/RC contracted therapist.
 - b. Encourage student attendance at support group sessions made available in the community.
 - c. Encourage attendance at appropriate support activities outside of school.

If a student is involved in an outpatient treatment program and attending school, the above process (2) will be followed.

End of NDSD/RC Policy FFA AR

References:

Adopted:

Reviewed:

FFA Student Alcohol and Other Drug Use/Abuse

Philosophy

The North Dakota School for the Deaf/Resource Center (NDS/RC) shall strive to provide a learning environment that is safe, drug free, and conducive to learning. This policy is designed to help eradicate the influence of drugs and alcohol within the school environment, promote awareness and health, and protect students in the school environment by imposing consequences for drug and alcohol related violations.

Prohibited Activities

It shall be against school policy for any student to:

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

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

Prohibited Substances

1. Alcohol or any alcoholic beverage.
2. Any controlled substance or dangerous drug as defined by NDCC Sections 19-03.1-05 through 19-03.1-13 and 19-03.1-26 (paraphernalia) or as defined by Section 812, Schedules I-V, of Title 21, United States Code, Section 801, et seq., including but not limited to marijuana, any narcotic drug, any hallucinogen, any stimulant or depressant, and all other illicit drugs.
3. Any glue, aerosol paint, or any other chemical substance used for inhalation.
4. Any prescription or non-prescription drug, medicine, or other chemical including, but not limited to stimulants, diet pills, pep pills, "no-doze" pills, 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.

NDSD/RC has a separate policy dealing with tobacco use.

Reporting Violations

A student or staff member that has reason to believe that a student has violated this policy should notify a school official (i.e., a teacher or administrator if the reporter is a student; a school administrator if the reporter is a staff member). Except in limited circumstances under law⁵, a teacher is required to report known or suspected violations of this policy to the Lead Teacher, Director of Student Life, and/or Superintendent.

Violation

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

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

Prohibited substances will be confiscated and illegal substances will be turned over to law enforcement authorities.

Intervention

It is acknowledged that NDSD/RC 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 NDSD/RC 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. NDSD/RC believes that if a student is involved in a chemical dependency program and is successfully addressing their harmful involvement with chemicals, they may continue in the regular school setting and continue to participate in any extracurricular program unless participation is in conflict with rules and regulations set forth by NDSD/RC and

⁵ When a teacher/principal participates in a juvenile court program and receives confidential information about a student.

the North Dakota High School Activities Association and/or the student has been suspended or expelled as a result of NDS/RC policy violation.

Confidentiality

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

Education

NDS/RC 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, NDS/RC will annually conduct staff orientation and training on drug and alcohol prevention, including a periodic overview of this policy and its procedures for implementation; the chemical health curriculum; and intervention procedures. In the event an employee is unable to attend such in-service sessions, the administrator will cause this policy to be individually reviewed with such employee. The building administrator and/or department manager will maintain a list of all employees with whom this policy has been reviewed, whether individually or through in-service training, along with the dates of such review or training.

NDS/RC will 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.

NDS/RC 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.

End of NDS/RC Policy FFA

References: ABBA, Tobacco Free School and Workplace
FFA-AR, Alcohol and Other Drug Intervention Procedure
FFE, Extracurricular Participation Requirements
FFK, Suspension and Expulsion
FFK-AR, Suspension and Expulsion
FGAA, Student Counseling and Guidance Records and Confidentiality
FGCB, Searches of Students and Students' Personal Property
FGDB, Student Handbooks

Adopted:

Reviewed:

FFB AR Attendance and Absence Procedure

Students are expected to be regular and prompt in their attendance.

Excessive and Unauthorized Absences

Absences, even with the approval of the parent(s)/guardian(s), which are excessive and/or interfere with the student's educational program, may be interpreted as educational neglect and Child Protection Services may be notified. In addition, the North Dakota School for the Deaf/Resource Center (NDS/RC) teachers and administrators will comply with compulsory attendance reporting requirements under law (NDCC Ch. 15.1-20).

If a student is absent from school for ten (10) consecutive school days and the parent(s)/guardian(s) have not contacted the school and staff efforts to contact the family are unsuccessful, NDS/RC shall comply with state law on missing child reporting and NDS/RC policy on this matter (NDCC 14- 09-35 and Policy FC Student Safety and Supervision). After reporting a missing child to law enforcement, NDS/RC administration shall stay in contact with the police to determine the student's whereabouts. If safety concerns exist, the Department of Health and Human Services Child and Family Services will be contacted regarding possible abuse and neglect. After thirty (30) days, if law enforcement is unable to verify that the student is still residing in North Dakota, **the student will be removed from NDS/RC's student roster.** If the student returns after being exited from the system, they will need to start the Admissions Procedure (Policy FACA).

How Absences are Calculated

- Parent(s)/guardian(s) are responsible for contacting the Main Office prior to 8:30am if their child will be absent from school.
- **If a phone call is not received from the parent(s)/guardian(s), school personnel will make attempts to call the parent(s)/guardian(s) to inquire about the absence. All parent(s)/guardian(s) contacts will be documented in PowerSchool.**
- If a student arrives at school after 10:00am, the student will be considered absent for one-half day.
- If the student leaves before 2:00pm, the student will be considered absent for one-half day.
- If a student will be leaving the school during the day, the parent(s)/guardian(s) must come into the building to sign their child out (i.e., for illnesses, appointments, early departure, funerals, etc.).
- If a student leaves school between 10:00am-2:00pm, outside of the lunch break, they will be considered absent for that part of the day.

Interventions for Accumulated Absences and Tardies

1. Five (5) Days: If a student misses five (5) days or is tardy on five (5) days of school, a letter will be mailed to the student's home informing the parent(s)/guardian(s) of the attendance concern.

2. Ten (10) Days: If a student misses ten (10) days of school, a letter will be mailed home informing the parent(s)/guardian(s) that NDSD/RC school personnel will be contacting them via telephone or in-person to discuss an informal plan to improve attendance.
3. Fifteen (15) Days: If a student misses fifteen (15) days of school, a letter will be sent to the parent(s)/guardian(s) notifying them that they will be contacted to schedule a meeting with school personnel to develop a plan to improve attendance. Agency support and/or NDSD/RC staff may be included in this process.
4. Twenty (20) Days or More: After a student has missed twenty (20) days, a letter will be sent notifying parent(s)/guardian(s) that they will be contacted to schedule a meeting with school personnel to review and revise the plan. Agency support will be included in this process (i.e., Child Protection Services, Police Youth Bureau). Child Protective Services may be contacted, and a report filed for possible educational neglect. Additionally, a report may be filed with the Devils Lake Police Department regarding Compulsory Education.
5. Exceptions: In exceptional cases, where a student has a chronic illness or other extenuating circumstances, attendance concerns and expectations will be addressed by the IEP team consisting of the parent(s)/guardians(s) and school personnel and will be documented and monitored accordingly.

Students whose excessive absences have caused a notable deficiency in learning may be required to participate in additional programming (i.e., before- or after-school intervention, summer school, or other appropriate interventions) and/or considered for possible retention (**Policy GCAA Grade Promotion, Acceleration, and Retention**).

Tardiness

Students are expected to be in class on time, which means to be in the classroom at the appropriate time. Student tardies are handled as outlined in the student handbooks.

End of NDSD/RC Policy FFB AR

References:

Adopted:

Reviewed:

FFB Attendance and Absences

Student attendance is the responsibility of the parent(s)/guardian(s) and students. Enrolled students must be in regular school attendance. The school shall keep parent(s)/guardian(s) informed of student absences.

An adequate and comprehensive system of attendance records will be maintained for each student. Each teacher is responsible for accurate reporting of daily attendance in their classroom, and each teacher and administrator is responsible for enforcing the North Dakota School for the Deaf/Resource Center's (NDSRD/RC) compulsory attendance policy, FFBA.

The Superintendent shall develop regulations related to attendance and absences, including consequences and remedies for violations of such regulation

Dissemination

This policy and applicable regulations shall be published in all student handbooks.

End of NDSRD/RC Policy FFB

References: FFB-AR, Attendance and Absences Administrative Rules
FFBA, Compulsory Attendance Reporting
FGDB, Student Handbooks

Adopted:

Reviewed:

FFBA Compulsory Attendance Reporting

This policy is established for purposes of determining when to report absences as violations of the compulsory attendance law only.

Definitions

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

- *Excused absence* is an absence that the North Dakota School for the Deaf/Resource Center (NDS/RC) will not use in determining if a compulsory attendance violation occurred. Any absence may be excused if it is supported by either a verbal or written excuse supplied by the student's parent, teacher, or school administrator.
- *Unexcused absence* is any absence not supported by the verbal or written excuse required for an excused absence and shall count in determining when a compulsory attendance violation occurred.

Verification of Absences

School administration may require applicable 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.
6. A request for an absence due to a curricular or extracurricular event submitted by the student's teacher, coach, or extracurricular advisor.

Reporting Procedure

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, NDS/RC shall comply with law enforcement reporting requirements under law.

End of NDS/RC Policy FFBA

References:

Adopted:

Reviewed:

FFC AR Student Conduct on Transportation

Students using transportation provided by the North Dakota School for the Deaf/Resource Center (NDS/RC) are required to abide by the following conduct and operational rules:

1. The Drivers are in charge of the vehicle from the time a student enters the vehicle until they are deposited at school or at the stop nearest their home.
2. Students are to be courteous to Drivers, Transportation Assistants, and other riders.
3. All student riders shall remain seated in their assigned seats at all times; at NO time may a student change seats when the vehicle is in motion or without the Driver's or Transportation Assistant's permission.
4. Student riders must not, under any circumstances, put their heads, arms, or legs out of the windows, and windows must not be lowered below the mark indicated on the vehicle.
5. Student riders will be held responsible for any damage to the vehicle caused by them.
6. Refusal to follow a reasonable directive from authorized school personnel will be considered insubordination and may result in immediate suspension of riding privileges. This includes, but is not limited to, swearing and use of obscene language or gestures.
7. Smoking, striking matches, or lighting cigarette lighters is not permitted on the vehicle.
8. The school vehicle is an extension of the school, and all school rules and regulations pertaining to student conduct in school are applicable to conduct on a school vehicle.
9. Any harassment toward other students, Driver, or Transportation Assistants is forbidden.
10. Cell phone use by students on the school vehicle shall follow NDS/RC's policy on student technology use.

If a student creates a safety hazard or causes a discipline problem, these steps will be followed:

- 1st Offense: Student rider given a verbal warning by the Driver. Driver MUST document this 1st offense to start the process.
- 2nd Offense: IEP Case Manager (CM) and parents are notified that student's behavior is inappropriate. The IEP CM, Lead Teacher, or DOSL visits with the student.
- 3rd Offense: A conference will be held with the student, parent/guardian, Lead Teacher, DOSL, and/or Superintendent. If a meeting is not held within one week of date of third offense, rider will be suspended for three days.

Additional supports and/or alternate transportation for the student may be considered for Subsequent Offenses:

Administration reserves the right to initiate any level of disciplinary action based on severity of student rider offense.

End of NDS/RC Policy FFC AR

References: [FF, Student Conduct, Discipline, and Corporal Punishment Prohibition](#)
[FFA, Student Alcohol and Other Drug Use/Abuse](#)
[FFD, Weapons on School Property](#)
[FFI, Student Responsible Use](#)

Adopted:

Reviewed:

FFC Student Conduct on Transportation

The North Dakota School for the Deaf/Resource Center (NDS/RC) provides transportation to and from NDS/RC and designated meeting places across the state for residential students. NDS/RC Drivers have the responsibility to maintain orderly behavior of students on NDS/RC transportation and will report misconduct to the Director of Student Life and/or the Superintendent who will notify the student's IEP Case Manager.

Parents or guardians of a child whose behavior and misconduct on school transportation is unacceptable or endangers the health, safety, and welfare of other riders will be notified and NDS/RC may reconsider the student's transportation arrangements. The IEP Team will develop an alternative supports and/or means of providing transportation to the 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.

End of NDS/RC Policy FFC

References:

Adopted:

Reviewed:

FFD Weapons on School Property

Weapons are not allowed at the North Dakota School for the Deaf/Resource Center (NDSB/RC), at any NDSB/RC leased or rented property, or in NDSB/RC vehicles.

Definitions

- *Firearm* is defined in accordance with 18 U.S.C. 921.
- *Weapon* includes, but is not limited to any knife, razor, ice pick, explosive, smoke bomb, incendiary device, firearm, slingshot, bludgeon, brass knuckles or artificial knuckles of any kind, or any object that can reasonably be considered a weapon, dangerous instrument, or look-alike.

Prohibitions

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

Notice to Parents

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

Students in Special Education

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

Nonapplicable Provisions

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

Not Current Policy-Example Only

Disciplinary Consequences

1. Weapon Other than a Firearm
Violation of this policy will result in disciplinary action up to and including suspension or expulsion. Knowingly bringing a weapon other than a firearm to school will require that proceedings for the suspension for up to 10 days and/or expulsion for up to 12 months be

initiated immediately in accordance with NDSD/RC's suspension and expulsion policy. Decisions regarding the duration of the suspension/expulsion shall be based on the following criteria:

- a. Whether the student knowingly violated the policy.
 - b. The totality of the circumstances, including the severity of the incident and the degree of endangerment of other students and staff.
 - c. The age, grade level, and disciplinary record of the student. As part of this assessment, administration shall also consider the student's ability to anticipate how the safety of others could have been impacted by the presence of the weapon.
2. Firearm
- Bringing a firearm to school will require that NDSD/RC immediately initiate proceedings for the expulsion of the student involved. If the student is found to have had a firearm on campus, the student shall be expelled for a minimum of one calendar year in accordance with the NDSD/RC's suspension and expulsion policy. The Superintendent may modify the length of a firearms-related expulsion on a case-by-case basis based on the following criteria:
- a. The totality of the circumstances, including the severity of the incident and the degree of endangerment of other students and staff.
 - b. The age and grade level of the student.
 - c. The prior disciplinary history of the student being expelled.
 - d. Relevant factors which contributed to the student's decision to possess a firearm in violation of this policy.
 - e. The recency and severity of prior acts resulting in suspension or expulsion.
 - f. Whether the optional provision of educational services in an alternative setting is a viable alternative to modifying the duration of the expulsion.
 - g. Input, if any, provided by licensed professionals (psychologists, psychiatrists, counselors) as to whether the expelled student would place himself/herself or others at risk by returning to the school prior to the expiration of the expulsion period.

End of NDSD/RC Policy FFD

References: FFK, Suspension and Expulsion
FFK-AR, Suspension and Expulsion
FFK-E1, Suggested Procedure for Conducting an Expulsion Hearing
FFK-E2, Suspension and Expulsion for Special Education Students

Adopted:

Reviewed:

FFE Extracurricular and Co-Curricular Participation Requirements

Philosophy: Privilege Not a Right

Extracurricular and co-curricular programs exist for the development of skills, attitudes, and self-esteem of students, and are intended to enhance the physical, social, emotional, artistic and intellectual growth of our young people. The North Dakota School for the Deaf/Resource Center (NDS/RC) believes that participation in extracurricular activities constitutes a privilege and not a right. Students who participate in extracurricular activities represent the NDS/RC 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.

NDS/RC students are encouraged to participate in activities through cooperative agreements and tryouts at Central Middle School and Devils Lake High School, as appropriate. Support for participation may include transportation, and/or interpreter services. Support should be determined based on IEP specifications, advance planning and request, and availability of funds.

Procedure

Students interested in extra-curricular activities shall work through their IEP Case Manager, Lead Teacher, or Director of Student Life.

Eligibility

Students, grades 7-12, must be in attendance the school day of a scheduled activity and the school day following a scheduled activity. Students will not participate in a school activity if they were absent from school due to illness the full day. Students will follow the DLPS and North Dakota High School Activities Association (NDHSA) rules.

Appropriate Behaviors

Students may lose the privileges of participating in extra-curricular activities for unacceptable behavior.

NDS/RC will enforce the requirements placed on extracurricular participants by the (NDHSA), which govern both on- and off- campus behavior. In addition, NDS/RC has established the following extracurricular participation requirements.

Activities Affected by this Policy

Activities affected by this policy shall include co-curricular, intermural, and interscholastic activities approved by NDS/RC including those sponsored and not sponsored by NDHSA.

Eligibility

1. Scholastic: Students (grades 7-12) shall be doing passing work in at least twenty-five hours per week in order to maintain eligibility. For eligibility purposes, grades are the cumulative average grade from the beginning of a semester and will be computed at the following reporting periods: midterms, quarters, and semesters. Students not meeting said

standard will be ineligible for a period of two calendar weeks. If the standard has been met at the conclusion of two calendar weeks, the student will regain eligibility. If the student has not regained eligibility after two weeks, they will remain ineligible until the next reporting period.

- a. Summer School: Summer school can be used to regain eligibility if a student did not pass the minimum of twenty-five hours per week in the previous semester. The summer school course used to regain eligibility must be the same course as the failed course which led to loss of eligibility in the previous semester. If the like course is not offered in summer school, a core summer school class can replace a failed elective class with approval of the **DLPS Activities Director**.
 - b. Middle School: A student (grades 7-8) that receives a total of four or more Needs Improvement scores in Responsibility + Respect Standards shall be ineligible for participation for two weeks. A 7th or 8th grade student participating on a high school team cannot have any Needs Improvement score in Responsibility + Respect Standards or they will be ineligible. For eligibility purposes, reports will be run every two weeks. If the standard has been met at the conclusion of two calendar weeks, the student will regain eligibility. A period of ineligibility may be extended by the coach/advisor or administration due to unexcused absences or inappropriate behavior infractions.
2. Attendance: Participants must be in attendance for all academic and required activities designated by the school in order to be eligible to participate in co-curricular activities on any given day.
 3. Violation of Conduct Standards, Suspension or Expulsion: Any participant who receives an out-of-school suspension or expulsion shall be ineligible for participation, including practices, during the period of suspension or expulsion. Participants shall be eligible to participate when they are readmitted to school. Suspension from the activity may be extended by the coach/advisor.

Exceedingly inappropriate or offensive conduct such as assaulting staff or students, gross insubordination (talking back or refusing to cooperate with authorities), hazing or harassment of others is grounds for ineligibility from co-curricular activities. Such conduct could include group conduct. This is not an all-inclusive list of prohibited behaviors. The school reserves the right to discipline a student for violation of the good conduct rule which includes, but is not limited to, the above referenced behaviors.

4. Tobacco, Alcohol or Controlled Substance Violations: Students governed by this policy are required to comply with all prohibitions contained in the district's tobacco policy (ABBA) and drug and alcohol policy (FFA). For students governed by this policy, the prohibitions in ABBA and FFA extend to illegal activities associated with tobacco, drugs, and alcohol off-campus during non-school sponsored time.

In addition to the tobacco, alcohol, and other drug prohibitions contained in NDHSAA bylaws and this policy, NDSD/RC prohibits students' mere presence at a gathering where alcohol, tobacco, or a controlled substance is being illegally used. "Mere Presence" is being in attendance at a function, in a vehicle or at a party where the student knows or

has reason to know that alcohol or other drugs are being consumed illegally by minors and failing to leave despite having a reasonable opportunity to do so is a violation. When a student recognizes this situation, they must leave immediately or they are in violation of NDSD/RC's tobacco, alcohol or any controlled substance rule.

5. In-Season Penalty: Penalty shall be 6 weeks for 1st offense and 18 weeks for 2nd offense (NDHSAA Section XII). Period of ineligibility will start at the time the student is notified of the violation by the administration.
6. Out of Season Penalty (Includes Summer): Penalty shall be 6 calendar weeks for 1st offense and 18 calendar weeks for 2nd offense and any subsequent offense (NDHSAA Extracurricular and Co-Curricular Participation Requirements Descriptor Code: FFE Section XII). Period of ineligibility will start at the time the student is notified of the violation by the administration. In addition, there will be a 2-week period of ineligibility from the first authorized date of competition/performance for the activity in which they will be participating. Participants in activities that do not have a contest/performance in the two-week window will be ineligible for their first contest/performance. The 2-week period of ineligibility may run concurrent with the 6-week or 18-week period of ineligibility starting from the first authorized date of competition/performance for the activity they are participating in. To satisfy the 2-week requirement, the student must remain with the program in which the period of ineligibility was served through the completion of the season. This two-week ineligibility period may be served in a similar activity (i.e. sport for another sport; performing arts for performing arts).
7. Accumulation of consequence for ineligibility is active for one calendar year. The last day of school for students (as defined by the NDSD/RC or DLPS calendar) will be the conclusion date of all violations for that academic year and the start for the upcoming academic year. An exception to this would be a student who is deemed ineligible and their activity extends beyond the ending date of school. They would remain ineligible until the conclusion of their activity or their period of ineligibility expires.

Intervention, Education and Evaluation

A student may be reinstated for competition upon completion of an inpatient alcohol or drug treatment program, provided the student or school provided a signed completion report from said treatment center to the NDHSAA office and eligibility is approved by the local school's administration. This program must be pre-approved by DLPS and NDSD/RC administration. It is the responsibility of the student to provide certification of completion to the school before being reinstated for activities.

Notification of Ineligibility: Procedure

When DLPS or NDSD/RC, as a result of an investigation, concludes that a violation of this policy or NDHSAA bylaws has occurred, they shall issue notice to the student of this period of ineligibility.

Anonymous Reports

Anonymous reports (i.e. - phone calls, letters, pictures) regarding alleged violations of this policy are difficult to address because the credibility is easily questioned. When an anonymous

complaint is received, it is the administrator's responsibility to attempt to validate the content of the complaint. If the administration finds the content is valid, the administration shall conduct an investigation. If the administration determines a violation has occurred, the administration shall enforce the policy.

Restrictions on Receipt of Leadership Awards, Roles, and/or Recognitions

1. Leadership Role

Any student who has a violation will not be eligible for a leadership role for the remainder of the current school year beginning from the date the school is notified of the violation.

2. Recognition Awards

Any student, who has a violation that occurs during the season or prior to the banquet, will not be awarded a letter or receive any other recognition/awards for that activity.

End of NDSD/RC Policy FFE

References: NDSD/RC original policy #7 Academic Programming: Extra-Curricular Activities

FF, Student Conduct and Discipline

FFE-AR, Meals for Students Participating in Extracurricular Activities

FFK, Suspension and Expulsion

FFK-BR, Suspension and Expulsion Regulations

GCBA, Grading

Adopted:

Reviewed:

FFF AR Field and Other NDSD-Sponsored Trips

When North Dakota School for the Deaf/Resource Center (NDSD/RC) sponsored groups leave the campus for field trips, at least one Teacher or Student Life Counselor will accompany the group. Parent permit slips will be used for each student who accompanies the group. For residential students, an overall permission slip is sufficient to leave campus if remaining in the Devils Lake, ND area (Webster to Fort Totten, Rugby to Lakota).

Procedures for Planning School Group Tours

1. The philosophy of NDSD/RC is that field trips are encouraged.
2. The extended field trip in spite of its obvious merit, poses numerous problems.
3. Instructors and those who plan excursions, must involve the Lead Teacher, Director of Student Life, and the Superintendent in the preliminary planning, before any public announcements are made.
4. All field trips will be considered on the basis of formal written notice to the Superintendent by indicating:
 - a. The purpose of the trip.
 - b. The number of school days involved.
 - c. The inclusive calendar dates.
 - d. The financial and legal aspects involved including trip insurance.
 - e. Proposed list of Drivers and Chaperones.
5. Trips should involve no more than three school days. Trips longer than three days should occur outside the school calendar; however, for exceptional circumstances, trips may be made during the school year with the prior approval of the Superintendent. These special exceptions shall not exceed ten (10) school days.

End of NDSD/RC Policy FFF AR

References:

Adopted:

Reviewed:

FFF Field and Other NDSD-Sponsored Trips

The North Dakota School for the Deaf/Resource Center (NDSD/RC) recognizes that the first-hand learning experiences provided by field trips are most effective and worthwhile means of learning. It is the desire of NDSD/RC to encourage field trips as an integral part of the program of the Education and Residential Programs.

Specific guidelines and appropriate administrative procedures shall be developed to screen, approve, and evaluate trips and to ensure that all reasonable steps are taken for the safety of the participants.

The Superintendent shall approve all in-state and out-of-state travel, including all overnight stays (in or out of state).

Fees

Students may be required to pay admissions fees associated with a field and/or school-sponsored trips. These fees may be waived in cases of hardship in accordance with the NDSD/RC's student fees policy or, when the trip is part of the curriculum, students may be given an alternative assignment. Requests to waive fees shall be made in accordance with the student fees policy. The Superintendent may develop additional regulations related to costs and payment for field and school-sponsored trips.

Fundraising for school-sponsored and curricular field trips shall be handled in accordance with NDSD/RC's policy on this matter.

Participation Requirements

Written parental approval shall be obtained prior to each school year regarding planned field and school-sponsored trips. The annual permission slips shall be retained in the **student's educational record for at least one calendar year.**

Students shall be subject to all applicable NDSD/RC policies and regulations while on field and/or school-sponsored trips. The Superintendent shall develop criteria for participation in field/school-sponsored trips and develop school trip safety and disciplinary procedures. These procedures shall specifically address trips taken off campus. Parents and students shall be made aware of these procedures prior to each trip.

End of NDSD/RC Policy FFF

References: ACBD, School Medication Policy
FBA, Student Fees
FCAA, Accommodating Students with Allergies/Special Dietary Needs
FFF-AR, School-Sponsored Trip Rules
FGA, Student Education Records

Adopted:
Reviewed:

FFG Student Assemblies

The North Dakota School for the Deaf/Resource Center (NDS/RC) encourages student participation and leadership at Student Assemblies and School Celebrations. Generally, the Lead Teacher and/or Superintendent will determine or substantially control the content of what is expressed at these events. In such cases, religious expression will not be permitted as the religious expression may be attributed to NDS/RC or seen as an endorsement of a particular religious belief or expression. However, in the instances where students are selected to speak at assemblies and events based upon neutral selection criteria and where the student speaker has primary control over the content of the presentation, NDS/RC will not restrict the student speech because of its religious or anti-religious content. In such cases, NDS/RC authorities will publicly clarify that the content of the student's speech is the speaker's opinion and not NDS/RC'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 administration is aware that a speech contains potential prohibited content, administrators may contact legal counsel to seek guidance before asking a student to remove such content.

End of NDS/RC Policy FFG

References:

Adopted:

Reviewed:

FFH Student Dress Code

The North Dakota School for the Deaf/Resource Center (NDS/RC) encourages students to use sound judgement in dress and grooming and recognizes that personal attire and grooming are primarily matters of concerns between students and their parents/guardians. No student shall be prevented from attending school or school-sponsored activity because of appearance if style, fashion, or taste is the sole criterion for such action. Student attire becomes a concern of the school when grooming and/or attire create or pose to create a substantial disruption, endanger the health and safety of the student, or result in the destruction of NDS/RC property.

Prohibitions

NDS/RC prohibits the following articles of attire on school property and/or at school-sponsored functions. Attire that:

1. Is reasonably likely to substantially disrupt the educational environment, including attire associated with gang affiliation, attire associated with the use of tobacco, alcohol, or other drugs, and attire that is discriminatory, obscene, profane, lewd, vulgar, or sexually suggestive.
2. Poses a health or safety risk.
3. Is destructive to school property and/or causes excessive maintenance issues.

Administration will make reasonable efforts to notify students and parents of these rules. Students will be instructed about this policy and when students are in violation of these rules, they will return to the dorm to change if they are residential students or parents will be notified for day students.

While NDS/RC may require students participating in physical education classes to wear certain apparel which meets reasonable health and safety standards, a specific brand may not be prescribed.

End of NDS/RC Policy FFH

References:

Adopted:

Reviewed:

FFI Student Responsible Use

The expectation for student use of electronic devices owned by the North Dakota School for the Deaf/Resource Center (NDS/RC) and used anywhere and personal owned electronic devices used on NDS/RC property are in Policy ACDA, Responsible Use. In addition to Policy ACDA, Responsible Use, the following apply:

General Prohibitions

Use of an electronic device for photography/video recording in an area where others have a reasonable expectation of privacy such as a lavatory, locker room, or student bedrooms in the dorm is strictly prohibited.

Inappropriate use of any electronic devices by students is subject to disciplinary action up to and including, but not limited to, revocation of the privileges granted in Policy ACDA, disciplinary action, and referral to law enforcement officials, as appropriate in accordance with law. Inappropriate use shall be determined by school administration and includes, but is not limited to, violations of the prohibitions established by this policy and by the Responsible Use Policy ACDA.

NDS/RC should contact law enforcement and/or legal counsel prior to searching a student's personal electronic device, as practicable.

Emergency Use

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

End of NDS/RC Policy FFI

References:

Adopted:

Reviewed:

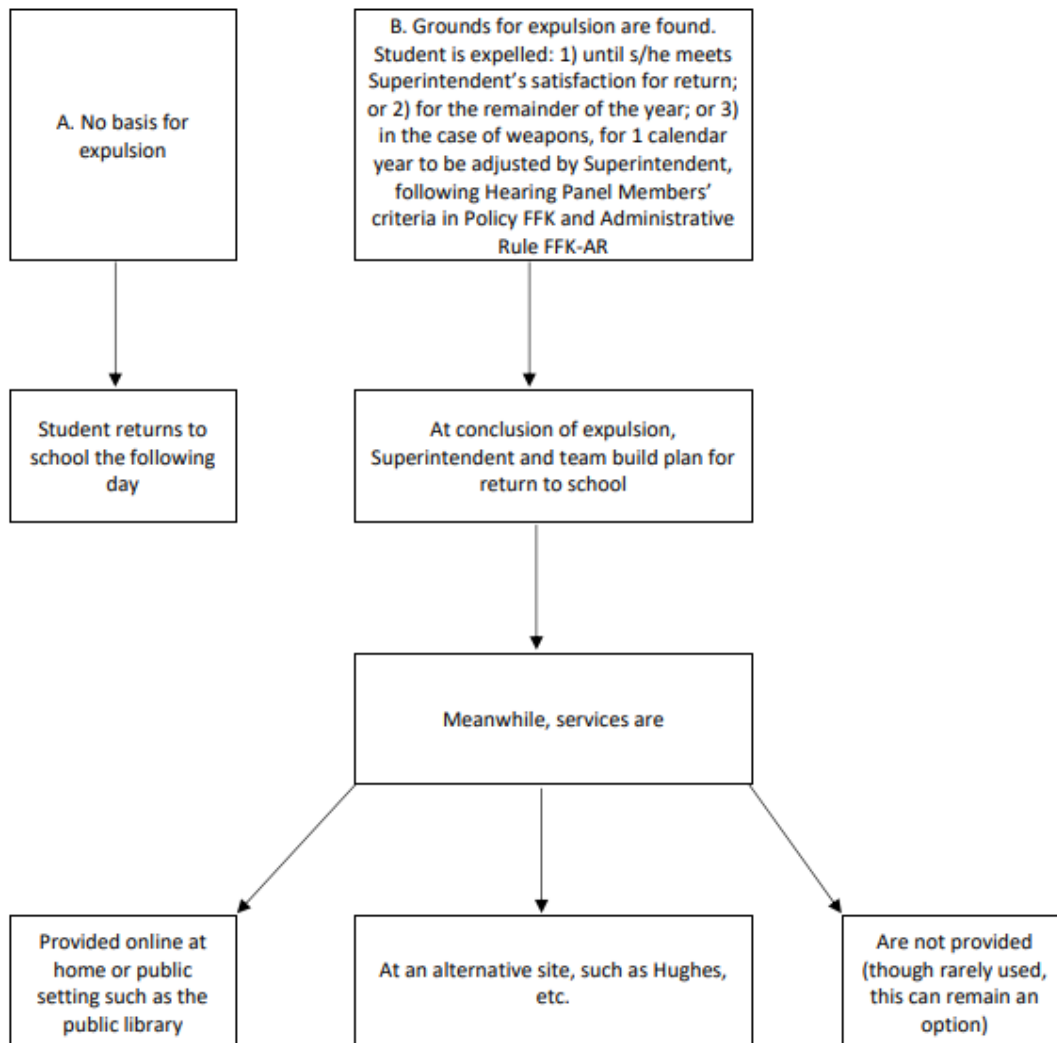
FFK E1 Suggested Hearing Process for Suspension or Expulsion for Students in Special Education

Suggested Expulsion Hearing Process for Students in General Education

Expulsion Hearing Process for Student in General Education

1. Incident occurs and is investigated by building principal or designee
2. A complete file review by principal or designee to determine special education (or reason to suspect)
3. Reported recommendation to superintendent
4. If a student is brought to the Hearing Panel Members for an expulsion hearing based on Policy FFK, must be within 10 days of the incident

At the hearing, Hearing Panel Members use Policy FFK to arrive at one of two conclusions:



Note: if issue is firearm brought to school, the Hearing Panel is limited by NDCC to choose B.

Screenshot taken from Bismarck Public Schools District Administrative Policies

The following guidelines are offered, recognizing that each expulsion hearing may call for a slightly different method of presentation. Expulsion hearings will be kept informal so that the truth may be obtained and a fair and just result reached.

1. Advise the Parties of the Procedures to be Followed:
 - a. The hearing is being recorded, and either side may request the witnesses be sent to another room to be called individually. The student's parent(s) may be present.
 - b. No formal rules of evidence will be followed and the hearing will be informal, as it is not a court proceeding. However, certain procedures have been established to facilitate the hearing.
 - c. The Business Manager or designee who is receiving the evidence and recording should be identified as the person to whom exhibits and/or other written evidence or materials are to be presented.
 - d. All present will be identified for the record, prior to commencing the hearing.
2. State the Reasons for the Proposed Expulsion: The Superintendent or designee will read the written reasons that were mailed or otherwise delivered to the student, their parents, and their representative, which are the basis for the possible expulsion. This is to assure that the record will adequately reflect the reasons for the proposed expulsion, to substantiate that all parties had notice of the proposed reasons and possible consequences, and to narrow the issues.
3. Allow the School's Witnesses to Present Information: The witnesses for the administration then present their evidence in support of the reasons given for the proposed expulsion. This may be done in any manner that is conducive to reaching the truth and supports the reasons offered for possible expulsion. Hearing Panel members may seek additional information from the School's representative(s).
4. Allow Student's Witnesses to Present Information: The student and/or their representative will be given an opportunity to present witnesses and evidence to disprove the reasons offered by the school's witnesses. Hearing Panel members may seek additional information from the student and/or their representative(s).
5. Allow Closing Summaries: At the conclusion of the presentation of witnesses by the school and the student, each side should be allowed the opportunity to make concluding remarks and arguments regarding the evidence that has been presented and the reasons for the expulsion.
6. Making the Decision: The decision whether to expel may be made at the hearing or after additional time to review the evidence. If the decision is delayed, the Superintendent should announce a time at which the decision will be made and notify the student and the student's parent or representative of the decision at that time.

End of NDS/RC Policy FFK E1

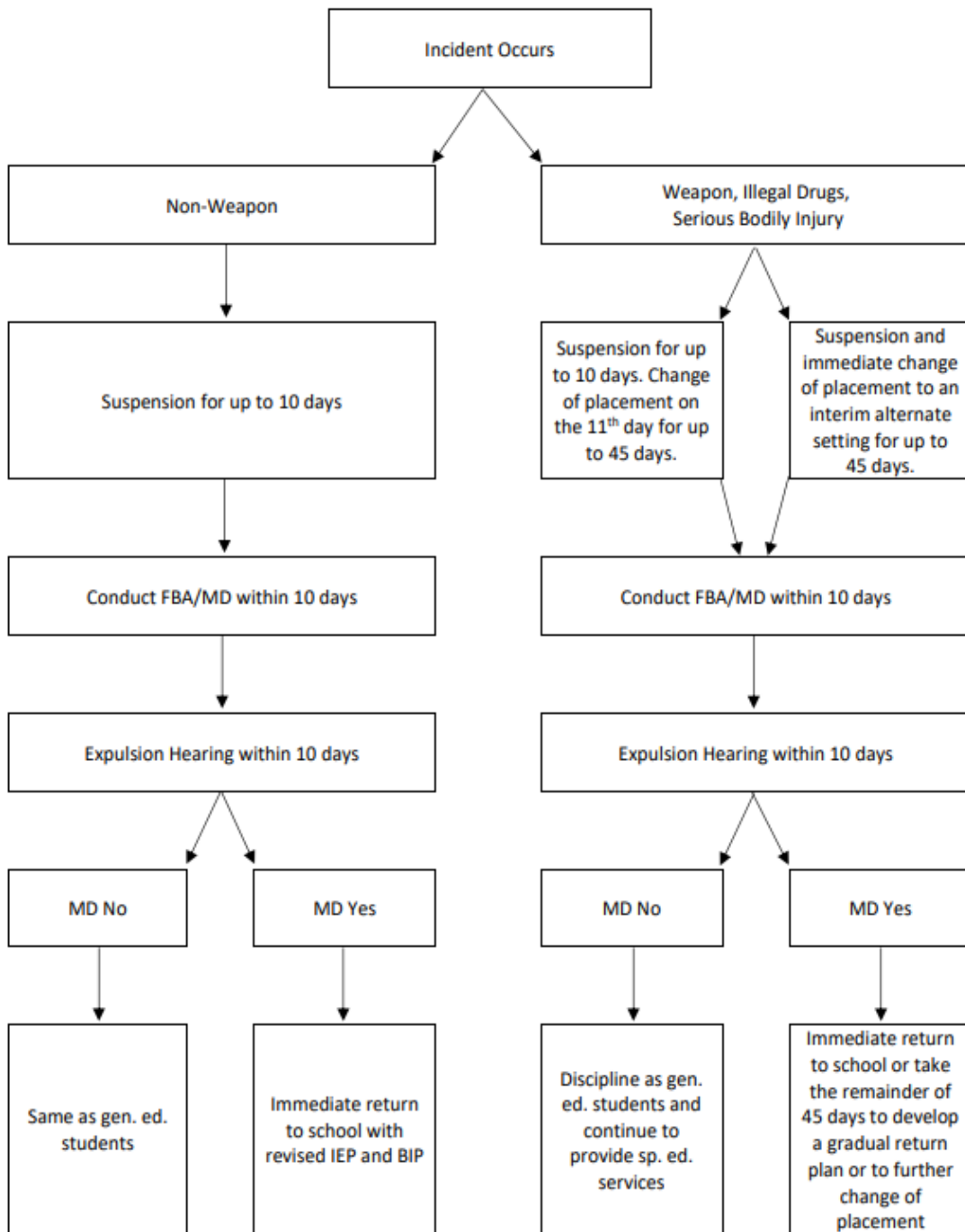
References:

Adopted:

Reviewed:

FFK E2 Suspension or Expulsion for Students in Special Education

Expulsion Hearing Process for Student with Special Needs



Screenshot taken from Bismarck Public Schools District Administrative Policies

The North Dakota School for the Deaf/Resource Center (NDS/RC) will suspend or expel students with disabilities in accordance with state and federal laws.

Definitions

- *Change of Placement* (long-term removals) occurs when either
 1. The removal is for more than 10 consecutive school days; or
 2. The student has been subjected to a series of removal that constitute a pattern:
 - Because the series of removals total more than 10 school days in a school year;
 - Because the student's behavior is substantially similar to behavior in previous incidents that resulted in the series of removals; and;
 - Because of additional factors such as the length of each removal, the total amount of time the student has been removed and the proximity of the removals to one another.
 3. The school determines on a case-by-case basis whether a pattern of removals constitutes a change of placement and this determination is subject to review through due process and judicial proceedings
- *Controlled substance* means a drug or other substance identified under schedules I, II, III, IV, or V in section 202(c) of the Controlled Substances Act (21 U.S.C. 812(c)).
- *Functional behavioral assessment*: Functional behavioral assessment is generally considered to be a problem-solving process for addressing student's inappropriate behavior.
- *Interim alternative educational setting*: A different setting that must allow a student covered by IDEA to continue to receive educational services that will enable him/her to continue to participate in the general education curriculum and to progress toward meeting the goals set out in his/her IEP.
- *Illegal drug* means a controlled substance; but does not include a substance that is legally possessed or used under the supervision of a licensed healthcare professional or that is legally possessed or used under any other authority under that Act or under any other provision of Federal law.
- *Manifestation determination*: A process that occurs prior to a change of placement. During this process, the students' parents and IEP team reviews all relevant information including:
 1. Test results and any independent educational evaluations;
 2. Information provided by the parents;
 3. Observations of the child; and
 4. The child's IEP and placement

After the review of information, the team then determines if:

1. The conduct in question was caused by or had a direct and substantial relationship to the student's disability; or
2. The conduct in question was the direct result of the school's failure to implement the IEP.

- *Serious bodily injury* has the meaning given the term "serious bodily injury" under paragraph (3) of subsection (h) of section 1365 of title 18, United States Code.
- *Short-term removal*: Any appropriate interim alternative educational placement, placement in another setting, or suspension that does not result in a change of placement (see definition above)
- *Weapon* has the meaning given the term “dangerous weapon” under paragraph 2 of the first subsection (g) of section 930 of title 18, United States Code.

Short-Term Removals (No Change of Placement)

School personnel may remove a child with a disability who violates a student conduct policy from their current placement to an appropriate interim alternative educational setting, another setting, or suspension, for not more than 10 consecutive school days, and for additional removals of not more than 10 consecutive school days in that same school year for separate incidents of misconduct (as long as those removals do not constitute a change of placement under 34 CFR 300.536). Suspension procedures under district regulations must be followed, and if the student is incapable of understanding any part of the suspension procedures, their parent should be present during the suspension due-process procedure contained in district regulations.

After determining if the student should be suspended, the Lead Teacher, Director of Student Life, and/or the Superintendent, in consultation with at least one of the student’s teachers, determines how best to address the student's needs during short-term removals.⁶ Providing alternative educational services for the first 10 days of short-term removals is only required if NDSD/RC provides these services to regular education students.

Parents should be notified of short-term removals. The content of this notice does not have to follow the format of a change of placement notice (e.g., not required to provide procedural safeguards). In other words, notice of short-term removals need only state the charges against the student, the form and duration of the disciplinary action taken, and any services that will be provided/withheld during the disciplinary sentence.⁷

Change of Placement (Long-Term Removals)

Longer removals include expulsion and suspensions that would constitute a change in placement. If a longer removal is being considered, NDSD/RC must have a meeting with parents and the IEP team to make a manifestation determination. This meeting must be held within 10 school days of any decision to change the placement of a student. The manifestation determination meeting would occur after the initial suspension/expulsion proceedings, which must be held in accordance with NDSD/RC policy. The purpose of these proceedings shall only be to determine if the student violated policy and to make a tentative disciplinary recommendation if a policy violation is substantiated. Any disciplinary sentence recommended at the suspension/expulsion

⁶ Law does not require parents be involved in making the determination of the extent to which services are needed for a student removed from school on a short-term basis. However, there is nothing in federal regulations that would prohibit the principal or Superintendent, if they choose to do so, from including parents in the consultation.

⁷ This notice is not required by law but is strongly recommended.

hearing shall only go into effect if criterion “1” below is satisfied and notice of change of placement is issued to parents.

Manifestation Determination Criteria

1. If the behavior that gave rise to the violation of the school code is determined not to be a manifestation of the child’s disability nor a result of the school’s failure to implement the IEP, NDS/RC:
 - a. May apply the relevant disciplinary procedures to children with disabilities in the same manner and for the same duration as the procedures would be applied to children without disabilities.
 - b. Must provide services that enable the student to continue to participate in the general education curriculum, although in another setting, and to progress toward meeting the goals set out in the IEP.
 - c. As appropriate, must conduct a functional behavioral assessment (FBA) and provide behavioral intervention services and modifications that are designed to address the behavior violation so that it does not reoccur.
2. If the team concludes that the misconduct was a manifestation of the student’s disability or a result of the school’s failure to implement the IEP, the school must:
 - a. Conduct an FBA, unless the school had already conducted an FBA before the behavior occurred, and implement a behavior intervention plan; or
 - b. Review the behavior intervention plan, if a behavior intervention plan already has been developed, and modify it as necessary to address the behavior; and
 - c. Return the student to the placement from which they were removed unless the student’s parent and the school agree to a change of placement as part of the modification of the behavior intervention plan, or the student’s misbehavior was related to drugs, weapons or serious bodily injury.

Drugs, Weapons, and Serious Bodily Injury

School personnel may remove a student governed by IDEA to an interim alternative educational setting, after holding an expulsion hearing, for not more than 45 school days if:

1. The student carries a weapon to school or to a school function;
2. The student knowingly possesses or uses illegal drugs or sells or solicits the sale of a controlled substance while at school or a school function; or
3. The student has inflicted serious bodily injury upon another person while at school, on school premises, or at a school function.

Referral to Law Enforcement /Transmission of Records

NDS/RC may report a crime committed by any child with a disability to appropriate authorities. In doing so, the school must ensure that copies of the special education and disciplinary records of the student are transmitted for consideration by appropriate authorities to whom the crime is reported, but must also obtain parental consent to send those records, consistent with the requirements of the Family Educational Rights and Privacy Act (FERPA).

Notice for Change of Placements

Parents must be provided prior written notice before enacting a change of placement decision.

This notice must include:

1. A description of the action proposed or refused by NDSD/RC;
2. An explanation of why the action is proposed or refused;
3. A description of any other options considered and the reasons why those options were rejected;
4. A description of each assessment procedure, test, record or report used as a basis for the action proposed or refused;
5. A description of any other factors relevant to the action proposed or refused;
6. A notice that parents can invite individuals with knowledge or special expertise about their child to an IEP meeting;
7. A statement that parents of a child with a disability are protected by the procedural safeguards and a copy of these safeguards; and
8. A list of resources parents can use to contact help in understanding these procedural safeguards, and a description of how parents can file a complaint.

Prior written notice must be provided in parents' native language unless doing so is clearly not feasible. NDSD/RC's special education unit should have a sample notice and sample procedural safeguards to assist NDSD/RC with notification requirements.

Appeals

If a parent disagrees with any decision regarding the placement of their child as a result of a disciplinary action, the manifestation determination, or if NDSD/RC believes that maintaining the current placement of the student is substantially likely to result in injury to the student or others, then the parent or NDSD/RC may appeal the decision by requesting a due process hearing.

The hearing officer may:

1. Return the student to the placement from which they were removed; or
2. Order a change in placement of the student to an appropriate interim alternative educational setting for not more than 45 school days, if the hearing officer believes that maintaining the current placement of the student is substantially likely to result in injury to themselves or others.

When an appeal has been made, the student must remain in the interim alternative educational setting pending the decision of the hearing officer or until the expiration of the timeline determined by NDSD/RC's disciplinary procedures, whichever occurs first, unless NDSD/RC and parent agree otherwise.

Expedited Due Process Hearing

Whenever a due process hearing is requested regarding a dispute over placement, then the parent and the school must have the opportunity to an expedited due process hearing. The expedited due process hearing timelines differ from the standard due process hearing timelines in that:

1. The hearing must occur within 20 school days of the date the due process complaint is received and;
2. The hearing officer must make a determination (final decision) within 10 school days after the conclusion of the hearing.

Resolution Session and Expedited Due Process Hearings

Unless parents and the school agree in writing to waive the resolution meeting or agree to use the mediation process to resolve the issues in dispute:

1. The resolution meeting must occur within 7 days of receiving the due process complaint notice; and
2. The due process hearing may proceed unless the matter has been resolved to the satisfaction of both parties within 15 days of the receipt of the due process complaint.

Placement by a Hearing Officer

A hearing officer may order a change in placement of a student covered by IDEA to an interim alternative educational setting for not more than 45 school days if the hearing officer determines that maintaining the current placement of the student is substantially likely to result in injury to student child or other students.

Extensions of 45 school day removals by a hearing officer may be repeated, if necessary, when returning the student to the current placement would be substantially likely to result in injury to student or other students.

Civil Action

The decisions on expedited due process hearing are appealable through civil action within 90 days from the date of the decision of the hearing officer.

End of NDS/RC Policy FFK E2

References:

Adopted:

Reviewed:

FG Student Rights and Responsibilities

The North Dakota School for the Deaf/Resource Center (NDSB/RC) affirms those legal rights of students that are guaranteed under the federal and state constitutions and statutes. NDSB/RC 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. The standard for search and seizures in schools is reasonable and particularized suspicion of a policy violation. For an expulsion, due process requires a full hearing. For most other matters, it is notice of the charges to the student and providing him/her an opportunity to respond.
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 NDSB/RC policy.

The Superintendent shall ensure that students are made aware of the legal authority of NDSB/RC 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.

End of NDSB/RC Policy FG

References: FFG, Student Assemblies
FGBB, Student Prayer During Non-Instructional Time
FGDB, Student Handbooks

Adopted:

Reviewed:

FGA E Notice of Directory Information

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

The primary purpose of directory information is to allow NDS/RC 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
5. Sports activity sheets, such as for wrestling, showing weight and height of team members

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

If you do not want NDS/RC to disclose directory information from your child's education records without your prior written consent, you must notify NDS/RC in writing by September 1 of each year. NDS/RC 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 sport
9. Photograph
10. School email address

11. Student identification number if it cannot be used alone to access an educational record and is not the student's social security number
 12. Telephone listing
 13. Weight and height of members of athletic teams
-

Request to Withhold Directory Information for the **2023-2024** School Year:

Please do not release any directory information. (See definition above)

Student's Name: _____

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.

End of NDS/RC Policy FGA E

References:

Adopted:

Reviewed:

FGA Student Education Records and Privacy

Current policy: Special Education Safeguards: Access to Student Records

POLICY

Each year parents and students need to be reminded of the student records policy of North Dakota School for the Deaf/Resource Center (NDS/RC). Parents of students or students 18 years or older who wish to view any or all of the school records pertaining to the student should contact the office personnel for an appointment. The records will be reviewed with school personnel, and parents may have copies of the records at no cost.

If parents or adult students believe something in the records is inaccurate or misleading, they may request that it be corrected or they may have comments added to the records. If the school personnel and the parent or adult student cannot agree, they may request a hearing from the Superintendent.

Record information will not be released to most persons or agencies without the written consent of parents. To facilitate the prompt placement of the student in the new school, NDS/RC may forward school records without parent consent, or the parents may request a copy of the records. Similarly, without parent consent, NDS/RC forwards transcripts, or other information requested by high school students, to colleges and other educational institutions to which the students are applying.

For a complete copy of NDS/RC's student educational record policy, contact school personnel. Parents who have questions or concerns about the student record policy may direct them to the Lead Teacher or the Superintendent.

NDS/RC does not release 'directory information' without permission of the parents. Directory information includes: name, address, telephone number, date and place of birth, major field of study, participation in activities and sports, weight and height of members of athletic teams, dates of attendance, diplomas and awards received, and most recent previous school attended.

{See LEA Eligibility Requirements Document FFY 2016}

Not current policy: Example only

The North Dakota School for the Deaf/Resource Center (NDS/RC) believes that while collection and use of student information is necessary to provide educational and student support services, NDS/RC 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:
 - Address
 - Date and place of birth
 - Dates of attendance
 - Degrees, honors, and awards received
 - Grade level
 - Most recent school attended
 - Name (first and last)
 - Participation in officially recognized activities and sports
 - Photograph
 - School email address
 - Student identification number if it cannot be used alone to access an educational record and is not the student's social security number
 - Telephone listing
 - Weight and height of members of athletic teams⁸
- *Education record* is defined as any record that directly relates to a student and is maintained by NDS/RC or by a party acting for NDS/RC. This definition excludes law enforcement records and records in the sole possession of the maker used only as a memory aid.⁹
- *Eligible student* means a student who has reached the age of 18¹⁰
- *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.¹¹
- *Parent* means a parent of a student and includes a natural parent, a guardian, or an individual acting as a parent in the absence of a parent or a guardian.
- *Permanent record* is defined as a record containing a student's name, address, phone number, record of grades, years enrolled, courses attended, and grades completed.
- *Personally Identifiable Information (PII)* includes information maintained in the student's education record that could be used alone or in combination to trace a student's identity directly or indirectly and would allow a reasonable person, who does not have personal knowledge of the relevant circumstances, to identify the student with reasonable certainty.
- *Record* means any information recorded in any way including, but not limited to, handwriting, print, computer media, video or audio tape, film, microfilm, and microfiche.¹²

⁸ 34 CFR 99.3

⁹ 34 CFR 99.3

¹⁰ 34 CFR 99.3

¹¹ https://nces.ed.gov/pubs2004/privacy/section_4b.asp

¹² 34 CFR 99.3

- *School official* is defined as an individual who has a legitimate educational interest in accessing student educational records and is affiliated with NDSB/RC in one of the following capacities:
 - An individual employed by NDSB/RC in an administrative, instructional, or support staff position;
 - Contractors, consultants, volunteers, service providers, or other party with whom NDSB/RC has outsourced institutional services or functions for which NDSB/RC would otherwise use employees; records provided to these third parties must remain directly under NDSB/RC's control for purposes of maintenance and use and the third party must agree to comply with 34 C.F.R. 99.33(a). Examples include, but are not limited to, school resource officers, interns, student teachers, the district's attorney, PowerSchool, SLDS, learning management software, hot lunch tracking software, [Viewpoint], and NDSB/RC alert systems.¹³

Designation and Responsibilities of Privacy Officers

The Superintendent or designee shall serve as Chief Privacy Officer. In this role, the Superintendent is responsible for managing approvals of student information sharing requests from third-party individuals/entities other than parties to which NDSB/RC 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 within various NDSB/RC programs. 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 approval new requests to share student information with third-party individuals and entities other than parties to which NDSB/RC reports student information under law;
3. Ensuring that access to student information is granted only to the extent there is a legitimate educational interest and in accordance with this policy and any applicable agreements;
4. Enforcing this and other applicable district confidentiality and data protection policies;
5. Providing a list of students who have opted-out of directory information to classroom teachers and other NDSB/RC staff who have a need to know.

Information Release Safeguards

NDSB/RC accepts all electronic signatures and documentation as an equivalent to written documentation.

1. Access by Parents and Eligible Students

¹³ 34 CFR 99.31(a)(1) and 06/28/06 FERPA Opinion
<http://www2.ed.gov/policy/gen/guid/fpco/ferpa/library/clarkcty062806.html>

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

- a. NDSD/RC shall comply with a request by a parent or eligible student to access education records within a reasonable period of time, not to exceed 45 days after receipt of a request.
 - b. NDSD/RC shall develop procedures for a parent/guardian/student to review and amend educational records. These procedures shall include procedures to verify the identity of a requesting parent/eligible student. The regulations shall be delineated in approved regulations and disseminated annually in accordance with law.¹⁴
- 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 Chief Privacy Officer. The Chief Privacy Officer shall check NDSD/RC'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 Chief Privacy Officer shall either deny the Teacher's request or submit an information-sharing request to the Superintendent for approval. If the Teacher is authorized to use the instructional tool, the Chief Privacy Officer shall ensure the Teacher complies with any parental consent requirements and directory information optout requests before using the tool.
- 3. Data Breaches**
NDSD/RC employees are responsible for informing a privacy officer of any known or suspected breach of PII. When any staff member 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).

¹⁴ 34 CFR 99.7 and 99.10

5. Directory Information

NDSD/RC may disclose directory information without parental/eligible student consent if it has given parents/eligible students a reasonable amount of time to opt-out of directory information release. Opt-out notices should be provided at the beginning of the school year and when a student otherwise enrolls at NDSD/RC. These notices shall contain a reasonable deadline of at least 10 days for parents/eligible students to opt out.¹⁵

NDSD/RC approves release of directory information as follows:

- a. Publication on the district's website;
- b. To state-approved vendors for purposes of sale of school-related items such as, but not limited to, yearbooks, school pictures, graduation items, NDSD/RC 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 NDSD/RC publications for purposes of recognizing student accomplishments and coverage of extracurricular events;
- e. To school-affiliated groups for purposes of communicating and fundraising;
- f. To school-sponsored student publications including, but not limited to, newspapers and yearbooks;
- g. Directory information shall only be released and used for purposes specified in the release request and the Superintendent shall add approved requestors to the NDSD/RC's master list of individuals and entities having access to student information. The Superintendent shall develop criteria in regulations for approving and denying these requests.¹⁶

Any NDSD/RC employee who wishes to disseminate student directory information to a third party shall contact the Chief Privacy Officer. The privacy officer shall determine if such approved has been previously released and, if not, approve or deny the request. Upon approval, the Superintendent shall 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 Superintendent approval unless the third party is required to receive PII under state or federal law.¹⁷ Any school employee who wishes to share PII with a third party shall contact the privacy officer. The Chief Privacy Officer shall determine if such approved has been previously released and, if not, approve or deny the request. Upon approval of any PII release request, the Chief Privacy Officer shall inform the requestor of any parental consent requirements (see #7) and ensure the requestor complies with such requirements.

¹⁵ 34 CFR 99.37

¹⁶ 34 CFR 99.37(d)

¹⁷ SB 2326

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

- a. NDSD/RC 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 NDSD/RC has a need to disclose the student's status as a sex offender for safety purposes¹⁸
- b. In connection with a health or safety emergency under the conditions described in 34 C.F.R. 99.36¹⁹
- c. If records have been de-identified by NDSD/RC; third party individuals and entities that receive de-identified information shall be included on the NDSD/RC's master list of individuals and entities having access to student information²⁰
- d. To a school official who has a legitimate educational interest in the education records if the following conditions are satisfied:
 - i. Access shall be limited to only information the school official has a legitimate need to know
 - ii. School officials shall use the information only for the purposes for which the disclosure was made and shall not redisclose the information to any other party without proper consent or legal authority
 - iii. Titles of individuals and entities considered school officials shall be included on NDSD/RC's master list of individuals and entities having access to student information²¹
- e. To a court without a court order or subpoena when NDSD/RC initiates legal action against a parent/student or a parent/student initiates legal action against NDSD/RC²²
- f. To accrediting bodies for purposes of accreditation²³
- g. To an organization conducting a study for NDSD/RC 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 NDSD/RC in accordance with law; if the organization is conducting a survey of students, NDSD/RC shall ensure parents are notified in compliance with **policy GCC** and shall obtain parental consent, if applicable (see #7)²⁴
- h. To another school in which the student seeks, intends to, or is already enrolled²⁵
- 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

¹⁸ 34 CFR 99.31(a)(16)

¹⁹ 34 CFR 99.36

²⁰ 34 CFR 99.31(b)(1) and SB 2326

²¹ 34 CFR 99.31(a)(1)

²² 34 CFR 99.31(a)(9)(iii)(A)

²³ 34 CFR 99.31(a)(7)

²⁴ 34 CFR 99.31(a)(6)

²⁵ 34 CFR 99.31(a)(2)

supported education programs or for the enforcement of or compliance with federal legal requirements that relate to those programs²⁶

- j. To comply with a judicial order or lawfully issued subpoena; NDSB/RC must make reasonable attempt to contact the parent/eligible student before disclosure unless the court order instructs otherwise²⁷
- k. To the parents of an eligible student who is also a "dependent student" as defined in IRS Section 152²⁸

NDSB 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 NDSB/RC. 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 NDSB/RC.²⁹

7. When Parental Consent is Required

NDSB/RC must obtain parental/eligible student consent to release student information under the following circumstances:

- a. NDSB/RC 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. NDSB/RC 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 13³⁰
- c. When administering a survey funded in whole or in part by the U.S. Department of Education and concerning any of the following areas:
 - i. Political affiliations or beliefs of the student or the student's parent
 - ii. Mental or psychological problems of the student or the student's family
 - iii. Sex behavior or attitudes
 - iv. Illegal, anti-social, self-incriminating, or demeaning behavior
 - v. Critical appraisals of other individuals with whom respondents have close family relationships
 - vi. Legally recognized privileged or analogous relationships, such as those of lawyers, physicians, and ministers
 - vii. Religious practices, affiliations, or beliefs of the student or student's parent
 - viii. Income (other than that required by law to determine eligibility for participation in a program or for receiving financial assistance under such program)³¹

²⁶ 34 CFR 99.31(a)(3)

²⁷ 34 CFR 99.31(a)(9)

²⁸ 34 CFR 99.31(a)(8)

²⁹ 34 CFR 99.31(a)(3)(ii)

³⁰ Children's Online Privacy Protection Act, 16 CFR 312

³¹ Protection of Pupil Rights Amendment, 20 U.S.C. § 1232h; 34 CFR Part 98

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 approval requirements in NDCC Ch. 15.1-07-25.3 because local school districts provides these services in fulfillment of requirements under state and federal law.

Policy Violations

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

Training

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

End of NDS/RC Policy FGA

References: ACE, Violent and Threatening Behavior
FACB, Transfer and Withdrawal Records
FGA-BR, Student Education Records Access and Amendment Procedure
FGA-E, Notice for Directory Information
FGA-E2, Model Notice of Rights Under FERPA for Elementary and Secondary Schools
FGA-E3, FERPA Release Form for Parents
FGA-E4, Notice of Executive Session Tape on File
FGA-E5, Student Information Sharing Request
FGA-E6, Model form for Disclosure to Parents of Dependent Students
FGA-E7, School Officials' Guide to FERPA and Data Privacy
FGA-E8, Parties Approved to Receive Student Data

Adopted:

Reviewed:

FGBA Released Time for Outside Instruction

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

End of NDSD/RC Policy FGBA

References:

Adopted:

Reviewed:

FGBB Student Prayer During Non-Instructional Time

The North Dakota School for the Deaf/Resource Center (NDSD/RC) shall comply with North Dakota state law concerning student recitation of prayer/student-initiated religious speech in school, which allows such activity before, during, and after the school day to the same extent that NDSD/RC allows secular speech. Any time, place, and manner restrictions that NDSD/RC places on recitation of prayer/student religious speech shall not exceed those placed on student's secular speech. The decision to participate or not participate in religious expression is a matter of individual choice. No student will be permitted to harass or intimidate other students to participate or refrain from participating in religious expression. School staff shall refrain from encouraging or discouraging students from participating in such activity.

End of NDSD/RC Policy FGBB

References:

Adopted:

Reviewed:

FGCA Searches of Lockers or Desks

The North Dakota School for the Deaf/Resource Center (NDS/RC) retains ownership and control of all lockers and desks. Access to all lockers and desks 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 or desks. Student shall be given advanced notice of this policy through student handbooks or another form of notification.

Lockers and desks may be subject to suspicionless searches, inspections for purposes such as routine maintenance, or searches where there is suspicion that lockers or desks contains objects/substances that are illegal, violate school policy, or may be detrimental to the health, safety, or welfare of NDS/RC students.

Search Procedure

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

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

The Superintendent should be notified whenever a search has been conducted and when items of concern are discovered.

Use of Trained Dogs and Involvement of Law Enforcement

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

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

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

End of NDS/RC Policy FGCA

References:

Adopted:

Reviewed:

FGCB Searches of Students and Students' Personal Property

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

When the Lead Teacher, Director of Student Life, 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 property belonging to the suspected student(s) may be subject to inspection. When determining the scope of a search, the Lead Teacher, Director of Student Life, 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.

Search Procedure

For the purposes of this policy, personal property includes, but is not limited to: a student's vehicle, backpack, book bag, and/or purse. Students may also be asked to empty their pockets when there is a reasonable suspicion of the concealment of a metal object then a metal detection device may be utilized; however, strip searches shall not be conducted.

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

Searches of Vehicles

The Lead Teacher, Director of Student Life, or Superintendent, with a witness present, shall conduct searches of student vehicles if the vehicle is parked on school property and if reasonable suspicion exists. The Lead Teacher or Director of Student Life 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 is deemed to exist. If a vehicle is locked and its owner cannot be contacted or refuses to open it, the Lead Teacher, Director of Student Life, or the Superintendent shall contact law enforcement.

Involvement of Law Enforcement

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

Illegal substances found during searches of students/students' personal property may be turned over to proper authorities. Personal property may be collected by parents. If not collected within a reasonable time, it may be disposed of.

Reporting Requirements

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

End of NDS/RC Policy FGCB

References: FGA, Student Records
FGCB-E, Search and Seizure of Students Form

Adopted:

Reviewed:

FGCC Student Interviews and Custody by School Resource Officers and Outside Agencies

General Provisions

For all action permitted by this policy and/or law, it is the responsibility of law enforcement officials, not employees of the North Dakota School for the Deaf/Resource Center (NDS/RC), to assure compliance with procedural and constitutional safeguards.

School Resource Officers

NDS/RC utilizes School Resource Officers (SRO) from the Devils Lake Public Schools when needed. SROs are defined as school officials per the Memorandum of Understanding. When acting in the role of a school official to investigate school policy violations and/or maintain the safety of the school environment, SROs may interview students without parental consent and, upon request of a school official may search students in accordance with applicable school district policy on searches by school officials. When a student is suspected of a crime, the SRO shall comply with the procedure below pertaining to police suspect interviews.

Communications with School Resource Officers

In all cases where any law enforcement officer, other than assigned SROs, needs to interview or take into custody a student, the law enforcement officer should make every attempt to contact the Lead Teacher, Director of Student Life, or Superintendent and inform them of the need to contact a student unless there is an emergency. If available, an SRO will assist and coordinate the interview/taking into custody of the student with school officials.

Law enforcement will be responsible for Interpreting Services for NDS/RC students.

Police Suspect Interviews

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

Law enforcement will be responsible for Interpreting Services for NDS/RC students.

1. When the student is the suspect of a crime (police suspect interviews): The Lead Teacher, Director of Student Life, or Superintendent shall only grant the suspect interview request if the following conditions are met:
 - a. The officer properly identifies themselves to school personnel if the officer is unknown to the school, confirms the identity of the student to be interviewed, and confirms the reason and purpose of the suspect interview.
 - b. The suspect interview relates to a school matter or needs to be held at school because of justifiable law enforcement need that is explained to the Lead Teacher, Director of Student Life, or Superintendent.
 - c. The student's parent, guardian, or attorney is present for the suspect interview. This requirement does not apply to students of legal age.

- d. The student is read Miranda Rights.

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

2. When a student is a witness or victim of a crime: The Lead Teacher, Director of Student Life, or Superintendent may grant requests for a police interview of a student who is a witness or victim of a crime if the following conditions are met:
 - a. The officer properly identifies themselves to school personnel, if the officer is unknown to the school, confirms the identity of the student to be interviewed, and confirms the reason and purpose of that interview, as long as that information is not confidential.
 - b. The interview relates to a school matter or needs to be held at school because of justifiable law enforcement need that is explained to the building principal or designee;
 - c. At a minimum, a school official is to be present at the interview if the interview is being conducted by outside law enforcement.
 - d. The Lead Teacher, Director of Student Life, or Superintendent may be present if the interview is being conducted by an SRO.
 - e. The Lead Teacher, Director of Student Life, or Superintendent should attempt to contact the student's parent or guardian and allow them to attend the interview unless the urgent nature of the situation demands that the interview be conducted immediately.
 - f. If, during the interview, the student becomes a suspect of a crime, the requirements in no. 1 shall be implemented as soon as this suspicion arises.

Interviews of Students by Officials of Other Agencies

When the Department of Human Services or an officer acting on the agency's behalf requests to interview a student as part of a child/abuse neglect investigation, the Lead Teacher, Director of Student Life, or Superintendent shall:

1. Determine that the issue requires immediacy and should be investigated during the school day.
2. Verify that the purpose of the interview is to investigate child abuse/neglect.
3. Require that the interviewer identify themselves.
4. Allow a student to be interviewed if the student is the subject of, sibling of, or living with a child the subject of abuse/neglect.
5. Avoid sharing information related to a child abuse investigation with the public or the child's parents.
6. Determine whether to have a school official present during the interview. At a minimum, the Department of Human Services or an officer acting on the agency's behalf will debrief with the school official following the interview.
7. Work with the Department of Human Services to determine sign language interpreting needs and arranging for interpreting services.

Students Taken into Custody at School

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

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

End of NDS/RC Policy FGCC

References: **LBB, Relations with Department of Human Services**

Adopted:

Reviewed:

FGDB Student Handbooks

The administration shall publish and annually revise a handbook containing information about the North Dakota School for the Deaf/Resource Center (NDSB/RC) and the rules and regulations with which students are expected to conform. The administration is responsible to ensure that the handbook does not conflict with any NDSB/RC policies or state or federal law. The handbook shall be distributed to all students the first day of school each year and to new students when they enroll.

End of NDSB/RC Policy FGDB

References:

Adopted:

Reviewed:

FIA Student Gift to School

A student group may present a gift to the school, chosen at the discretion of its members with the counsel of faculty advisers.

End of NDSD/RC Policy FIA

References:

Adopted:

Reviewed:

FIB Participation in Non-School-Sponsored Contests and Competitions

The Superintendent shall develop criteria for approving district participation in contests and competitions sponsored by outside, non-school sponsored groups. The Superintendent will be charged with all decision-making in this regard based on the criteria s/he has established. No student shall be required to participate in a contest/competition sponsored by an outside organization to earn or improve a grade.

End of NDS/RC Policy FIB

References:

Adopted:

Reviewed:

G - Instruction

GAAA	<u>Curricular Program and Evaluation</u>
GAAB	<u>Curricular Program Changes</u>
GAAC-AR	<u>Reconsideration of Instructional Materials</u>
GAAC	<u>Public Review of Texts, Library Media, and Supplementary Materials</u>
GAAC-E	<u>Request for Reconsideration of Library or Instructional Materials</u>
GAAD	<u>Selection of Instructional Resources</u>
GAADA-AR	<u>Student Access to Holdings of Community Libraries</u>
GAAD-AR1	<u>Selection of Supplementary Classroom Curricular and Co-Curricular Materials</u>
GAAD-AR2	<u>Selection of Primary Instructional Resources</u>
GAAD-AR3	<u>Play Selection</u>
GAADA	<u>Selection and Maintenance of Library Materials</u>
GAAE	<u>Evaluation of Instructional Program</u>
GABAA	<u>English Learner</u>
GABC	<u>Health and Physical Education Program</u>
GABDB	<u>Title Programs Dispute Resolution Procedure</u>
GACB	<u>Patriotic Exercises</u>
GACH	<u>Remedial Programs</u>
GBA	<u>Academic Freedom</u>
GBAB	<u>Homework</u>
GBBA	<u>Guest Speakers</u>
GBBB-AR	<u>Movie, Video, and TV Ratings</u>
GBBB-E1	<u>Exception for Use Request for AV Material Resources</u>
GBBB-E2	<u>Request for Parental Permission for Usage of AV Materials</u>
GBBB	<u>Television and Rated Movies in Schools</u>
GBBD	<u>Community Instructional Resources</u>
GCAA-AR	<u>Acceleration Procedure</u>
GCAA	<u>Grade Promotion, Acceleration, and Retention</u>
GCBA	<u>Grading</u>
GCBB	<u>Parent Conferences and Progress Reports</u>
GCC	<u>Educational Research and Surveys of Students</u>
GCD	<u>Requests to View North Dakota State Assessments</u>

GAAA Curricular Program and Evaluation

The educational program at the North Dakota School for the Deaf/Resource Center (NDS/RC) will provide both formal studies to meet the general academic needs of all students and, to the extent possible, opportunities for individual students to develop specific talents and interests in more specialized areas.

The instructional program will be developed with the view toward maintaining balanced, integrated, and sequentially articulated curricula which will serve the educational needs of all students. The program will include those courses required by state law, as well as those established by the administration following the recommendations of the curriculum committee. Curricular choices will be aligned with research-based best practices for students who are deaf, hard of hearing, or deafblind.

Curricula will have sufficient latitude to provide the teachers with time to teach the current, topical, and incidental material which adds motivation and meaningful teaching and learning.

NDS/RC engages educators and other stakeholders in the continuous review of our curricular program. Representative groups collaborate regularly to review input and make recommendations on updates and improvements. The curricular program at NDS/RC encompasses state standards, resources, and assessments.

- Standards shall, at a minimum, be based upon state standards (or other recognized standards.)
- Resources are tools, approved by NDS/RC, that may include texts, online applications, websites, guest speakers, etc. used to help students learn the standards.
- Assessments may include observation, assignments, tests, etc. that are used to measure and improve student learning progress.

NDS/RC regularly evaluates and modifies the curricular program as necessary to assure continuing effectiveness and alignment to prioritized standards. Evidence for consideration in the evaluation may include but is not limited to:

- Testing programs such as national standardized general achievement tests, nationally standardized tests in specific subject areas, and tests administered by other agencies.
- School academic records.
- Teacher and parent evaluation of student achievement and curricular needs.
- Recommendations by teachers and/or administrators.
- Evaluation by other agencies.
- Audits ensuring learning styles, backgrounds, interests, and abilities are equitably served.

All action on curricular program matters will be taken in accordance with NDS/RC's Policy GAAB.

End of NDS/RC Policy GAAA

References: NDS/RC original policy#7-Academic Programming: Curriculum
Adopted:
Reviewed:

GAAB Curricular Program Change

The North Dakota School for the Deaf/Resource Center (NDS/RC) engages Teachers in in the Curriculum Committee to provide feedback on curricular decisions including new course additions, changes with implications for increased staffing, changes that have data sharing implications, and changes with implications for increased resource costs.

The Superintendent or designee will ensure consistency with state and federal laws as well as NDS/RC's vision, mission, and purpose. Staff may propose experimental, pilot, and creative programs and projects to the Lead Teacher and/or the Superintendent. The Superintendent, Lead Teacher, and Curriculum Committee may suggest improvements and changes to the curricular program, and such changes may be implemented administratively by the Superintendent and/or designee as the Superintendent deems necessary and educationally sound.

The Curriculum Committee will be maintained with the following guidelines:

Purpose:

1. To oversee NDS/RC curricula, keeping curricula current and effective according to the best research-based practices in the fields of Education and of, specifically, Deaf Education.
2. To direct curriculum review, development, implementation, monitoring, and revision according to the NDS/RC Curriculum Plan.

Composition of the Committee:

The Curriculum Committee will consist of a Coordinator (assigned by the Superintendent and determined by the specific curricular subject areas to be worked on each year) and the teaching staff of NDS/RC.

Function of the Committees:

1. To meet at least quarterly to review, research, develop, implement, revise, and monitor curricula according to the NDS/RC Curriculum Plan.
2. To submit recommendations to the Superintendent for adoption.

The NDS/RC Curriculum Plan will:

1. Address Language (ASL and English), Reading, Written Language, Math, and Auditory Training Curricula.
2. Each curricular area will be reviewed at least every three years and materials will be purchased as needed.
3. Curricula for other classes will be determined individually based on state standards, local public school curriculum, and student needs.

End of NDS/RC Policy GAAB

References: NDS/RC original policy#7-Academic Programming: Curriculum

Adopted:

Reviewed:

GAAC AR Reconsideration of Instructional Materials

Reconsideration Process

Step 1: Complainant will contact the Teacher or Librarian with verbal complaint. Complaint may be resolved at this level.

Step 2: The Teacher or Librarian will bring the complaint to the attention of the Lead Teacher who will schedule a meeting between the parties to discuss the issue. If the issue is regarding an individual need surrounding the material, an alternative resource may be determined for the student, as appropriate. Complaint may be resolved at this level.

Step 3: If the complaint is not resolved during this meeting, the Lead Teacher shall provide the complainant with the “Request for Reconsideration of Instructional Materials” form. A copy of the item under consideration may be given to the concerned party for review. The complainant must review the entire work. The item must be returned and the borrower will be billed for replacement cost if the item is not returned.

Step 4: The complainant should return the form to the Lead Teacher within 10 working days after the meeting. The Lead Teacher will forward the form to the Superintendent within 5 working days with a summary of the process to that point. Material(s) shall remain in use pending the outcome of the request for reconsideration process. If the complainant does not meet the recommended time limits, he/she waives his/her right to move the complaint to the next level.

Step 5: Within 15 working days of receipt of the form requesting reconsideration of the selection of the material, the Superintendent will assign a committee chairperson who will form a NDSD/RC Materials Review Committee composed of at least 3 Teachers. The committee will be charged with reconsidering the selection of the material in question in light of the concerns of the complainant. The 15 working day timeline may be extended by a mutual agreement of the complainant and the Superintendent.

The committee may request input from additional instructional and/or administrative staff if the selection or use of the material involves a specific grade level, content area, or students with special needs, as well as call on expertise in the community.

The committee will meet as needed to hear the complaint and reconsider its selection for use in at NDSD/RC.

NDSD/RC Materials Review Committee Membership

A standing district committee will be formed to handle requests for reconsideration of classroom and/or library materials. The Superintendent will determine which 3 Teachers shall serve on the NDSD/RC Materials Review Committee.

Procedure for Reconsideration by the District Materials Review Committee

1. All members of the committee will receive a copy of the request with any supporting materials from the complainant.
2. All members of the committee will read/view the entire work.
3. The committee will meet with the complainant who will present his/her concerns about its selection and use.
4. The material in question will be reconsidered in light of NDS/RC's selection criteria (Policy GAAD and/or GAADA), rationale for selection by NDS/RC personnel, reviews from accepted sources, general acceptance of the material as well as concerns from the complainant.
5. The committee will determine the process by which it will make a decision on the selection and use of the material in question.
6. The committee's deliberations will be open.
7. The committee will make a decision on the selection and use of the material in questions. The committee will prepare a committee report, which will be signed by members of the committee. A letter of notification of the committee's decision will be sent to the complainant within 10 working days of the committee's decision. It will include a copy of the committee report.
8. A copy of the report will be on file in the office of the Superintendent.

Appeal of District Committee's Decision on Reconsideration of Challenged Materials

If either the individual who initiated a request for reconsideration or the Teacher or Librarian who made the initial material selection chooses to appeal the committee's decision, a request to do so should be submitted in writing to the Superintendent within 15 days of receiving the committee's decision. He/she will forward the appeal request to the Superintendent of Public Instruction. The decision of the Superintendent of Public Instruction in matters of selection is final.

If the deadlines listed in this process are past, any individual involved in the complaint waives his/her right to move the process to the next level.

End of NDS/RC Policy GAAC AR

References:

Adopted:

Reviewed:

GAAC Public Review of Texts, Library Materials, and Supplementary Materials

The North Dakota School for the Deaf/Resource Center (NDSB/RC) encourages and recognizes as important the active participation of citizens in the process of public education. Any resident of North Dakota or employee of NDSB/RC may review instructional or library materials.

Supplemental Materials

Parents/guardians may request that their child not read or view specific supplementary materials. In such a case, reasons for the request should be presented to the Superintendent and/or Classroom Teacher in writing. The student will be either exempt or provided with alternative material and standards-aligned instruction.

Primary Instructional Materials

For primary instructional material concerns, parents/guardians may initiate a reconsideration process in accordance with Administrative Rule GAAC-AR.

Additionally, NDSB/RC encourages deliberate and prompt resolution of citizen concerns regarding primary instructional materials, textbooks, library media, and supplementary materials. NDSB/RC encourages citizens to consult with the Teacher or Librarian for a prompt resolution.

If the concern remains after having met with the Teacher or Librarian, the individual may initiate a reconsideration procedure in accordance with Administrative Rule GAAC-AR.

End of NDSB/RC Policy GAAC

References:

Adopted:

Reviewed:

GAAC-E Request for Reconsideration of Library or Instructional Materials

North Dakota School for the Deaf/Resource Center

Request for Reconsideration of Library or Instructional Materials

Please check the type of material:

- Book (ebook)
- Textbook
- Digital Resource
- Video Media
- Audio
- App
- Other _____

Title _____

Author _____

Publisher or Producer (If Known) _____

Copyright Date _____

Person Requesting Reconsideration _____ Copyright Date _____

Telephone _____ Address _____

City _____

Have you observed/read the material in its entirety: Yes No

Requester Represents:

- Themselves
- (Name Organization) _____

1. To what in the material do you object? (Please be specific, cite pages, timestamp of video, etc.)

2. What do you feel might be the result of using this material?

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3. Is there anything worthwhile in this material; any redeeming qualities?

4. Have you had the opportunity to become familiar with any judgments of this material by literary critics?

Yes No (If yes, please list the sources of the reviews and the names of the critics.)

5. What do you believe to be the central theme or purpose of this material?

6. For what age group would you recommend this material?

7. What would you like done with this material?

- Do not assign/lend to my child
 Withdraw it from all readers/students

8. In its place, what material would you recommend of the same subject and format?

Print Name:

Signature:

Date:

School Year 2024-2025

GAAD Selection of Instructional Materials

Philosophy

American democracy enables citizens to be able to listen to all sides of a controversial issue, sort out facts, and arrive at independent conclusions; thus students in school should be exposed to issues which are within their maturity level and are under debate in our society.

Purpose

The purpose of this policy and the related rules is to provide direction for selection of instructional materials deemed appropriate to achieve the curricular program.

Responsibility of Selection

While the Department of Public Instruction retains its legal responsibility for all matters pertaining to the operation of the North Dakota School for the Deaf/Resource Center (NDS/RC), it recognizes the expertise of the staff and the vital need of such staff to be primarily involved in the selection of instructional resources. Within NDS/RC, the Superintendent assumes the final authority in resolving conflicts among staff.

Policy

NDS/RC will provide a wide range of instructional resources for all levels of difficulty, with diversity of appeal, and the presentation of different points of view for all students. The following general considerations will be used in selecting materials in libraries and classrooms, and for extra and co-curricular activities:

General Considerations for Instructional Materials Selection

1. The material is educationally suitable with consideration for all learning styles, abilities, and interests.
2. The material is relevant to NDS/RC adopted standards.
3. The material is appropriate to age and educational level.
4. The material does not make use of pervasive vulgarity.
5. The material is presented in an unbiased manner in regard to sex roles and racial, religious, multi-age, and ethnic groups.
6. The material is in good physical condition is complete.
7. The material is accurate and current.
8. The source is considered educationally competent and should stimulate growth in some or all of the following areas:
 - a. Factual knowledge
 - b. Literacy appreciation
 - c. Aesthetic value
 - d. Ethical standards
 - e. Critical thinking skills
 - f. Information literacy
9. Some of the materials selected should include role models and information relevant to our students' various cultural identities including Deaf individuals and Deaf Culture and

Community.

Citizen Input and Review Opportunity

NDSD/RC provides a process for parents, guardians, and other citizens to read, review, and provide comments and suggestions on resources selected for instructional use by NDSD/RC. Refer to **Administrative Rule GAAC AR** for the request process.

End of NDSD/RC Policy GAAD

References:

Adopted:

Reviewed:

GAADA AR Student Access to Holdings of Community Libraries

It is the intent of the North Dakota School for the Deaf/Resource Center (NDSB/RC) to provide students with access to the collections of all libraries in the district and in the state of North Dakota.

In doing so, the following rules will apply:

1. All students will be able to search the collections of all available community libraries in the state library network, using the automated catalog system, or by linking to state libraries directly through the Internet.
2. All students (grades K-12) will be able to check out library materials from their own school library. With school library personnel assistance, all students will be able to place a request (hold) on and check out library materials from any other available library in the state, unless their parents/ guardians have restricted their access in writing.
3. Students (grades 4-12) will be able to place a hold on and check out library materials from their own school library, from any other school library in the state, and from other linked libraries on their own, unless their parents/guardians have restricted their access in writing.

End of NDSB/RC Policy GAADA AR

References:

Adopted:

Reviewed:

GAADA AR1 Selection of Supplementary Classroom and Curricular and Co-Curricular Materials

Examples of supplementary materials include books, videos, newspapers, magazines, software, and other digital resources.

1. Supplementary materials selected by a committee or individual teachers shall be chosen with the general considerations listed in Policy GAAD.
2. Supplementary materials with age level ratings, whether purchased by NDSD/RC, accessed online, rented, or brought from home, will use the guidelines in Policy GBBB and Administrative Rule GBBB-AR.
3. All material used during instructional time must be directly related to the curricular program. All material must support identified grade-level standards.
4. All media must be used within legal copyright limits in accordance with the most recent copyright laws and responsible use practices. (See Policies ABCA and ACDA).

End of NDSD/RC Policy GAADA AR1

References:

Adopted:

Reviewed:

GAADA AR2 Selection of Primary Instructional Resources

Primary resources or other instructional materials adopted across NDSD/RC will be chosen by a committee of faculty representatives as determined by the needs of the appropriate curriculum subject committee(s) and shall also be chosen with the considerations listed in Policy GAAD.

Refer to Policy GAAD for information on citizen input opportunities.

End of NDSD/RC Policy GAADA AR2

References:

Adopted:

Reviewed:

GAADA AR3 Play Selection

The Superintendent and/or the Lead Teacher is responsible to ensure that there is a participatory decision involved in the selection of plays, musicals, and other presentations in the school. Any copyright permission requirements shall be complied with prior to beginning auditions, rehearsals, and production.

At the middle school level and above, the following process will be followed:

1. The play director shall review possible play/musical selections or presentations.
2. The play director shall submit the play/musical or presentation choice to the Superintendent and the Lead Teacher.
3. The Superintendent and Lead Teacher shall confirm or reject the director's choice and, if necessary, the alternate choice. If both the choice and the alternate choice of the director are rejected, the selection process starts over.

At the elementary level, staff members shall secure prior approval from the Superintendent and/or Lead Teacher for the production of students' public presentations.

Criteria to be included in the selection process are whether the play/presentation:

1. Contributes toward providing a range of acting and theatrical experience for the cast/students.
2. Contributes toward presenting a variety of types of plays or presentations for student audiences.
3. Utilizes available talent in roles within their capabilities.
4. Provides entertainment acceptable to the general standards of the community and supports the general goals of education within NDSD/RC.

End of NDSD/RC Policy GAADA AR3

References:

Adopted:

Reviewed:

GAADA Selection and Maintenance of Library Materials

The North Dakota School for the Deaf/Resource Center (NDS/RC) subscribes to the philosophy set forth by the School Library “Bill of Rights” as it relates to the educational program of a school. (See IFAA/IFAB E).

Library Media Materials

Materials chosen for library centers will be chosen with the general consideration listed in Policy GAAD, as well as the specific library-related considerations as outlined in the sections below.

Library Resource Center

- NDS/RC has established the Library Resource Center to serve on-campus educational needs and outreach needs across the state.
- The Library Resource Center serves Teachers by providing professional books and supplemental audiovisual materials (e.g., videos, kits, DVDs, puppets, etc.) to support the NDS/RC curriculum. The purpose of the Library Resource Center is to provide the more costly audiovisual materials so classrooms can provide print and non-print informational materials for the immediate information needs of the students throughout the instructional day.
- In addition, NDS/RC provides access to the catalog of materials through the Library Loan system.

Philosophy

- Although no one Library can meet all the needs of all its users, a basic core collection of timely and relevant information resources is essential in every Library collection.
- The Library collection needs continuous evaluation in order to keep on target with the Library’s mission to provide materials to meet patrons’ interests and needs in a timely manner. This collection evaluation is a process of determining strengths and weaknesses in the Library collection.

Objectives of the Library Resource Center are:

1. To implement, enrich, and support the curriculum.
2. To provide opportunities for literacy and cultural enrichment:
 - a. Through the materials provided, the Library Resource Center aims to help students gain insights into themselves and their world so that they may more fully realize their potential at all stages of growth and development and become mature and contributing members of society.
 - b. By providing an exemplary print collection. An exemplary print collection is defined as having 20-25 current items per student, and “current” means the collection has an average age of not greater than 10 years.
 - c. By working collaboratively with multiple entities in order to provide access to materials available outside of NDS/RC.

Authority

Responsibility – It is the responsibility of the Librarian or designee to ensure that the Library Resource Center provides a wide range of materials on all levels of difficulty, diversity of appeal, and the presentation of varied points of view.

Policy

1. Selection Criteria

Quantity alone is misleading; the quality of the collection is a more accurate measure of the collection's response to user needs. The Librarian or designee shall select materials while considering the following:

- Curriculum relevance
- Material content
- Currency of information
- Accuracy of information
- Availability in, and possibly coordination with other libraries
- Balance in Dewey categories of collection
- Need of material type
- Timeliness of material
- Balance in format, ideas, interest, and points of view
- Grade level and maturity level of users
- Appeal to user
- Current or historical significance
- Number and nature of requests
- Suitability of physical form for library use
- Suitability of subject, style, and format for the intended age level
- Reputation and significance of author, illustrator, publisher, or producer
- Reviews from selection tools (e.g., Wilson's Catalogs, School Library Journal, Horn Book, Booklist, etc.)
- Books selected from the NY Times Bestseller List, must have 3 reviews on file
- Physical limitations of the building
- Cost

2. Maintenance Policy

The goal of the maintenance policy is to preserve the integrity of the collection. In order to maintain quality, increase efficiency, improve reliability, increase usefulness, and relieve crowding, materials that no longer meet NDSD/RC's selection criteria must be removed from the collection. Circulation statistics, age reports, and availability of replacement materials and/or library loan opportunities will be used to conduct maintenance of Library collection. The ultimate decision for weeding materials is the responsibility of the Librarian or designee.

The recommended replacement cycles are:

- Maintain non-fiction collection on a 10-year cycle.
- Maintain fiction collection on a 12-year cycle – titles with a publication age older than 12

years need to be reviewed and updated with a newer, more appealing edition.

- Maintain general reference encyclopedias on a 5-year cycle.
- Maintain the paperback collection on a 5-year cycle.
- Maintain standing orders on a 2-year review of titles.
- Maintain subscription renewals on an annual review of titles.
- Maintain audiovisuals on a 10-year cycle.
- Maintain equipment on a 5-year review of items.

(Withdrawn items should be marked “withdrawn”, have the barcodes crossed out, as well as the school name. These items may be offered to students in the school to take home. These materials should not be sent to the classrooms; the same standard of quality applies to all other instructional materials within the school and the residential setting.)

3. Gifts

NDSD/RC’s Library Media Center may receive donations and gifts for the benefit of the NDSD/RC. All gifts are accepted or rejected depending on whether or not they further the objectives and goals of NDSD/RC. Decisions will be based on criteria set forth in the NDSD/RC’s selection and maintenance policies. In the case of gifts received in the form of cash and/or memorial requests, the professional staff will order materials in keeping with the donor’s wishes if the request complies with NDSD/RC’s selection and maintenance policies.

End of NDSD/RC Policy GAADA

References:

Adopted:

Reviewed:

GAAE Evaluation of Instructional Program

Professional accountability for student performance and progress is a shared responsibility of teachers and administrators. Accordingly, individual student progress and the instructional efforts of NDSD/RC shall be evaluated systematically.

The purpose of evaluation of instruction shall be:

1. To indicate instructional strengths and weaknesses
2. To provide information needed for advance planning
3. To provide data for public information
4. To demonstrate the relationship between achievement and NDSD/RC system's stated goals
5. To check the suitability of the instructional program in terms of community requirements

The professional staff shall provide continuous evaluation of the educational program, curricular program, and instructional processes. **The staff at the Department of Public Instruction (DPI) may participate** with the professional staff in such evaluation if the nature and the scope of the evaluative process so warrants.

End of NDSD/RC Policy GAAE

References:

Adopted:

Reviewed:

GABAA English Learner

Definition

An English language learner means a student who:

1. Is at least five years of age but has not reached the age of twenty-one before August first of the year of enrollment;
2. Is enrolled in a school district in this state;
3. Has a primary language other than English or comes from an environment in which a language other than English significantly impacts the individual's level of English language proficiency; and
4. Has difficulty speaking, reading, writing, and understanding English, as evidenced by a language proficiency test approved by the superintendent of public instruction and aligned to the state English language proficiency standards and the state language proficiency test. (NDCC 15.1-38-01)

The North Dakota School for the Deaf/Resource Center (NDS/RC) is committed to providing appropriate educational services to ensure that all students are empowered to thrive. NDS/RC has a legal responsibility to provide equal educational opportunities, along with curricular, instructional, and other related services to ensure that all English Learners (ELs) are able to participate effectively in NDS/RC's educational programs.

To accomplish this, NDS/RC is committed to implementing the English Learner (EL) Plan, detailing the procedural requirements and services provided to students, including registration, identification, placement, instruction, assessments, program exit, and monitoring criteria. The plan shall describe the instructional model chosen, the process of developing Individualized Language Plans, the methods used to assist with academic achievement, and the role of the licensed/endorsed EL/bilingual teacher assigned to each student enrolled in the program.

The EL Plan will be monitored to ensure that it meets the needs of all ELs and their families. Parents or guardians of EL students shall be notified upon identification and be informed of students' needs, services available, and annual progress in English and academic achievement. NDS/RC shall communicate with parents or guardians, to the extent practicable, in a language and format they can understand.

NDS/RC ensures that English Language Development services are provided to all eligible students and that all federal and state regulations regarding the education of ELs are implemented. NDS/RC shall strive to create and maintain an EL Program that is consistent with best educational practices.

End of NDS/RC Policy GABAA

References: NDCC 15.1-38-01 English Language Learners Instruction

Adopted:

Reviewed:

GABC Health and Physical Education Program

The North Dakota School for the Deaf/Resource Center (NDSD/RC) is committed to a health and physical education program as an integral part of each student's general education.

Health and physical education programs shall emphasize the presentation of current information, skills, and knowledge. Students shall be encouraged to understand and appreciate the proper care and functioning of the human body.

Parents have the prime responsibility to assist their children in developing knowledge and moral values with regard to sex education. The schools shall support and supplement parents' efforts in the areas of family life and sex education through the NDSD/RC's health education curriculum, which shall be offered in accordance with 20 U.S.C. 7906 and North Dakota law.

In courses where human reproductive organs and their functions and processes are described, illustrated, or discussed, opportunity will be provided for all parents or guardians to request in writing that their children not attend. Instructional materials to be used in family life and sex education will be available for inspection by the parent or guardian during school hours prior to the commencement of the instructional program. **Teachers who provide instruction in family life and sex education will have professional preparation in the subject area.**

End of NDSD/RC Policy GABC

References: 20 U.S.C. 7906
ND Health Education Content Standards, Grades K-12, August 2018

Adopted:

Reviewed:

GABDB Title Programs Dispute Resolution Procedure

Process

Any individual who believes that the North Dakota School for the Deaf/Resource Center has violated the regulations or law governing a Title program should submit a complaint to the Superintendent at 1401 College Dr N, 701-665-4400. The Superintendent shall begin the investigation procedure for the complaint and provide the individual with a written response within 14 days.

The complaint must include:

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

Reconsideration

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

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

End of NDS/RC Policy GABDB

References:

Adopted:

Reviewed:

GACB Patriotic Exercises

The Superintendent, Lead Teacher, 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 North Dakota School for the Deaf/Resource Center (NDS/RC) 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/Indigenous Peoples Day.

End of NDS/RC Policy GACB

References:

Adopted:

Reviewed:

GACH Remedial Programs

The North Dakota School for the Deaf/Resource Center (NDS/RC) may provide remedial programs for those students who require such instruction. Funds and instructors shall be provided within budget guidelines for such programs as recommended by the Superintendent and/or Lead Teacher.

End of NDS/RC Policy GACH

References:

Adopted:

Reviewed:

GBA Academic Freedom

Teachers shall abide by the curriculum standards outlined in **Policy GAAA**. They shall only select issues for study that contribute to the attainment of course objectives, are consistent with state standards and the mission of the North Dakota School for the Deaf/Resource Center (NDSB/RC), and are appropriate for classroom presentation. Teachers shall determine the appropriateness of a topic based on the following criteria:

1. There are adequate and age-appropriate materials available that will allow students to learn about all sides of an issue.
2. The topic is age-appropriate, considering the emotional, intellectual, and social capacities of the class as a whole.
3. Teachers are equipped personally and academically to present the topic objectively, allowing students to formulate their own opinions.

Debatable Topics

Debatable topics are issues that are often a matter of opinion and are subjects of public dispute, debate, or contention. When a topic is of a debatable nature, teachers shall receive administrative approval prior to presenting it in the classroom. Teachers have a role in providing perspectives that help clarify or extend debate in an academic environment.

Teachers may offer an opinion on issues discussed in the classroom provided that the teacher clarifies that the opinion should not be construed as an authoritative answer, that the teacher is speaking on their own—not NDSB/RC’s—behalf, and encourages students to form their own opinions, stressing that students are free to express their own views without fear of academic reprisal.

Teachers that violate this policy or whose speech compromises NDSB/RC’s ability to provide a safe and non-disruptive educational environment may be subject to disciplinary action up to and including discharge.

End of NDSB/RC Policy GBA

References:

Adopted:

Reviewed:

GBAB Homework

Homework shall be viewed as an integral part of the school program. Teachers may give homework to students to aid in their development. The type, frequency, and quantity of homework should be assigned according to the needs of the individual student.

Homework should be an application or adaptation of a classroom experience. It should not be used for disciplinary purposes.

End of NDS/RC Policy GBAB

References:

Adopted:

Reviewed:

GBBA Guest Presenters

In order to provide students with more comprehensive exposure to a topic of study, teachers may recommend the use of a guest presenter to present to a class or group of students. For the purposes of this policy, a guest presenter is defined as an individual not employed by the North Dakota School for the Deaf/Resource Center (NDS/RC).

Such recommendations shall be made to the Superintendent and/or Lead Teacher who shall approve or deny the request. The decision shall be governed by the following criteria; however, the establishment of these criteria in no way guarantees that approved presenters will present opinions and/or information in a non-disruptive manner consistent with NDS/RC's mission and instructional goals and objectives.

1. Presenters who advocate unconstitutional or illegal acts or ideas shall not be allowed to present to NDS/RC students.
2. The presenter's topic must have a direct and demonstrable link to the program/course or extracurricular activity content, purpose, and/or objectives.
3. The presenter has the education or experience to present on the proposed topic.
4. If the proposed presentation topic is of a controversial nature, there must be a means of ensuring that the topic is presented in a balanced manner (e.g., a qualified presenter from both sides of the issues is available to present).

If the guest presenter is approved, the Superintendent/Lead Teacher shall:

1. If the speaker will address a controversial topic, provide notice to parents of the presentation. Parents have the option of opting their child out of the presentation. No academic sanctions shall be taken against such students and an alternative assignment may be provided.
2. Require the presenter to agree, in writing prior to presenting, to the following:
 - a. Follow all policies related to visitors in school.
 - b. Refrain from using profanity, vulgarity, and lewd language.
 - c. Agrees to present material in an age-appropriate manner.
3. Generate a record of the date, time, name, and topic(s) covered.

A guest presenter who violates this or other applicable policies, disrupts the educational environment, or endangers the health or safety of students/staff shall be asked by a teacher or any other staff member to discontinue their presentation and leave school property. Refusal to leave school property when asked will be deemed to be a willful disturbance of school operations, and NDS/RC will contact law enforcement to assist with removing the violator from school property or the school sponsored event.

End of NDS/RC Policy GBBA

References: KAAA, Visitors in Schools
KAAA-AR, Visitors in Schools

Adopted:

Reviewed:

GBBB AR Movie, Video, and TV Ratings

MPAA Abbrev.	RATING	DEFINITION	Additional Notes
G	General Audiences	All ages admitted.	Usable for all students.
PG	Parental Guidance Suggested	Some material may not be suitable for children.	<i>Exception for Use</i> must be submitted to Superintendent and <i>Request for Parental Permission</i> to Parent/Guardian for elementary students.
PG-13	Parents Strongly Cautioned	Some material may not be appropriate for children under 13.	<i>Exception for Use</i> must be submitted to Superintendent and <i>Request for Parental Permission</i> to Parent/Guardian for middle school students. Not suitable for students under the age of 13.
R	Restricted – Under 17	Requires accompanying Parent or Guardian.	<i>Exception for Use</i> must be submitted to Superintendent and <i>Request for Parental Permission</i> to Parent/Guardian for high school students. Not suitable for elementary or middle school students.
NC-17	No one 17 and under admitted.		Not to be shown in school.

End of NDS/RC Policy GBBB AR

References:

Adopted:

Reviewed:

GBBB Television and Rated Movies in Schools

Educational Use

The North Dakota School for the Deaf/Resource Center (NDS/RC) believes that certain television programs and movies, when used in relation to course objectives, will contribute to instruction and can add to students' level of understanding.

A teacher must submit the item to the Lead Teacher and/or Superintendent for review and approval in accordance with administrative regulations (GBBB-AR). Administrative approval will be based upon the following:

1. Suitability given the maturity level of students.
2. The subject matter should be appropriate to the curriculum. In discussion of the program, its content should be integrated with curriculum objectives.
3. Free of ethnic, sex, or religious bias, unless this bias is used to point out the dangers of such views in connection with a curricular discussion of bias and prejudice.
4. When a program or film contains controversial material, approval will be based on a teacher's ability to handle the issue and provide adequate and appropriate materials that present all sides of the issue.
5. Availability of alternative sources to accomplish educational objectives.
6. Feasibility of using a lawfully edited version or specific portions rather than in its entirety without seriously weakening its educational value.
7. In format and content, meets fair use standards and complies with the copyrighted material policy.
8. Meets Motion Picture Association of America standards (see GBBB-AR).

Upon receiving administrative approval, teachers must notify parents/guardians of the upcoming showing and allow reasonable time for parents/guardians to opt their children out. Alternative assignments will be made available.

Use for Reward and Entertainment

NDS/RC will not show television programs or movies as entertainment or reward during the school day.

The Superintendent will be responsible for notifying staff of this policy annually. Staff who violate this policy will be subject to disciplinary action, up to and including termination.

End of NDS/RC Policy GBBB

References: ABCA, Copyright Material and Intellectual Property
GAAA, Curriculum Design and Evaluation
GBA, Academic Freedom

Adopted:

Reviewed:

GBBB-E1 Exception for Use Request for AV Material Resources

North Dakota School for the Deaf/Resource Center
Exception for use for AV Material Resources

Building _____

Teacher's Name _____

Class level and Subject area for which resources are requested

Title _____

Type of material _____ Rating _____

1. Briefly state the instructional rationale.

2. Describe student outcomes.

3. Attach appropriate pre- and post-activities to be used with this resource.

Signature _____ Date _____
(Requesting staff)

Approval Yes No

Signature _____ Date _____
(Building Principal)

School Year 2024-2025

End of NDS/RC Policy GBBB-E1

References:

Adopted:

Reviewed:

GBBD Community Instructional Resources

The North Dakota School for the Deaf/Resource Center (NDS/RC) believes that one of the goals of education is to equip each student to serve as a citizen of their community. Therefore, NDS/RC shall encourage administrative and instructional personnel to rely on the various communities of our students – local, state, national, ethnic, and Deaf communities, as one of the educational tools at their command. The administration shall encourage community partnerships designed to involve the citizens, the institutions, and the environments and culture of the various communities in the education of its children.

NDS/RC will also work cooperatively with community libraries in order to provide appropriate student access to library materials available across the state as needed.

Use of guest presenters shall comply with Policy GBBA.

End of NDS/RC Policy GBBD

References:

Adopted:

Reviewed:

GCAA AR Acceleration Procedure

Acceleration

1. Selection for Acceleration

Students will be selected for acceleration based on a combination of data, including but not limited to, achievement test data, grade reports, teacher recommendation, and student motivation.

2. Individual Education Plan

An Individual Education Plan (IEP) shall be developed for each student who is to be accelerated. This plan shall include the time period from the beginning of acceleration through anticipated high school graduation. This plan shall be revised annually. The Superintendent and/or IEP Case Manager is responsible to ensure this plan is reviewed annually.

3. Curriculum Delivery

Curriculum options for accelerated students may include Level of Service support, blended/hybrid classes, and/or online coursework, as deemed appropriate in the IEP. Accelerated students may need to attend class at the next grade level.

End of NDSD/RC Policy GCAA AR

References:

Adopted:

Reviewed:

GCAA Grade Promotion, Retention, and Acceleration

The North Dakota School for the Deaf/Resource Center (NDS/RC) is committed to fostering the continuous educational and personal growth of its students. Student progress shall be continually evaluated based on state and local achievement standards, course content standards, and education goals and objectives as established by administration and the teaching staff.

Assignment of a student to a grade level shall be based on the best educational interest of the student, which shall be determined by using the criteria established below.

Procedure for Determining Promotion and Retention

Within established standards for any grade level, course or subject matter, it is the expectation that NDS/RC staff will differentiate instruction to provide for a wide range of individual strengths and needs, rather than use retention as a solution for learning difficulties. Students will remain with their own age level and/or education level to the extent possible. However, some students require more than one year to complete a grade level. These instances should be the exception, and it should not be necessary to retain a student more than one year during their school years.

When retention is considered, the IEP team including the parents/guardians shall meet to make a final decision. Parents will be advised that retention at the earliest grade levels is more effective than in later ones. When a student is considered for retention who has a chronic illness or other extenuating circumstances resulting in chronic absences, concerns will be addressed through the IEP process.

Acceleration

NDS/RC is committed to the establishment of educational programs for all students, including the gifted and talented students. The administration and professional staff shall consider acceleration of such students as one means of meeting this mission. Students who excel in academic areas may be advanced to programs that provide opportunities for higher levels of achievement, if the acceleration does not cause the displacement of a similar opportunity for another student at the grade level normally appropriate for the program.

The acceleration process may be initiated by a teacher, a parent or guardian, the student, or a staff member.

The decision as to whether such acceleration is in the best interest of the student will be made by the IEP team. The decision shall be made after an IEP meeting involving the student, the student's parents or guardians, teachers, staff members, and appropriate administrators. Accelerated students may need to attend class at the next grade level.

The Superintendent is delegated authority to establish administrative rules to implement this policy, including the identification of appropriate academic areas to be included. The

administrative rules shall also include criteria to be used in the identification of appropriate students to be accelerated and any NDSD/RC expectations of students and parents which would be necessary for successful acceleration, e.g. transportation and other extra costs.

End of NDSD/RC Policy GCAA

References:

Adopted:

Reviewed:

GCBA Grading

Student growth and progress can be measured in a variety of ways. One way is through quarterly report cards. Four times each school year, reports cards will be sent home. Enclosed with the report cards will be IEP Progress Notes for all students and Student Life Reports for residential students. In addition, midterm grades are sent home quarterly for 5th – 8th grades.

Please keep in mind that the report card grades may reflect grading on a modified curriculum to meet the students' individual needs.

Students are evaluated in their academic coursework using the following scale:

Letter Grade

A = 100-90

B = 89-80

C = 79-70

D = 69-60

F = Below 60

All incomplete (I) grades must be made up within two (2) weeks after the quarter or the student will be given a failing grade for the incomplete assignments. The student will be given a final grade after all class grades, including the failing grades, have been averaged together. The Superintendent may grant additional time when special circumstances are noted.

Developmental skills in academics for students in grades 1-4 are evaluated using the following scale:

5 = Consistently exhibits skills

4 = Exhibits skills most of the time

3 = Meets requirements

2 = Struggling, but making progress

1 = Struggling, needs improvement

Preschool/Kindergarten students are evaluated using a checklist of age-appropriate skills and progress using the following scale:

A = Almost always

S = Sometimes

E = Emerging

NY = Not Yet

NA = Not Assessed yet

Student Life Reports are compiled by the Student Life Staff and Director of Student Life. Reports focus on communication and language, independent living skills, interpersonal and intrapersonal skills, technology skills, and social emotional development.

Grading Grievances

A student (age 15 or older) or parent who believes that a grade that has been assigned in an unreasonable, discriminatory, arbitrary, or capricious manner or is the result of a clerical error may contest the grade using the following procedure:

1. The student or parent shall contact the teacher within 10 school days of grades being posted and request the teacher review the grade to determine if it should be amended. The teacher will complete the review within 10 school days unless a reasonable cause for a delay has been communicated to and documented and approved by the Lead Teacher. After the teacher's response, the parent/student may file an appeal as follows.
2. Appeals must be initiated within 10 school days of receiving the teacher's decision. Failure to timely present the grievance in accordance with this procedure shall be deemed to be a waiver of the grievance process.
3. Appeals may be filed orally or in writing with the Superintendent, and must cite one of the reasons listed above as a basis for the grievance. The Superintendent shall initiate an investigation upon receipt of a grievance filed in accordance with the procedure listed above.
4. The Superintendent shall review grading criteria, grade books, lesson plans, and student's graded assignments and tests. During this process, the Superintendent may consult with the classroom teacher and the student. The Superintendent shall render a decision within a reasonable time to affirm or alter a grade shall be final and binding.

End of NDS/RC Policy GCBA

References: Parent-Student Handbook
FFB, Attendance and Absences
GCAB, Class Ranking

Adopted:

Reviewed:

GCBB Parent Conferences and Progress Reports

The North Dakota School for the Deaf/Resource Center (NDSD/RC) recognizes the importance of communication between parents/guardians and teachers. Individual Education Plan (IEP) meetings are held annually. Parents or Guardians are encouraged to participate in person. NDSD/RC recognizes in-person meetings are not always possible and IEP meetings can be held by phone or virtually.

The parent/guardian or teacher shall arrange additional conferences with parents in instances when children are having learning or behavior problems. The type of progress reports sent to parents shall be developed by the professional staff and approved by the superintendent. A written report shall be provided to parents three times a year at the K-5 grade levels and four times a year at the 6-12 grade levels, with supplementary reports as needed. Conferences with parents also shall be used at the elementary level as a part of the reporting system.

End of NDSD/RC Policy GCBB

References:

Adopted:

Reviewed:

GCC Educational Research and Survey of Students

Surveys and educational research can serve as a valuable tool for determining student needs and developing educational services. The Superintendent may pass along opportunities to staff who may then determine if they, or their class, wants to voluntarily participate in that particular study.

Because of the possibility of a large number of outside requests to conduct surveys and research studies on a school-wide level, the Superintendent shall only approve requests that at least meet the following criteria:

1. The research/survey is conducted for the purpose of improving the education or general welfare of students.
2. The party proposing the study/survey has a purpose and mission that is in keeping with the North Dakota School for the Deaf/Resource Center's (NDSD/RC) mission, goals, and objectives.
3. The study/survey proposal is sufficient in scope and depth to justify the use of the time and effort of students and staff.
4. The party conducting the research/survey will provide a copy of the survey instrument and/or any instructional material that will be used including, but not limited to: textbooks, teachers' manuals, films, software, and/or other supplementary material. Such material must be provided prior to the initiation of the survey/study and in a timely manner, allowing the Superintendent and other relevant school officials ample opportunity to review such material.
5. Neither the study/survey nor its findings are reasonably predicted to exploit or compromise the safety of district students and staff.

Before approving a study/survey, the Superintendent shall also take into account the amount of instructional time the survey/study will consume, whether it will unduly disrupt the educational environment, the level of supervision NDSD/RC will have to provide to third parties conducting the survey/study, the amount of protected/confidential information that will be gathered, and whether agency conducting the survey/study has developed appropriate safeguards for collection, protection, disclosure, and use of protected/confidential information.

Teachers may use surveys in classes to determine student knowledge and/or attitudes prior to teaching about a particular subject or a particular unit, provided that administrative approval has been given and provided that responses will not be used in any identifying manner. Surveys used by NDSD/RC in any experimental program or research project will be subject to any curriculum requirements established by the Department of Public Instruction (DPI) and NDSD/RC prior to implementation/use.

Protection of Pupil Rights Amendment

NDSD/RC shall comply with the Protection of Pupil Rights Amendment, which affords parents specific rights with relation to conducting surveys, collecting and using student information for marketing purposes, and conducting certain physical exams.

End of NDSD/RC Policy GCC

References: FGA, Student Education Records
GAAA, Curriculum Design and Evaluation
GCC-E, Model Notification of Rights Under the Protection of Pupil Rights
Amendment

Adopted:

Reviewed:

GCD Requests to View North Dakota State Assessments

The North Dakota School for the Deaf/Resource Center (NDS/RC) will comply with NDCC 15.1-21-14, which allows anyone over the age of 20 to view North Dakota State Assessments once these tests are in the possession of NDS/RC. Other assessments administered by NDS/RC are not available for viewing unless authorized by the assessment developer.

The Superintendent shall develop requirements for viewing North Dakota State Assessments. These requirements shall be consistent with guidance issued by the North Dakota Department of Public Instruction (DPI), shall include an age verification procedure, and shall prohibit any student who is required by law to take these assessments from previewing them. These requirements shall be printed on a request form. The request form must be completed by anyone wishing to view a North Dakota State Assessment. The request form shall be available in NDS/RC's Main Office. Information on the availability of the request form will be published in NDS/RC's newsletter.

Any suspected or known impropriety, irregularity, and/or breach associated with viewing a North Dakota State Assessment must be reported to the Superintendent who shall report the issue to the assessment developer as soon as possible.

End of NDS/RC Policy GCD

References:

Adopted:

Reviewed:

H - Fiscal Management

HA [Fiscal Management of Funds](#)

HA Fiscal Management of Funds

As a state agency overseen through the North Dakota Department of Public Instruction (DPI), the North Dakota School for the Deaf/Resource Center (NDS/RC) follows all state and federal laws, state financial policies and procedures, and the generally accepted accounting principles (GAAP) set by the Financial Accounting Standards Board (FASB).

Funding for NDS/RC is allocated through the legislative process that all state agencies follow. NDS/RC complies with the North Dakota Office of Management and Budget (OMB) fiscal policies and guidelines as well as OMB procurement policies.

Student Trust Accounts

Parents/Guardians are encouraged to send money for students, especially residential students, to have access to spending money while they are on campus during the week. All monies are receipted into the Main Office and withdrawals are documented through the Main Office. Parents/Guardians are sent balance statements throughout the year.

Student Benefit

NDS/RC receives a variety of donations to further support students in their education. Some of these donations are earmarked for specific purposes and other donations are freewill offerings to use at NDS/RC discretion. These monies support students who have needs beyond what families can afford. These monies are spent on clothing, personal hygiene items, haircuts, and hearing aid repairs and batteries, for example. Spending decisions are made by the Superintendent and Business Manager.

End of NDS/RC Policy HA

References: Office of Management and Budget

Adopted:

Reviewed:

I - General Operational Programs

IAB-AR	<u>Disbursement of Keys and/or Access Cards to School Buildings</u>
IAB	<u>Facility Security Plan</u>
IAD	<u>Real Property Disposal Procedure</u>
ID-AR	<u>Safety and Health Committee</u>
ID	<u>Safety Program</u>
IDC AR	<u>Security Breaches Procedure</u>
IDC	<u>Data Protection and Security Breaches</u>
IE	<u>Student Transportation Services</u>

IAB AR Disbursement of Keys and/or Access Fobs to Buildings

Purpose

The purpose of this rule is to communicate procedures for access to buildings on the main campus in an effort to increase building security without denying employees access to buildings in which they work.

Authorization

North Dakota School for the Deaf/Resource Center (NDSB/RC) employees must be authorized by their Supervisor and the Superintendent for access to buildings. The Superintendent or their designee shall issue keys/fobs to public safety officials as necessary.

Disbursement of Keys and Fobs

1. Requests for keys and/or fobs are to be submitted to an employee's Supervisor and the Superintendent. The Main Office staff designated to do so shall maintain a running inventory of all keys distributed to each individual. Unassigned keys will be secured.
2. Fobs shall be issued to qualifying employees, as identified by the Supervisor and Superintendent by designated NDSB/RC staff.
3. Once fobs/keys are issued, employees are responsible for securing and protecting fobs/keys. Costs may be incurred by the employee to replace any damaged or lost cards/keys if there are multiple replacements due to employee negligence.
4. For the safety of the building students, staff, and materials, employees must report loss of fobs or keys immediately to their immediate supervisor.
5. Upon notification of a lost fob, NDSB/RC staff shall render that fob to have "no access." Upon notification of a lost hard key, the building may need to be re-keyed.

Procedure

1. Supervisors shall train staff in proper use of the fobs/keys and notify staff about the directive to report lost keys/cards.
2. Staff must check that exit doors have securely locked behind them when they leave any building.
3. Individuals whose employment has been severed shall return all fobs and keys to their immediate supervisor or the Main Office on or before the final day of employment. Refusal to return fobs/keys may result in charges of theft of NDSB/RC property.

End of NDSB/RC Policy IAB AR

References:

Adopted:

Reviewed:

IAB Facilities Security Plan

The North Dakota School for the Deaf/Resource Center shall develop a facilities security plan. The plan shall be an exempt record in accordance with NDCC 44-04-24. The plan shall address the following:

Control of School Keys

The control of school keys is outlined in Administrative Rule IAB-AR Disbursement of Keys and/or Access Cards to Agency Buildings.

Installation of Security and Access Control Equipment

Main buildings on the central campus will be secured and equipped with access control equipment. The Facilities Department has access to control equipment software and will be responsible for setting door lock access (Administrative Rule IAB-AR).

Main buildings on campus are The Technology Department and the Main Office have access to cameras through a web client. Department/Program Directors may request access to various cameras as they have need. This is approved through the Technology Director and the Superintendent. The Technology Department is responsible for downloading and managing saved videos upon request by Administration or legal search warrants (Policy ACDB Use of Audio and Video Recording Equipment).

Areas of Restricted Access

All employees and students will have access to areas of the buildings on the main campus as needed to effectively do their job or learning. Unauthorized entry into buildings or areas of a building that are not granted by way of forceful entry, unauthorized acquirement of keys or badges, or any other means is strictly prohibited and will result in disciplinary action.

Security Procedures and Protocols for School Employees

NDSD/RC employees are to follow all safety and security protocols set forth by NDSD/RC and outlined in policy and NDSD/RC's Emergency Operation Plan.

Employees must not prop doors for any reason and should take action if an exterior door is propped. Employees are expected to respond to unauthorized persons in the building as outlined in the Emergency Operation Plan.

After-Hours Access to School Buildings

The Superintendent and/or the Facilities Director will oversee outside agency facility use as outlined in Administrative Rule ABBB-AR Use of School Facilities.

Unauthorized persons, including employees, found in school buildings after school hours, may be subject to arrest.

Secured Storage of District Records and Funds

NDSD/RC uses the latest technology for securing credentials and preventing unauthorized access to NDSD/RC records and funds.

Recording of Serial Numbers and Inventory of Items

The Technology Department is responsible for inventory of all technology related items. An inventory tag is assigned to items of high value and a reconciliation of inventory is completed annually.

Inventory of purchases over \$5,000 per fixed asset procedures are completed annually.

All other NDSD inventory items are reconciled annually as required by ND Century Code.

Remote Offices

NDSD/RC has offices across the state. Staff assigned to those offices ensure that offices are locked and NDSD/RC assets, materials, and records are as safe as possible.

End of NDSD/RC Policy IAB

References: ABBB-AR Use of School Facilities
ACDB Use of Audio and Video Recording Equipment
IAB-AR Disbursement of Keys and/or Access Cards to School Buildings

Adopted:

Reviewed:

IAD Real Property Disposal Procedure

The North Dakota School for the Deaf/Resource Center follows all State Surplus Property procedures for real property disposal.

End of NDS/RC Policy IAD

References:

Adopted:

Reviewed:

ID AR Health and Safety Committee

The North Dakota School for the Deaf/Resource Center (NDS/RC) shall have a Health and Safety Committee which meets at a minimum of once per month September through June. Meetings can be more frequent, as needed, upon request of any member. Membership shall include anyone interested in serving and shall strive to seek representation from Education, Student Life, Health Services, and Facilities. The work of the committee shall be to know NDS/RC's safety policies and programs, review injuries and illnesses and causes and prevention, as well as propose changes in safety education, communication, and/or training.

End of NDS/RC Policy ID AR

References:

Adopted:

Reviewed:

ID Safety Program

The North Dakota School for the Deaf/Resource Center (NDSD/RC) recognizes the necessity for a planned safety program to ensure a safe environment for all personnel and students throughout the school system.

The Superintendent and their staff will develop and implement a written safety program which will include, but not be limited to, compliance with and enforcement of all state and federal laws, rules, and regulations. The program will include a provision for in-service training designed to promote safety standards and practices.

End of NDSD/RC Policy ID

References:

Adopted:

Reviewed:

IDC AR Security Breaches Procedure

Procedure for Identifying Security Breaches

In determining whether or not private information has been acquired, or is reasonably believed to have been acquired by an unauthorized person or a person without valid authorization, the North Dakota School for the Deaf/Resource Center (NDS/RC) shall consider:

1. Indications that the information is in the physical possession and control of an unauthorized person, such as a lost or stolen computer, or other device containing information;
2. Indications that the information has been downloaded or copied;
3. Indications that the information was used by an unauthorized person, such as fraudulent accounts opened or instances of identity theft reported; and
4. Any other factors that NDS/RC shall deem appropriate and relevant to such a determination.

Procedure for Security Breach Notification

The Superintendent or designee shall ensure that NDS/RC provides notice of any security system breach, following discovery, to anyone whose unencrypted personal information was or is reasonably believed to have been acquired by an unauthorized person. In addition, the Superintendent or designee shall disclose to the attorney general by mail or email any breach of the security system which exceeds two hundred fifty individuals. The disclosure will be made in the most expedient time possible and without unreasonable delay, except when a law enforcement agency determines and advises NDS/RC that notification will impede criminal investigation.

NDS/RC shall provide notice to the affected persons by at least one of the following methods:

1. Written notice to the last known home address;
2. Electronic notice, if the notice is consistent with the provisions regarding electronic records and signatures set forth in section 7001 of title 15 of the United States Code; or
3. Substitute notice if NDS/RC can demonstrate that the cost of providing notice would exceed \$250,000 or that the affected class of subject persons to be notified exceeds 500,000, or NDS/RC does not have sufficient contact information. Substitute notice shall consist of e-mail notice, conspicuous posting of the notice on NDS/RC's web site, and notification to major statewide media.

In addition, the following cybersecurity incidents must be disclosed to the North Dakota Information Technology Department in accordance with law as soon as reasonably possible:

1. Suspected breaches;
2. Malware incidents that cause significant damage;
3. Denial of service attacks that affect the availability of services;
4. Demands for ransom related to a cybersecurity incident or unauthorized disclosure of digital records;
5. Identity theft or identity fraud services hosted by entity information technology systems;
6. Incidents that require response and remediation efforts that will cost more than \$10,000

- in equipment, software, and labor; and
7. Other incidents the entity deems worthy of communication to the department.

End of NDS/RC Policy IDC AR

References:

Adopted:

Reviewed:

Additional Notes:

From <https://www.wsd.wa.gov/> Instant pop up on website.

Notice of Data Incident

The Washington Center for Deaf & Hard of Hearing Youth (“CDHY”), like many organizations across the country, has unfortunately been the victim of a cybersecurity incident. While CDHY has already directly notified the majority of individuals potentially impacted via U.S. mail, we recently determined that information pertaining to individuals outside of the immediate CDHY community might have been implicated. This could include, for example, information of prospective students or individuals served by a CDHY outreach program.

With privacy and security of utmost importance, CDHY is taking action to notify and provide relief to those potentially impacted. To read more about the incident, our response, and the steps you can take to protect your personal information, [click here](#).

Link leads to: <https://www.cdhy.wa.gov/notice-of-data-incident/>

The Washington Center for Deaf & Hard of Hearing Youth (“CDHY”), like many organizations across the country, has unfortunately been the victim of a cybersecurity incident. With privacy and security of utmost importance, CDHY is taking action to notify and provide relief to those potentially impacted.

On December 16, 2023, we discovered disruptions to certain computer systems and, shortly thereafter, determined we were the victim of a sophisticated ransomware incident that began on approximately December 14, 2023. In a ransomware incident, cyber criminals attempt to encrypt or lock up data and, in some cases, try to steal data from an organization.

Upon discovery of this incident, we promptly took steps to secure our systems and engaged leading outside cybersecurity experts to assist in the investigation and remediation of this incident. We have notified federal and state law enforcement of this incident, including the FBI Cyber Crimes Division and the Washington State Patrol, and intend to support any law enforcement investigation.

CDHY has already notified the majority of individuals potentially impacted via U.S. mail. However, as part of our continued investigation, we recently determined that information pertaining to individuals outside of the immediate CDHY community might have been implicated. This could include, for example, information of prospective students or individuals served by an outreach program.

The personal information impacted may have included one or more of the following types of information: name, Social Security number; date of birth; driver’s license or state identification card number; student, military, or passport identification number; or information about medical history, diagnosis, or treatment.

We have arranged to offer credit monitoring and identity restoration services from Kroll at no cost. At the end of this notice, we have included tips to further protect your information. For more information about the incident or to request credit monitoring, please contact us at hr@cdhy.wa.gov

STEPS YOU CAN TAKE TO FURTHER PROTECT YOUR INFORMATION

Review Your Account Statements and Obtain and Monitor Your Credit Report

As a precautionary measure, we recommend that you remain vigilant by regularly reviewing and monitoring account statements and credit reports to detect potential errors or fraud and identity theft resulting from the security incident. You may periodically obtain your free credit report from one or more of the national credit reporting companies. You may obtain a free copy of your credit report online at www.annualcreditreport.com, by calling toll-free 1-877-322-8228, or by mailing an Annual Credit Report Request Form (available at www.annualcreditreport.com) to Annual Credit Report Request Service, P.O. Box 105281, Atlanta, GA 30348-5281. You may also purchase a copy of your credit report by contacting one or more of the three national credit reporting agencies listed below.

<p>Equifax P.O. Box 740241 Atlanta, GA 30374-0241 1-800-685-1111 www.equifax.com</p>	<p>Experian P.O. Box 9701 Allen, TX 75013-9701 1-888-397-3742 www.experian.com</p>	<p>TransUnion P.O. Box 1000 Chester, PA 19016-1000 1-800-916-8800 www.transunion.com</p>
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When you receive your credit reports, review them carefully. Look for accounts or creditor inquiries that you did not initiate or do not recognize. Look for inaccurate information, such as a home address and Social Security number. If you see anything you do not understand, call the credit reporting agency at the telephone number on the report.

Additional Resources and Information

You can obtain additional information and further educate yourself regarding identity theft and the steps you can take to protect yourself by contacting your state attorney general or the FTC. The FTC’s contact information and website for additional information is:

The Federal Trade Commission
600 Pennsylvania Avenue, NW
Washington, DC 20580
1-877-ID-THEFT (1-877-438-4338)
TTY: 1-866-653-4261
www.ftc.gov/idtheft

IDC Data Protection and Security Breaches

Definitions

For the purpose of this policy:

- *Breach* means unauthorized access or acquisition of computerized data that has not been secured by encryption or other methods or technology that renders electronic files, media, or databases unreadable or unusable. Good-faith acquisitions of personal information by an employee or agent of the employee is not a breach of security of the system if the personal information is not used or subject to further unauthorized disclosure.
- *Private information* is defined as information protected under federal laws such as, but not limited to, the Family Educational Rights and Privacy Act (FERPA), information defined as confidential or exempt in NDCC 44-04, and data defined as “personal information” in NDCC 51-30-01(4). Private information does not include publicly available information that is lawfully made available to the general public pursuant to state or federal law or regulation.
- *Security system plan* includes:
 - Records, information, photographs, audio and visual presentations, schematic diagrams, surveys, recommendations, communications, or consultations relating directly to the physical or electronic security of a public facility, or any critical infrastructure, whether owned by or leased to the state or any of its political subdivisions, or any privately owned or leased critical infrastructure if the plan or a portion of the plan is in the possession of a public entity;
 - Information relating to cybersecurity defenses, or threats, attacks, attempted attacks, and vulnerabilities of cyber system operations relating directly to the physical or electronic security of a public facility, or any critical infrastructure, whether owned by or leased to the state or any of its political subdivisions, or any privately owned or leased critical infrastructure if the information is in the possession of a public entity;
 - Threat assessments;
 - Vulnerability and capability assessments conducted by a public entity, or any private entity;
 - Threat response plans; and
 - Emergency evacuation plans.

Data Protection

The North Dakota School for the Deaf/Resource Center (NDS/RC) will take reasonable security measures to guard against the foreseeable loss of private information. All security measures will be delineated in a security system plan, which is exempt from North Dakota open records law. Creation of, discussion of, and revision to this plan will occur in executive session in accordance with North Dakota law.

Security Breach

Any identified or suspected breach or cybersecurity incident that affects the confidentiality, integrity, or availability of information systems, data, or services must be reported immediately

to the Superintendent. The Superintendent shall put procedures in place to notify those affected by the breach and any state agencies as required by law.

End of NDS/RC Policy IDC

References: ACDA, Acceptable Use
BCAD, Executive Session
IDC-AR, Security Breach Procedure

Adopted:

Reviewed:

IE Student Transportation Services

All eligible students who are entitled to transportation services under an Individual Education Program (IEP) or 504 Plan will be provided free transportation in accordance with the program/plan and state and federal law.

The North Dakota School for the Deaf/Resource Center (NDS/RC) will provide transportation for residential students between school and designated meeting spots across the state. Parents/Guardians will enter into contracts to be reimbursed for mileage from home to designated meeting spots.

Students who reside in the Devils Lake area will be transported by Devils Lake or by Parents/Guardians. Parents/Guardians will be reimbursed for mileage between home and NDS/RC.

End of NDS/RC Policy IE

References:

Adopted:

Reviewed:

J - Facility Development

JA [Facilities Planning](#)

JAD [Educational Specifications](#)

JC [Naming/Dedication of School Buildings \(New Mexico policy for consideration\)](#)

JA Facilities Planning

The North Dakota School for the Deaf/Resource Center (NDSB/RC) is responsible for the regular operation and orderly development of its facilities. NDSB/RC will initiate both short- and long-range facilities plans will follow specifications and processes according to ND State Government and state laws.

Administration shall develop a Long-Range Facilities Plan that should include input from community members, demographers, consultants, and staff. Efforts should be made to include Deaf consumers and Deaf experts when redesigning and improving buildings to ensure Deaf Space meets the needs of students and community members who are deaf, hard of hearing, or deafblind.

The Long-Range Facilities Plan will be subject to systematic study, revision, and extension. The plan will be developed and reviewed annually by administration to conform with changes in projected enrollments, demographic shifts, courses of study, accessibility, and availability of construction funds. The Facilities Department will solicit input from the staff and community to provide an ongoing study of facilities use and development.

End of NDSB/RC Policy JA

References:

Adopted:

Reviewed:

JAD Educational Specifications

Long-Range Facilities Plan guidelines shall be used to ensure all new and remodeled facilities at the North Dakota School for the Deaf/Resource Center (NDS/RC) are designed to best implement the educational program for students who are deaf, hard of hearing, or deafblind.

Educational specifications are detailed descriptions of:

1. The activities that will take place in the building;
2. The curriculum to be housed in the building;
3. Specific architectural characteristics desired;
4. The facilities needed, their equipment requirements and their space relationship to other facility elements; and
5. Pertinent budget and other governing factors.

The architects and building administrator of the project should involve appropriate staff for each project as well as seek the input of Deaf experts and Deaf architects to ensure accessibility for students, staff, and community members who are deaf, hard of hearing, or deafblind.

State and local officials such as the ADA coordinator, fire officials, and other public and private individuals may be used in the development of projects when deemed necessary by the Superintendent and the Facilities Department.

End of NDS/RC Policy JAD

References:

Adopted:

Reviewed:

JC Naming / Dedication of NMSD Buildings and Outdoor Spaces **(For Consideration)**

PURPOSE

The naming of buildings, other facilities and outdoor spaces at New Mexico School for the Deaf is one way the School can honor individuals who have made extraordinary contributions of a professional or public service nature to NMSD's vision, mission and beliefs. For the purposes of this policy, "school property" includes NMSD buildings and other major facilities such as libraries, athletic fields, streets, museums, and highly visible common areas.

AUTHORITY

The Board of Regents has the authority to approve the naming of facilities and properties on NMSD campuses. Each proposal for naming a NMSD facility or property shall be considered on its own merits. No commitment for naming shall be made prior to Board of Regents approval of the proposed name. The naming of school property shall be based on what is in the best interest of NMSD. Naming will be independent of all appointment, admission and curriculum decisions which NMSD will continue to make in keeping with its established practices and academic mission. To ensure the appropriateness of the honor, NMSD will follow the guidelines listed in this policy as it makes decisions on a case-by-case basis with regard to naming facilities or spaces.

MAJOR FACILITIES

1. Definition

Major facilities are defined as all buildings; major portions of buildings; school streets or roads; athletic fields and other areas of major assembly or activity; plazas and other large areas of campus circulation; and all other highly visible and properties.

2. Criteria for Selection of Name

The name of a major facility or property presented for Board of Regents approval must honor an individual or an organization and meet the following criteria:

- a. It should honor a person who has achieved unique distinction in Deaf education and other significant areas of public service, or who has served NMSD in an official capacity and brought in a statewide or national recognition and who has made extraordinary contributions to NMSD which warrant special recognition.
- b. A proposal to name a facility or property in honor of an individual, who has served the school in an official capacity, shall not be made until the individual has been retired or deceased at least two years.
- c. No more than one facility or property in the system shall be named after any one individual.
- d. No facility or property will be named after a current seated, elected or appointed official. If a facility or property is named after an elected official NMSD will follow Section 13-8-1, NMSA 1978 (Public buildings; acknowledgment of taxpayers when elected officials acknowledged).
- e. When a donor gift is involved, it is desirable for NMSD to name facilities and properties in honor of significant contributors of funds to the school. The Board will take into consideration the significance and amount of the proposed gift as it

relates to the realization or completion of a facility of property and/or the enhancement of a facility's or property's usefulness to NMSD.

- f. Renaming of a facility or property will follow the same process as naming a building or facility and will only be considered with evidence that the current name is not congruent with the values and mission of the school.
- g. Before proceeding with any naming of facility or property, all circumstances surrounding the naming must be carefully considered, including the overall benefit to NMSD, whether the name is and will continue to be a positive reflection on NMSD and the state of New Mexico, and whether the name comports well with the purpose and mission of NMSD.

PROCEDURES

Since naming facilities and spaces has a long-term impact on the School, the approval process is designed to ensure such action is in the best interest of the School. All naming requests will be screened by the Superintendent and reviewed for recommendation by the Committee on Naming Facilities and Spaces. The Committee will submit recommendations to the Superintendent or the Superintendent's designee. In the best interest of the New Mexico and prospective honorees, information relating to any naming request or plan should remain confidential until appropriate approvals have been obtained.

1. NMSD stakeholders such as alumni, students, staff, administrators or New Mexico citizen may submit a formal written proposal. NMSD staff may initiate a proposal through their report structure. If endorsed by their principal or division director, the proposal may be submitted to the Superintendent for consideration in relation to the criteria of this policy. Proposals from other stakeholders may be submitted directly to the Superintendent. The written proposal should include the importance of the naming request to NMSD, the nature of the gifting and/or meritorious activity, and other conditions, concerns, or impacts of the naming. Plans for any plaque, funding and maintenance should be identified.
2. If the Superintendent does not approve the proposal, he/she shall communicate the decision to the initiating unit. If the Superintendent approves the proposal, he/she shall appoint a five-member Committee on Naming Facilities comprised of a NMSD alumni, current parent, staff member, an administrator, and student to further evaluate the proposal against the criteria. If the Committee approves the proposal, the Superintendent will then forward the committee recommendation to the Board of Regents.
3. If the Board of Regents approves the proposed name, the Superintendent shall take all necessary steps to implement that decision.
4. Confidentiality is maintained throughout the process until a decision is announced.

End of NDS/RC Policy JC (not current policy, for consideration)

References:

Adopted:

Reviewed:

K - Public Relations

KAAA-AR	<u>Visitors to Campus</u>
KAAA	<u>Visitors to Campus</u>
KAAB	<u>Volunteer Program</u>
KACA	<u>Patron Complaints</u>
KACB	<u>Complaints About Personnel</u>
KBA-AR1	<u>Relations with the News Media</u>
KBA	<u>Relations with the News Media</u>

KAAA AR Visitors to Campus

Parent/Guardian Requests to Visit Schools

Parents/Guardians and family members are valued members of the North Dakota School for the Deaf / Resource Center (NDS/RC). Every effort will be made to accommodate requests for visits to campus.

Parents/guardians are asked to understand NDS/RC's responsibility to safeguard the learning environment for all students, and be sensitive to the disruption that can be caused by having visitors frequently observe the classroom and place demands on teacher time. NDS/RC also has an obligation to protect the privacy rights of all students and their families by ensuring that the frequency of visitations by one parent/guardian does not allow that parent/guardian to develop inappropriate knowledge of the behavior or academic progress of other students.

Parents/guardians may visit their child's classes on school days, subject to the approval of the Superintendent or Lead Teacher and the following guidelines. The administration adopts the following rules for parent/guardian visitations:

1. All parent/guardian visitations are subject to the approval of the Superintendent or Lead Teacher who is charged with the responsibility of guaranteeing the learning environment and privacy of students.
2. Parents/guardians desiring to visit a classroom shall make a request to the Main Office. The Main Office should consult with the Superintendent or Lead Teacher and the classroom teacher and respond to the parents/guardians in a timely manner.
 - a. NDS/RC recognizes that families may be enroute to other functions and desire to stop by. NDS/RC requests that families contact the Main Office as soon as they can with visitation information.
3. Visitors are required to check in at the Main Office prior to the start of the class that they wish to observe and to follow individual school procedures for visitor sign-in, passes, escorts, etc.
4. Parents/guardians in classrooms are there as guests and are asked to behave as quiet observers of classroom activities, unless specifically requested otherwise by the classroom teacher.
5. To protect the privacy of other students, the parents/guardians of a student agree to keep any information gained on the behavior or performance of other students strictly confidential.
6. Visitation shall not be allowed during tests or other student examination/evaluation.
7. Teachers are expected to use the time between classes for preparation, meetings with students, and discussion with colleagues. Visiting parents/guardians are to refrain from using classroom observations for impromptu parent/guardian teacher conferences either during or outside of class time. An appointment should be made with the teacher if the parents/guardians wish to discuss their child's educational progress. Teachers shall refrain at all times from discussing the behaviors or achievement of other students with visiting parents/guardians. Parents/guardians who fail to abide by these administrative rules or who intentionally disrupt the educational process of the school may be asked to leave and/or be denied permission for future visits.

The Superintendent shall ensure that the provisions of this rule are published in the appropriate handbook(s) and that copies are provided to visitors.

Requests to bring other visitors to school must be submitted to the Superintendent or Lead Teacher.

Other Visitors

NDSD/RC receives requests from ASL sign classes and other groups to visit the campus, including classrooms and/or the residential setting. These visits will be scheduled as least 2 days before the visit. The Superintendent, Lead Teacher, or other designee will be responsible for confirming the visit, creating a visitation schedule, and welcoming the group to campus.

Visitors will be asked to follow the above procedures, including keeping information confidential among their group.

End of NDSD/RC Policy KAAA AR

References:

Adopted:

Reviewed:

KAAA Visitors to Campus

Definitions

- *School property* is defined in **NDCC 15.1-19-10(6)(c)** as all land within the perimeter of the school site and all school buildings, structures, facilities, and school vehicles, whether owned or leased by the school district, and the site of any school-sponsored event or activity.
- *Visitor* is anyone who is not a staff member, district contractor, volunteer, or student of the school.
- *Private tutor* is someone who works for a licensed agency and received specific training. A private provider works for the parent/guardian of the student and is not an employee of the school district.

Parent/Guardian Visits to School

The North Dakota School for the Deaf/Resource Center (NDSB/RC) recognizes the central role parents/guardians play in the education of their children and supports active parent/guardian involvement in the educational process. Parents/guardians are encouraged to maintain regular contact with their child's instructors and residential staff. To familiarize themselves with their child's learning environment, parents/guardians are also encouraged to come to planned conferences, school open houses, and visitation days. All other requests by parents to visit schools must comply with **KAAA-ARI**. When on school property, parents/guardians are required to comply with this policy and applicable administrative rules concerning visitors.

Check-In Requirements

All visitors to campus during the school day must sign in at the Main Office, follow individual school procedures for escorts, sign out requirements, etc., and **wear a visitor's badge** throughout the visit.

All visitors to campus after school must check in with the Director of Student Life or designee.

Requests to Visit Construction Sites

Any person requesting to visit or tour a any construction on campus must contact the **Facilities Director**, who shall schedule a tour at their discretion.

Rules for All School Visitors

Visitors shall comply with applicable state law and NDSB/RC policy/rules while on NDSB/RC property.

- No person shall enter campus property for unlawful purposes or for purposes unauthorized by NDSB/RC.
- **Willful Disruption Prohibited:** NDSB/RC shall enforce state law on willful disruption of schools. The Superintendent shall make a reasonable effort to keep the public informed about NDSB/RC policies pertaining to visitors such as, but not limited to: drug, alcohol, and tobacco use; sexual offenders; patron grievances; and other policies designed to

maintain order.

- **Solicitations:** Solicitors are not permitted on NDS/RC property except under the terms of NDS/RC's solicitation policy.
- **Recording:** Visitors shall be prohibited from videotaping and/or otherwise electronically recording NDS/RC students and staff. This policy does not apply to visitors electronically recording school-sponsored events not governed by copyright laws and non-school sponsored activities and events held on school property. NDS/RC may also create an exception to this policy for members of the news media.
- **Restrictions on Classroom Visits:** Public visits to classrooms shall not be for the purpose of evaluating teachers, teaching methods, or curriculum. Visitors who wish to observe a classroom shall schedule their visits in advance according to administrative rules. Visitors shall agree to follow this policy and any administrative rules governing classroom observation prior to receiving classroom observation privileges.
- **Private Tutors:** Private tutors may be allowed on NDS/RC property for the purpose of providing tutoring services to students. Private tutors shall observe the same requirements as any other visitor when visiting NDS/RC.

Policy Violations

Individuals who violate any portion of this policy or applicable administrative rules shall receive a warning that they are in violation of an NDS/RC policy/rule and may be asked by the Superintendent, Main Office staff, or designee to leave NDS/RC property. The Superintendent, Main Office staff, or designee shall ask visitors who repeatedly violate NDS/RC policy/rules or willfully disrupt NDS/RC operations to leave the property. If an individual refuses to leave when asked, administration shall seek the assistance of law enforcement to remove the individual from the property.

Authority to Develop Additional Rules

The Superintendent shall provide an administrative rule in order to assure that classroom activities are not disrupted, that student safety is not compromised, and that order is maintained on campus.

End of NDS/RC Policy KAAA

References: Original Policy #14 Community and Outreach: Visitors
ABBA, Tobacco-Free Schools and Workplace
ACCA, Sexual Offenders on School Property
DEAA, Drug- and Alcohol-Free Workplace
FFA, Student Alcohol and Other Drug Use/Abuse
HCBB, Sales Calls and Demonstrations
KAAA-AR1, Visitors In the Schools
KAAA-AR2, Private Tutors In the Schools
KACB, Complaints About Personnel
KBA, Relations With the News Media

Adopted:

Reviewed:

KAAB Volunteer Program

Current policy:

Volunteers are welcome. A background check will be required prior to beginning any volunteer activities.

Not Current Policy: (for consideration)

The District welcomes volunteers. Volunteer contributions shall be managed in a safety conscious manner, but shall in no way overly consume district resources, monetary or otherwise.

Job Descriptions

The Superintendent is charged with developing job descriptions for each volunteer position. Descriptions shall, at a minimum, list all screening prerequisites, required training and minimum qualifications, the scope of job duties associated with each position, and the name and title of the district employee charged with supervising the volunteer.

Job descriptions will be disseminated to potential volunteers upon application. A volunteer's handbook agreement to follow the job description shall be required at the time the District offers a position to the individual.

Volunteer Screening

Anyone wishing to volunteer in district schools shall inquire with a principal or Central Office. An application is a prerequisite for obtaining permission to volunteer in district schools. The application shall be developed by the Superintendent and shall, at a minimum, require volunteers to list qualifications, supply professional references, and attest that they have never been convicted of a crime. Methods used to screen volunteers shall in no way discriminate against any protected status.

The building principal shall evaluate whether the volunteer is qualified to volunteer after checking the volunteer's references and comparing the volunteer's application with the applicable volunteer job description. Individuals deemed qualified by the building principal shall be considered final applicants for volunteer positions.

All final applicants for volunteer positions are subject to background checks regardless of whether or not student contact is expected. A final applicant is exempt from this requirement if they have undergone a criminal history check through the District in the last five years and, having satisfied district adjudication standards, received approval to volunteer.

The Superintendent or designee shall determine the risk associated with each volunteer position based upon, but not limited to, the following criteria:

1. The vulnerability of the individual(s) served by the volunteer;
2. The amount of district supervision over the volunteer;
3. The degree of potential for the volunteer to have regular unsupervised contact with a

student or students;

4. The degree of potential for a volunteer to build a sustainable and/or trusting relationship with a student or student(s).

Adjudication

The building principal, in consultation with the Human Resources Director, shall adjudicate final volunteer applicants' criminal history records, shall make final determinations about suitability for service, and is authorized to offer qualified final applicants positions with the District.

The District is not obligated to utilize the services of any final applicant who, in the adjudicator's judgment, exhibits qualities inconsistent with the district's mission, potentially disruptive to district operations, or potentially threatening to district safety. Final volunteer applicants shall be disqualified for service for at least the following reasons:

1. The applicant has committed a felony, sexual offense (as defined by NDCC 15.1-13-26), crime against a child (as defined by NDCC 15.1-13-26), or any other offense involving a child victim.
2. The applicant falsified or omitted information submitted during the application process, including, but not limited to, information concerning criminal convictions or pending criminal charges.

Final Applicant Rights

Records obtained by the District for background and other record checks will be used solely for purposes that they were requested and will only be disseminated and retained in accordance with the personnel records policy. The adjudicator shall advise applicants that the procedure for obtaining, correcting, or updating federal records is contained in 28 CFR 16.34 and shall give the applicant a reasonable time to correct and/or complete their criminal history record or decline to do so before making a determination on qualification for service.

Orientation and Training

Volunteers must abide by district policies. The building principal shall make volunteers aware of these policies, procedures, and rules before they begin service through a volunteer orientation, volunteer handbook, or other means and shall inform volunteers of the requirement to abide by these policies, procedures, and rules regardless of whether or not volunteers are specifically named in them. Volunteers shall agree in writing to this requirement prior to performing services for the District.

Volunteers shall also receive any required training as delineated in the job description prior to performing services. It is the responsibility of the building to ensure that all volunteers receive the appropriate training.

Fees for Volunteers

Bismarck Public Schools recognizes the value of volunteers and does not seek to pose obstacles to bona-fide volunteer efforts for education purposes. It is assumed most volunteers do not seek

remuneration for their volunteer work. However, it is recognized there are cases where remuneration may be requested. In order to ensure uniformity, fairness, and compliance with wage and hour laws on nominal fees for volunteers, BPS shall permit payment of nominal fees to volunteers for their services without the volunteer losing their status as a volunteer. Note that fees must be pre-approved by the Superintendent and budgeted for in advance.

The nominal fee must be less than 20 percent of normal wage for similar service (i.e., a coach who volunteers may be paid expenses, reasonable benefits, or a nominal fee of 20% of regular wages for a similar paid position in the District.)

Disciplinary Sanctions and Authority

Except when an emergency situation would warrant otherwise, volunteers shall perform only those duties that they are assigned and abide by applicable policies, procedures, and rules. Failure to comply with these requirements may result in disciplinary action up to and including dismissal from service. The building principal is responsible for disciplining and dismissing volunteers.

Insurance

The District will provide liability protection for volunteers while performing assigned duties for the District.

End of NDS/RC Policy KAAB

References: Original Policy #14 Community and Outreach: Volunteer Program
DBAA, Recruitment, Hiring, and Background Checks for Classified Personnel
DBAC, Recruitment and Selection of Instructional Staff
KABB-E, Volunteer Confidentiality Rules

Adopted:

Reviewed:

KACA Patron Complaints

The North Dakota School for the Deaf/Resource Center (NDS/RC) believes that patron complaints are opportunities for improvement and should be resolved at the lowest level of authority possible. Therefore, whenever an official complaint is made to any individual staff member, it will be referred to the Superintendent for processing beginning with the individual in direct supervision of the employee or issue. Complainants should expect a complete the investigation within a reasonable deadline in accordance with any applicable deadline in law.

If the complaint is not satisfactorily remedied, either party may refer the matter to the Department of Public Instruction (DPI).

Anonymous Complaints

Anonymous complaints may not provide an avenue for response or redress of the complaint. No disciplinary action will be initiated based solely on an anonymous complaint; however, the administration may investigate every anonymous complaint.

Parental Complaints

While parents enjoy a unique relationship with NDS/RC and are the recipients of special communications concerning school events and programs, as well as communications concerning their own child's progress, parents shall use the same channels of processing complaints as by other citizens. Official complaints for which specific resolution procedures are provided shall be directed through those channels. These include, but are not limited to, complaints about personnel and complaints about instructional materials.

End of NDS/RC Policy KACA

References: AAC, Nondiscrimination and Anti-Harassment Policy
AAC-BR, Discrimination and Harassment Grievance Procedure
DGA, Teacher Grievance Procedure
GAAC, Patron Complaints About Instructional Materials
KACB, Complaints About Personnel
KACB-E1, Personnel Complaint Form

Adopted:

Reviewed:

KACB Complaints about Personnel

The North Dakota School for the Deaf/Resource Center (NDSB/RC) is committed to resolving complaints about NDSB/RC personnel in an effective, efficient, and timely manner, while providing a positive working and learning environment for all staff and students. NDSB/RC adopts this policy to reduce potential concerns and to establish channels of communication between staff and administration.

Filing Procedure

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

Complaints shall be resolved at the lowest possible level of authority. If the complaint cannot be satisfactorily resolved at that level, the complaint shall be directed to the employee's supervisor.

The supervisor shall:

1. Investigate the complaint.
2. Promptly notify the employee if the complaint is to be placed in the employee's personnel file. The decision to place information into any personnel file shall be made by the administration based on the results of an inquiry or investigation.
3. Schedule a meeting with the employee, the complainant, and/or the supervisor if deemed appropriate.
4. Provide a response to the complainant within sixty (60) days of receipt of the complaint. Upon conclusion of the investigation, the complainant shall be informed as to the outcome of the investigation and the disposition of the complaint to the extent appropriate. If either party is dissatisfied with the handling of the complaint, the matter may be appealed to the Department of Public Instruction (DPI) for final resolution.

Staff members shall refer individual's complaints about NDSB/RC personnel to the Superintendent or designee, whereupon established procedures will be followed.

Complaints about the Superintendent shall be directed to the Business Manager and/or DPI. The Superintendent of Public Instruction has authority to take disciplinary action, including verbal or written reprimands, recommendation for a plan of improvement, or dismissal of the Superintendent.

If disciplinary action is deemed warranted at the completion of the investigation, NDSB/RC shall take appropriate action up to and including termination of employment in accordance with the law and/or reporting such activity to appropriate state licensing and/or law enforcement officials.

Complaints Involving Student and Staff Safety

Such complaints shall be referred to the Superintendent who shall determine if interim measures should be taken to protect the safety of the student or staff member and if law enforcement or child protective services should be contacted. The Superintendent shall also determine if the

protocol under this policy is the appropriate procedure for handling this complaint or if another NDS/RC policy (e.g., harassment) is the appropriate investigation procedure.

Deadlines

To be considered for investigation, any such complaint should have been filed within 180 days of the alleged occurrence except as provided by other NDS/RC policy. NDS/RC has a separate investigation procedure for complaints of harassment and/or discrimination.

Retaliation and Providing False Information Prohibited

NDS/RC prohibits retaliation because of an individual's participation of an investigation and/or initiation of a report under this policy, including instances when an allegation is not substantiated. NDS/RC also prohibits knowingly filing a false report and/or knowingly making false statements during an investigation. Staff and students who violate these prohibitions are subject to appropriate disciplinary action.

End of NDS/RC Policy KACB

References: AAC, Nondiscrimination and Anti-Harassment Policy
AAC-BR, Discrimination and Harassment Grievance Procedure
DI, Personnel Records
KACA, Patron Complaints
KACB-EI, Personnel Complaint Form

Adopted:

Reviewed:

KBA AR1 Relations with the News Media

Communicating with the Media During Emergencies

The North Dakota School for the Deaf/Resource Center (NDS/RC) recognizes the responsibility of news media to provide information to the community concerning issues and events that occur at NDS/RC. During emergencies, it is NDS/RC's intent to safeguard students and staff, as well as their families, while managing the safety and security of our campus and offices. It is also our intent to cooperate with news media.

The following guidelines govern NDS/RC's communication practices for emergency:

1. The main focus of NDS/RC during any emergency will be on the security and safety of all students and staff. Our secondary focus is to return the campus/office to its instructional program and/or services while supporting and meeting the emotional and physical needs of the members of our educational community.
2. NDS/RC officials will work with local law enforcement to secure and manage the emergency, and to provide information to the community via the news media and other methods.
3. Spokesperson(s) for NDS/RC are the Superintendent, the Business Manager, or the Facilities Director to provide information to news media. Only spokesperson(s) authorized by NDS/RC or law enforcement will provide official updates during an emergency.
4. A media staging area may be established to provide media access to information / updates. Potential sites include the conference rooms and the library. All media representatives are asked to show credentials and sign in with NDS/RC's Main Office before going to the staging area. If adequate space for all media becomes an issue, some events may be handled by media pool assignment.

NDS/RC officials will determine the access news media will be granted on campus grounds. Media requests to interview/photograph students or staff in school during school hours must be made through NDS/RC's Main Office and the Superintendent. Requests by students or staff to have a parent or school administrator present during the interview will be honored.

Media Access During Regular Operations

Any request to interview, film, videotape, photograph, or otherwise record students or NDS/RC personnel on NDS/RC property shall be approved by the Superintendent. Requests for media access may be made by telephone or in writing, must include specific details regarding the purpose and scope of the request, and should be submitted a reasonable time in advance, giving NDS/RC ample time to assess the request and, in the event that the request is approved, notify relevant staff, students, and parents as deemed necessary.

The Superintendent has the right to grant or deny any request for access to NDS/RC from the news media. Access will not be denied in an attempt to suppress a viewpoint but may be denied for at least the following reasons. Access would:

1. Compromise the safety of students or staff;

2. Disrupt the educational environment, disrupt NDS/RC operations, and/or impede the ability of staff to perform their duties;
3. Breach confidentiality;
4. Be overly demanding on NDS/RC resources.

When the Superintendent denies an access request from the news media, the Superintendent or designee may be available for comment on the topic.

In the event that the Superintendent approves an access request, the requesting news agency shall receive notice of any rules and restrictions NDS/RC has placed on access to students or staff and/or videotaping, recording, and/or photographing. Such rules and restrictions shall at least comply with the following criteria and contain further requirements developed on a case-by-case basis. The news agency shall agree to these restrictions as a condition of access.

The media, when receiving NDS/RC approval to cover a story at NDS/RC, is required to observe the following rules:

1. News media representatives must register at NDS/RC's Main Office before proceeding to other areas of the school building. Upon check-in, the Superintendent or designee shall escort the news media representative(s) throughout the duration of their visit.
2. The media shall receive notice of and will be required to abide by all policies and rules related to visitors in schools with the exception of rules prohibiting visitors from videotaping, recording, or photographing students/staff.
3. When the Superintendent approves an interview(s) by the media of a minor on NDS/RC property or at an NDS/RC-sponsored event, the reporter shall identify themselves to the minor, relay the purpose of the interview, and make the minor fully aware of what they are consenting to before beginning the interview.

NDS/RC will make every attempt for news media to be accessible in spoken English and ASL and use culturally-appropriate language such as "deaf and hard of hearing."

Violations

Violations of NDS/RC's policies/ rules or behavior that is disruptive may result in the Superintendent or designee requiring such individuals to leave NDS/RC property. Refusal to leave NDS/RC property when asked will be deemed to be a willful disturbance of operations, and staff will contact law enforcement to assist with removing the violator from NDS/RC property or the NDS/RC-sponsored event.

End of NDS/RC Policy KBA AR1

References:

Adopted:

Reviewed:

KBA Relations with the News Media

The North Dakota School for the Deaf/Resource Center (NDSB/RC) wishes to assist the news media to obtain coverage of the programs, problems, planning, and activities of NDSB/RC.

All representatives of the media will be given equal access to information about NDSB/RC. General releases of interest to NDSB/RC shall be made available to all the media. There shall be no exclusive releases except as media representatives request information on particular programs, plans, or problems.

The Superintendent shall develop rules to ensure that media access to NDSB/RC is not unduly disruptive of the educational environment and complies with NDSB/RC policies and goals. Working with media during emergencies will be covered under these rules.

Media Liaisons

The Superintendent may release information concerning NDSB/RC. The Superintendent or designee of the specific event shall be the official spokesman for NDSB/RC. Teachers and other staff members shall submit news or news releases regarding the classroom and other school activities to the Superintendent who shall submit copies to news media outlets when desiring to inform the media of this news.

Privacy

NDSB/RC shall obtain parental consent before granting the media access to special education students during the regular school day. NDSB/RC shall establish rules regarding interviews of minors by the news media.

Staff-Media Relations

When authorized by the Superintendent, staff members may respond in their official capacity to questions from the news media.

End of NDSB/RC Policy KBA

References: Original Policy #14 Community and Outreach: Public Relations
DEBA, Confidentiality
FGA, Student Education Records
KBA-AR1, Relations with the News Media
KBA-AR2, Sports and Special Events Media Coverage

Adopted:

Reviewed:

L - Organizational Relations

LAC	<u>Relations with Colleges and Universities</u>
LBB	<u>Relations with Department of Human Services Reporting Child Abuse and Neglect</u>
LBC	<u>Relations with Parks and Recreation Department</u>
LBE	<u>Policy and Procedures to Assure Native American Parent and Tribal Input</u>
LZA	<u>Relations with other Organizations</u>

LAC Relations with Colleges and Universities

The North Dakota School for the Deaf/Resource Center (NDSB/RC) desires that staff and students benefit in every feasible way from resources provided by the colleges and universities in North Dakota. Reciprocally, colleges and universities may benefit from services at NDSB/RC including staff presenting in teacher preparation programs and other related fields, visits to NDSB/RC campus, and volunteer and internship placements.

NDSB/RC is also dedicated to showcasing Deaf colleges and universities across the country as well as colleges and universities with dedicated resources to support post-secondary students who are deaf, hard of hearing, or deafblind.

The Superintendent is to keep staff and families informed of all opportunities for shared and cooperative services between NDSB/RC and institutions of higher learning.

Professional Development and Continuing Education

The Superintendent or designee may seek out and utilize the services of college and university faculty members who are willing to serve our schools in staff development programs and as instructional resource persons. In planning postgraduate and adult programs and in-service, NDSB/RC will work with area institutions of higher education so that programs will not be unnecessarily duplicated but will fit in with advanced training that these institutions offer.

Recruiting

NDSB/RC will cooperate with recruiting efforts of post-secondary institutions so long as they do not unduly interfere with the school schedule. The Superintendent shall develop criteria and regulations for receiving college recruiters at NDSB/RC.

NDSB/RC is required to provide an opt-out notice to families, and opt-out notification procedures are contained in NDSB/RC's student educational records policy. In addition to following family opt-out decisions, NDSB/RC may further restrict release of directory information at its discretion.

End of NDSB/RC Policy LAC

References: DHBA, Professional Development
FGA, Student Education Records
FGA-E, Notice of Directory Information

Adopted:

Reviewed:

LBB Relations with Department of Human Services: Reporting Child Abuse/Neglect

Students in apparent need of social service assistance may be referred to the Area Department of Human Services.

The North Dakota School for the Deaf/Resource Center (NDS/RC) requires all teachers, administrators, school counselors, school social workers, school nurses, outreach staff, and residential staff to fully comply with the mandatory reporting provisions concerning child abuse and neglect, including reporting reasonable suspicion of child abuse/neglect arising from images found on a workplace computer.

Reporting procedures are as follows:

1. The employee shall complete the SFN 960 form (Report of Suspected Child Abuse or Neglect) and fax the report to the ND Child Protective Services Central Intake Unit at 701-328-0361.
2. The employee shall inform the Lead Teacher, Director of Student Life, and/or the Superintendent that a report was filed.
3. The SFN 960 form (Report of Suspected Child Abuse or Neglect) shall be given to the Superintendent for filing.

End of NDS/RC Policy LBB

References: **FGCC, Student Interrogations**

SFN 960 Report of Suspected Child Abuse or Neglect

Adopted:

Reviewed:

LBC Relations with Parks and Recreation Department

The North Dakota School for the Deaf/Resource Center (NDS/RC) shall work with the Department of Parks and Recreation to provide facilities which will enhance the recreational program of NDS/RC. However, in cases where NDS/RC property is used for parks and recreational areas during school sessions, there must be no interference with NDS/RC education or operations.

End of NDS/RC Policy LBC

References:

Adopted:

Reviewed:

LBE Policy and Procedures to Assure Native American Parent and Tribal Input

Not Current Policy: (for consideration)

The Devils Lake Public School District Board of Education hereby affirms the desire to give tribal officials and parents of Native American children the opportunity to comment on the participation of Native American children on an equal basis in the Devils Lake School program with all other children educated.

All impact aid funds are used for general operational purposes such as salaries, maintenance and operational expenses. These funds are in lieu of property tax dollars. Native American parents have equal opportunity for input on educational issues.

The following policies and procedures are designed and adopted to ensure and facilitate participation of parents of Native American students and tribal officials in the educational process of Native American students attending the Devils Lake Public School District.

The Devils Lake Public School District attests that it has established Native American Policies and Procedures (IPPs) as required in section 7004 of the Impact Aid law for any children claimed who reside on eligible Native American lands. The IPPs have been adequately disseminated to the tribes and parents of children residing on eligible Native American lands. A copy of the current policies was attached to the current Impact Aid application.

Policy 1: The LEA will disseminate relevant applications, evaluations, program plans, and information related to the LEA's education program and activities with sufficient advance notice to allow tribes and parents of Indian children the opportunity to review and make recommendations. [34CFR222.94(a)(1)]

1. The completed applications, evaluations, and program planning will be disseminated to parents of Indian children, Tribal officials, and the Native American Education Advisory Committee via mail, email, or home with students and a summary will be prepared and disseminated 1 week in advance of public hearings in October and April to afford all interested parties the opportunity to review the documents with sufficient time to provide thoughtful input at the public meetings. These hearings will be publicly advertised on local radio stations, local television stations, and the local newspaper at least five days in advance of the meeting. In addition, representatives from the District and NAEAC will schedule meetings with the school board officials to seek input on a monthly basis.
2. Parents of Native American children, tribal officials and the public will be given notice of any and all meetings related to equal participation or the content of the educational program by including information about meeting times and locations during school board meetings, and email. The location, date, and time of any meeting described above shall be posted in the same manner as a legally posted Board meeting.

1.3 Parents of Native American children, tribal officials, the NAEAC and any other interested persons can review assessment data to help develop or modify educational programs and services allowing for the participation of Native American students on an equal basis in the district.

4. Minutes from the NAEAC meeting will be available for all patrons and tribal officials to review. Please request a copy from the NAEAC director for a copy of the minutes.

Policy 2: The Devils Lake Public School District will provide an opportunity for the Spirit Lake Tribe and parents of Native American children to provide their views on the District's educational program and activities, including recommendations on the needs of their children and on how the District may help those children realize the benefits of the educational programs and activities. [34CFR222.94(a)(2)]

2.1 The LEA surveys the parents of Native American children and tribal officials via an online survey disseminated in the fall to allow them the opportunity to make commentary concerning (1) the needs of the children and the ways in which they can assist them in realizing the benefits of the education programs; (2) the overall operation of the District's education program; and (3) the degree of parental participation allowed in the same. The NAEAC will thereafter hold an annual meeting where such commentary may be reviewed by the Native American parents, tribal officials, and representatives of the School Board.

2.2 The NAEAC of the Devils Lake Public School District will meet monthly, during the school's operating session (September through May) for the purpose of addressing comments and concerns of parents of Native American children regarding the District's educational programs and activities. The meeting agendas are posted and all meetings are open to the public allowing for tribal officials as well as parents of Native American children the opportunity to submit comments and recommendations for consideration.

2.3 The Spirit Lake Tribe prefers all communication with the tribe to be sent to the Chairperson as first-class mail. The LEA will, to the extent possible, take the tribe's preferred method of communication into consideration for all correspondence with the tribe and the parents of Native American children for consultation on these IPPs and the educational programs and activities.

2.4 If participation in the survey results in a low return rate or the established meeting yield low return rate the Devils Lake Public School will re-evaluate its plan and consult with parents of Native American children and tribal officials on ways to improve and enhance participation in the consultation process.

Policy 3: The Devils Lake Public School District will annually assess the extent to which Native American children participate on an equal basis with non-Native American children in the District's education program and activities. [34CFR222.94(a)(3)]

LBE – POLICY & PROCEDURES TO ASSURE NATIVE AMERICAN Page 3 PARENT AND TRIBAL INPUT

The Devils Lake Public School District will take the following measures to annually assess the extent to which Indian children participate on an equal basis with non-Indian children in the District's education program and activities.

- 3.1 The Devils Lake Public School District will monitor Native American student participation in all academic and co-curricular activities.
- 3.2 School district officials will review school data to assess the extent of Native American children's participation in the District's educational programs on an equal basis.
- 3.3 A copy of the annual impact aid application, evaluations of educational programs assisted; with impact aid funds and plans for educational programs the NAEAC plans to initiate/eliminate will be sent to and shared with the Chairman of the Spirit Lake Tribe and the elected Native American Education Advisory Committee. The parents of Native American students will have access to these materials at their local schools or at the Superintendent's office. NAEAC officials will review school data and comments from tribal officials and parents to assess the extent of Native American children's participation in the educational program on an equal basis. After the above materials have been disseminated, a place on the School Board meeting agenda will be provided for discussion of these materials. Reports are mailed to the Chairperson of the Spirit Lake Tribe one week prior to any meeting held by Devils Lake Public Schools where the NAEAC is requested to provide comment. The Devils Lake Public School District School Board requests comment from the NAEAC twice per year, October and April.

Policy 4: The Devils Lake Public School District will modify the IPPs if necessary, based upon the results of any assessment or input described in this document. [34CRF222.94(a)(4)]

- 4.1: There are specific School Board meetings scheduled generally in October and April to discuss the content of the IPPs and educational program and activities. Parents of Native American children and tribal officials are notified via first class mail, email, and notice in school board agenda regarding these meetings and their ability to submit comment. In addition, the parents of Indian children and tribal officials may make recommendations to the IPPs or the educational program at any regularly scheduled NAEAC meeting, school board meeting, or in direct communication with the school district.
- 4.2 The NAEAC takes all public comments on changes to the IPPs, evaluates them and proposes changes to the Devils Lake Public School Board.
- 4.3 The Devils Lake Public School Board will decide on all recommended revisions to these IPPs.
- 4.4 Any changes will become effective upon passage by the Devils Lake Public School Board.
- 4.5 The Devils Lake Public School District will notify tribal officials via first class mail of any changes to these IPPs. The Devils Lake Public School District will submit a copy of the revised IPPs within 30 days of adoption by the Devils Lake Public School Board. The LEA will provide a summary of the changes to these IPPs to the parents of Native American children within 30 days of adoption of the changes by the Devils Lake Public School Board.

LBE – POLICY & PROCEDURES TO ASSURE NATIVE AMERICAN Page 4 PARENT AND TRIBAL INPUT

The DLPS Board will send a revised copy of the IPPs to the Impact Aid Program at the U.S. Department of Education within 30 days of adoption by the DLPS Board.

Policy 5: The DLPS District will respond at least annually in writing to comments and recommendations made by tribes or parents of Indian children, and disseminate the responses to the tribe and parents of Indian children prior to the submission of the IPPs by the LEA.

[34CRF222 .94(a)(5)]

5.1 The DLPS District will respond in writing to the comments, questions and concerns received throughout the consultation process. In the event that the school district receives multiple comments on the same topic area, the Devils Lake Public School District will summarize these comments and respond to them as a group.

5.2 The DLPS District will respond to comments, questions and concerns received through the consultation process in writing not later than May each year.

5.3 The responses to the comments, concerns and recommendations through the consultation will be disseminated to the tribes via first class mail. The Devils Lake Public School District will disseminate a summary of the responses to the parents of Native American children via first class mail and email within 30 days of adoption of the changes by the DLPS Board.

Policy 6: The Devils Lake Public School District will provide a copy of the IPPs annually to the affected tribe or tribes. [34CR F222.94 (a)(6)]

6.1 The Devils Lake Public School District will annually provide a copy of the current Indian Policies and Procedures to the Spirit Lake Tribe by first class mail during the month of January.

End of NDS/RC Policy LBE

References:

Adopted:

Reviewed:

LZA Relations with other Organizations

The North Dakota School for the Deaf/Resource Center (NDSB/RC) may work with other organizations on an on-going or part-time basis. Relations with other organizations will be determined by the Superintendent and will be related to accomplishing the mission and vision of NDSB/RC. Relations with other organizations may be formalized through contracts or a memorandum of understanding that outlines the purpose, duty, and responsibilities of each entity. Other relations may be informal through mutual agreement of the purpose and work of the relation.

NDSB/RC may develop relations with organizations including, but not limited to the following:

1. ND Early Intervention / Part C
2. ND Early Hearing Detection and Intervention (EHDI)
3. ND Vision Services / School for the Blind (NDVS/SB)
4. ND Dual Sensory Project
5. ND Association of the Deaf
6. ND Registry of Interpreters for the Deaf
7. School districts across ND including Devils Lake Public Schools
8. Lake Region Special Education Unit

Any concerns about NDSB/RC's partnership with any organization should be brought to the attention of the Superintendent.

End of NDSB/RC Policy LZA

References:

Adopted:

Reviewed:

R – Residential Student Life

RA [Residential Programming](#)

RA Residential Programming

The North Dakota School for the Deaf/Resource Center (NDSB/RC) offers Residential Student Life programming to NDSB/RC students.

Purpose

The purpose of the Residential Student Life program is to:

1. Provide a safe home-like environment to students who live too far away to commute to campus on a daily basis or require on-campus living to access their free and appropriate public education.
2. Provide age-appropriate independent living skills instruction.
3. Provide additional learning opportunities that support classroom learning.
4. Provide opportunities for extra-curricular activities including clubs and sports.
5. Provide opportunities to develop communication skills, learn language, and develop social-emotional and self-regulation skills.

Admissions

Admissions to the Residential Student Life program depend on a number of factors.

1. Students must meet NDSB/RC admissions criteria and complete the Admissions process for NDSB/RC or be a qualifying student of high school age and enrolled in Devils Lake High School.
2. Student medical needs must not exceed our Health Services capacity.
3. Student must live outside the Devils Lake community area or must require residential placement to receive a free and appropriate public education.
4. Students must have age-appropriate independence in terms of self-care.
5. Students who are harmful to themselves or others will not be admitted for residential placement.

Room Assignment

Once a student has been accepted into NDSB/RC and into the Residential Student Life program, the Director of Student Life (DOSL) and/or the Dorm Counselor will assign the student to a room. Students may or may not have a roommate. Students will be assigned rooms based on space and proximity to same-age peers. Roommates will be as close in age as possible.

Inventory

At the time of moving in, the condition of the room is checked over with the Dorm Counselor, student, and parents. An inspection is completed at the beginning and end of the school year. After completion of each inspection, a form is signed by the parent/student and staff member agreeing to the contents of the room and the condition of furniture and room.

Personal items including clothes for younger students should be clearly and permanently labeled with the students name or initials.

Daily Schedule

Students groupings for activities will be determined each year by the DOSL and Dorm Counselors. Daily schedules will also be determined by staff and are subject to change. Daily schedules should include quiet time to complete unfinished work from school or assigned homework.

Day Students

Student Life programming for day students (non-residential) will be offered on school days with the exception of Early Dismissals after school until 5:00pm. Day students will participate in the daily schedule and follow all rules and behavior expectations.

Day students may be invited to participate in special Residential Student Life events at the discretion of the DOSL.

Behavior

All Residential Student Life students, including day students when present, are expected to follow behavior expectations as explained by Residential Student Life staff. The Parent-Student Handbook outlines some general expectations for the school environment that also apply in the residential setting.

Some expectations include, but are not limited to:

1. Students are encouraged to drink water.
2. Students should enter staff offices or other individual's bedrooms only with permission.
3. Students should keep their bedrooms, lockers, and shared spaces clean and orderly.
4. Students should be safe and respectful at all times.

Staff members engage with the Conscious Discipline approach to helping students self-regulate and follow expectations. Conscious Discipline is an ongoing learning journey. Furthermore, NDS/RC believes that all behavior is communication and that misbehavior is an opportunity to learn new skills.

In addition, the following processes are encouraged:

- When needed, students will assist staff in establishing and/or revising behavior expectations for each area.
- Approved expectations may be posted in each area and should be reviewed with students frequently.
- Consequences between the Education Program and the Residential Program shall not overlap unless approved by administration.
- All staff members are responsible for communicating and enforcing the expectations.
- Some behavior may need additional support and/or restrictions. Those will be guided by the parents/guardians in discussion with the IEP Case Manager, Lead Teacher, Director of Student Life and/or the Superintendent.

All staff members are responsible directly or indirectly for student supervision and for redirecting misbehavior by communicating the expectations. When unacceptable behavior

(serious or repeated) is witnessed, staff members will submit a written report to the Lead Teacher or Director of Student Life using the Behavior Documentation form. Behavior incidents involving medical, legal, and sexual matters shall be reported immediately to the Superintendent. After review, the Behavior Discipline form should be sent to the Superintendent.

Curriculum

The Residential Student Life program provides opportunities for language development, social and emotional skills development, independent living skills practice including consumer education, personal hygiene learning, and general leisure and recreational experiences. While the learning in this setting is less formal than the classroom, it is just as important.

Dorm Counselors are responsible for planning and implementing these fun and educational opportunities under the direction of the DOSL. The **NDSD Dormitory Curriculum and Language Project** was established in 1999 and updated in 2010. This curriculum provides staff with ideas for monthly and weekly themes as well as lesson plans, including vocabulary lists. Dorm Counselors may use this curriculum in their work with students and/or other materials as approved by the DOSL.

Dorm Reports

I'm open to discussion... I do think it's important to communicate with parents about their child in the dorm. What do you want that to look like?

Residential Staff Communication with Families

Residential staff should encourage students to be in contact with their family through a variety of means including, but not limited to, video calling, videophones, and texting, if appropriate. Residential staff shall always be courteous and factual when communicating with families about their child. If parents/guardians express any concerns related to the Residential Program, those should be brought to the Director of Student Life and the Superintendent as soon as possible. Residential staff should only discuss issues related to the Residential program and refer other concerns to the Lead Teacher, the Director of Student Life, and the Superintendent. This same courtesy will be implemented in the Education Program.

Residential Staff Communication with Education Staff

The Lead Teacher, Director of Student Life, and the Superintendent will implement ways for staff to communicate with each other. It is important that communication between programs is respectful, open, and honest. The Education and Residential Programs work together in their areas of expertise to provide fully accessible learning opportunities to students.

Special Events and Field Trips

Best practice for any special event or field trip is to use the **Activity Planning Form (link or appendix)**. This form ensures communication about the event to others and gives the planner a guide to ensure kitchen, technology, transportations, financial needs, and interpreting needs are

met. This form should be submitted to the Director of Student Life at least 2 weeks before the event.

Bed Times

Bed Times will be established by the Residential Staff for each student at the beginning of the school year based on age. Generally, 3-5-year-olds need 10-13 hours of sleep (including naptimes), 6-13-year-olds need 9-11 hours, and 13-18-year-olds need 8-10 hours of sleep each night.

End of NDSD/RC Policy RA

References:

Adopted:

Reviewed: