PERSONNEL POLICIES REQUIREMENTS & IMPLEMENTATION

All parts of the school system exist for one purpose--to facilitate the educational development of youth. The excellence of teachers, administrative and professional staff, as well as all support personnel, will, in the long run, determine the success of the instructional program.

It will therefore be the policy of the Board to seek and to hold qualified personnel for all licensed, paraprofessional, and classified positions.

The Board will also seek to establish those personnel policies that will enable each staff member to make his/her fullest contribution to the programs and services of the school system. The Superintendent will administer the personnel program consistent with board policies. The Superintendent will develop all necessary and appropriate forms and procedures for the program including a systematic employee evaluation procedure.

End of McClusky School District #19 Policy DA......................................Adopted: June 20, 2017
ROLE OF POLICY & REGULATIONS FOR NON-CONTRACTED EMPLOYEES

Policies and regulations that govern non-contracted employees are established in order to delineate district rules and expectations and outline employee benefits but shall not be construed to form a contract or create an expectancy of continued employment with the District.

End of McClusky School District #19 Policy DAA .............................................. Adopted: June 20, 2017
DEFINITIONS FOR PERSONNEL POLICIES

When policy language is only applicable to certain classifications of employees, the following definitions shall apply:

- **Administrators:** Individuals who work in positions requiring an administrative credential from the North Dakota Department of Public Instruction (DPI) and the following positions unless otherwise specified by policy: Athletic Director, Special Education Director.

- **Ancillary or classified staff:** Employees working for the District on an at-will basis. Examples include, but are not limited to: paraprofessionals, secretaries, custodians, coaches, bus drivers, cooks, Business Manager, Technology Coordinator.

- **Full-time employee** is defined as a staff member working an average of 32 hours per week. All employees not meeting or exceeding this threshold are considered part-time. This definition shall apply except when superseded by the negotiated agreement or law (e.g., the Patient Protection and Affordable Care Act).

- **Licensed teachers:** Individuals who work in positions requiring licensure from the Educational Standards and Practices Board (ESPB), including, but not limited to: classroom teachers, librarians, counselors, substitute teachers.

End of McClusky School District #19 Policy DAB .......................... Adopted: June 20, 2017
RECOMMENDED

RECRUITMENT, HIRING, & BACKGROUND CHECKS
FOR NEW CLASSIFIED PERSONNEL

The McClusky Public School Board is committed to hiring individuals who will best meet the needs of the District 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 a classified position.
- **Classified employees/personnel** are defined as district staff working in positions that do not require licensure from the Educational Standards and Practices Board or an administrative credential from the Department of Public Instruction.
- **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.”
- **Immediate family** is defined as the employee’s spouse, brother, sister, parents, children, stepchildren, father-in-law, mother-in-law, brother-in-law, sister-in-law, daughter-in-law, son-in-law, and any member of the employee's household.
- **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.
- **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
The Board authorizes the Superintendent to hire classified staff. No action of the Board shall be necessary so long as the Board previously established the position and hiring is within budget limitations.

All classified employees shall be hired on an hourly rate and not on a contract. The employment of classified employees shall be at-will.

All advertising for classified positions shall include a statement that applicants are eligible for Veterans' Preference and the District is an Equal Opportunity Employer. The advertisement should include a closing date.

Qualifications Screening Process
Administration shall investigate the qualifications of applicants for classified positions, including education and experience. In order to determine if an applicant is qualified, the Superintendent or Business Manager shall conduct criminal history record checks when necessary (as explained below) and may:

1. Conduct a driving record check for applicants seeking a position involving transportation of students and/or use of district vehicles.
2. Conduct a credit check for positions involving access to district funds.
3. Require a work history from at least the past 5 years;
4. Require applicants to submit to an oral interview. The interview shall have a standard set of job-related questions and pre-determined satisfactory answers.
5. Require at least 3 professional references;
6. Require the applicant to submit to a work simulation.

Job announcements for positions requiring satisfactory driving and/or credit records (as determined by the hiring authority prior to advertising) must list such requirement(s).

If an applicant seeking employment with the District would create a direct supervisor-subordinate relationship with an immediate family member who is also an employee, an alternate supervisor will be designated.

**Qualifications Screening: Criminal Background Checks**

As part of the qualifications investigation, applicants 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.

**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.

**Competitive Personnel System**
The District may use a competitive personnel system after conducting the qualifications screening. The system shall be an exam administered in compliance with the point system and other requirements contained in NDCC 37-19.1-02(4).

**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.

**Orientation**
The Superintendent or designee shall provide an orientation program for new classified employees to acquaint them with the district’s policies and procedures, the school’s rules and regulations, and the responsibilities of their position.

Complementing Documents
- DBAA-AR, Background Screening Procedure
- DBAA-E, Adjudication System
- DBAA-E2, Intent to Hire Letter
- DI, Personnel Records

End of McClusky School District #19 Policy DBAA .........................Adopted: June 20, 2017
CRIMINAL HISTORY RECORD CHECK SCREENING PROCEDURE

Within ten calendar days after an applicant has been notified that the applicant is a final candidate for employment, or as soon thereafter as practicable, the Superintendent or the superintendent’s designee shall supply the individual with:

1. A packet containing all materials necessary for the applicant to undergo a criminal history record check screening; and

2. A copy of this procedure.

The local police station shall take an applicant’s fingerprints and collect any other necessary identifying information for all district applicants and employees.

Within ten calendar days after the applicant has been provided with the criminal history record check packet, the applicant shall arrange to be fingerprinted and have any other necessary identifying information collected. Failure of the applicant to meet this deadline without good cause constitutes grounds for disqualification from employment.

The Superintendent or the superintendent’s designee shall arrange for the local police station to return criminal history record check materials to the District.

The Superintendent shall submit the applicant’s criminal history record check authorization form, two sets of fingerprints, any other necessary identifying information, and the screening fees to the North Dakota Bureau of Criminal Investigation (BCI) within five calendar days of receiving the applicant’s materials or as soon thereafter as practicable.

If BCI rejects an applicant’s fingerprints or rejects any identifying information, the applicant shall arrange for a resubmission of the rejected fingerprints or identifying information within five calendar days of receiving the notification of rejection. Failure of the applicant to meet this deadline without good cause constitutes grounds for disqualification from employment.

If the BCI rejects an applicant’s fingerprints or identifying information three times, the District reserves the right to request a name-based criminal record check search.

End of McClusky School District #19 Administrative Regulation DBAA-AR
[12/16]
## Definitions
This system assigns crimes one of four rankings:

- **Minor**: Issue, standing alone, would not be disqualifying.
- **Moderate**: Issue, standing alone, would probably not be disqualifying.
- **Substantial**: Issue, standing alone, may almost certainly be disqualifying.
- **Major**: Issue, standing alone, would be disqualifying.

### Selecting an Initial Ranking
Listed below are several of the most common crimes and misconduct issues that surface when an employer is screening applicants. The Office of Personnel Management has assigned each of these actions a ranking, which are as follows *(NOTE: The ranking of a probation or parole violation is determined by the conduct leading to the violation):*

<table>
<thead>
<tr>
<th>1. Intoxication</th>
<th></th>
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</thead>
<tbody>
<tr>
<td><strong>A- Minor</strong></td>
<td><strong>B- Moderate</strong></td>
<td><strong>C- Substantial</strong></td>
<td><strong>D- Major</strong></td>
</tr>
<tr>
<td>Drunk</td>
<td>Drinking and driving</td>
<td>Illegal manufacturing</td>
<td>Pattern of excessive use, such as:</td>
</tr>
<tr>
<td>Drunk and disorderly</td>
<td>Driving under the influence</td>
<td>Illegal sale</td>
<td>Convictions</td>
</tr>
<tr>
<td>Liquor law violation (use or possession by a minor)</td>
<td>Driving while intoxicated</td>
<td></td>
<td>Job performance</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Employment gaps</td>
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<tr>
<td></td>
<td></td>
<td></td>
<td>Inability to function responsibly</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Medical treatment</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Poor health</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>2. Drug Use</th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>A- Minor</strong></td>
<td><strong>B- Moderate</strong></td>
<td><strong>C- Substantial</strong></td>
<td><strong>D- Major</strong></td>
</tr>
<tr>
<td>Infrequent use or possession of marijuana</td>
<td>Regular use or possession of marijuana</td>
<td>Transfer of controlled substance</td>
<td>Pattern of excessive use as reflected in 1D above.</td>
</tr>
<tr>
<td>Possession of marijuana paraphernalia</td>
<td>Infrequent use or possession of other controlled substances</td>
<td>Possession for sale or resale</td>
<td>Manufacturing</td>
</tr>
<tr>
<td>Arrested or charged with possession of marijuana</td>
<td>Possession of drug paraphernalia</td>
<td>Prescription fraud or forgery</td>
<td>Addiction</td>
</tr>
<tr>
<td></td>
<td>Cultivating marijuana for personal use</td>
<td>Sale of controlled substance</td>
<td>Importing</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Unlawful dispensing of prescription drugs</td>
<td>Trafficking</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Smuggling contraband drug into prison</td>
<td>Cultivating for sale.</td>
</tr>
</tbody>
</table>
### 3. Financial Responsibility

<table>
<thead>
<tr>
<th>A- Minor</th>
<th>B- Moderate</th>
<th>C- Substantial</th>
<th>D- Major</th>
</tr>
</thead>
<tbody>
<tr>
<td>Bad check</td>
<td>Non-support</td>
<td>Pattern of irresponsibility as reflected in:</td>
<td>Pattern of irresponsibility as reflected in 3C plus continuing major, valid liabilities</td>
</tr>
<tr>
<td>Infrequent, irregular but deliberate delinquency in meeting financial obligations</td>
<td>Judgment, tax lien or other default with no attempt at restitution</td>
<td>Credit history</td>
<td></td>
</tr>
<tr>
<td>Illegal gambling</td>
<td>Disregard for debt</td>
<td>Abuse of fiduciary trust</td>
<td></td>
</tr>
<tr>
<td>Eviction</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

### 4. Criminal & Immoral Conduct

<table>
<thead>
<tr>
<th>A- Minor</th>
<th>B- Moderate</th>
<th>C- Substantial</th>
<th>D- Major</th>
</tr>
</thead>
<tbody>
<tr>
<td>Indecent exposure</td>
<td>Carnal knowledge</td>
<td>Pattern of misconduct as reflected in conviction records</td>
<td></td>
</tr>
<tr>
<td>Solicitation</td>
<td>Sodomy</td>
<td>Child molestation</td>
<td></td>
</tr>
<tr>
<td>Voyeurism</td>
<td>Prostitution</td>
<td>Sexual assault</td>
<td></td>
</tr>
<tr>
<td>Mailing, selling, or displaying obscene material</td>
<td>Bigamy or polygamy</td>
<td>Statutory rape</td>
<td></td>
</tr>
<tr>
<td>Obscene phone call</td>
<td>Pandering or pimping</td>
<td>Incest</td>
<td></td>
</tr>
<tr>
<td>Indecent proposal</td>
<td>Contributing to delinquency or corrupting the morals of a minor</td>
<td>Bestiality</td>
<td></td>
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<tr>
<td></td>
<td>Sexual harassment</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Other sexual misconduct with impact on job</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

### 5. Honesty

<table>
<thead>
<tr>
<th>A- Minor</th>
<th>B- Moderate</th>
<th>C- Substantial</th>
<th>D- Major</th>
</tr>
</thead>
<tbody>
<tr>
<td>Non-material, intentional false statement or deception or fraud in examination or appointment</td>
<td>Altering</td>
<td>Bribery</td>
<td>Pattern of dishonesty as reflected in:</td>
</tr>
<tr>
<td></td>
<td>Breaking &amp; entering</td>
<td>Embezzlement</td>
<td>Disregard for truth</td>
</tr>
<tr>
<td></td>
<td>Forgery</td>
<td>Grand larceny</td>
<td>Conviction records</td>
</tr>
<tr>
<td></td>
<td>Fraud</td>
<td>Grand theft</td>
<td>Abuse of trust</td>
</tr>
<tr>
<td></td>
<td>Possession of stolen property</td>
<td>Mail theft</td>
<td>Employment records</td>
</tr>
<tr>
<td></td>
<td>Black market activities (nonprofit)</td>
<td>Robbery (unarmed)</td>
<td>Blackmail</td>
</tr>
<tr>
<td></td>
<td>Petty larceny</td>
<td>Perjury</td>
<td>Counterfeiting</td>
</tr>
<tr>
<td></td>
<td></td>
<td>False impersonation</td>
<td>Extortion</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Interstate</td>
<td>Armed robbery</td>
</tr>
<tr>
<td><strong>6. Disruptive or Violent Behavior</strong></td>
<td>A- Minor</td>
<td>B- Moderate</td>
<td>C- Substantial</td>
</tr>
<tr>
<td>-------------------------------------</td>
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</tr>
<tr>
<td>Disorderly conduct</td>
<td>Assault</td>
<td>Assault and battery</td>
<td>Pattern of violence as reflected in:</td>
</tr>
<tr>
<td>Disturbing the peace</td>
<td>Damaging property</td>
<td>Manslaughter (involuntary)</td>
<td>Conviction records</td>
</tr>
<tr>
<td>Making a threat</td>
<td>Destroying property</td>
<td></td>
<td>Disregard for life or property</td>
</tr>
<tr>
<td>Resisting arrest</td>
<td>Hit and run</td>
<td></td>
<td>Civil actions</td>
</tr>
<tr>
<td>Abusive language</td>
<td>Vandalism</td>
<td></td>
<td>Employment records or medical records</td>
</tr>
<tr>
<td>Unlawful assembly</td>
<td>Criminal or malicious mischief</td>
<td>Aggravated assault</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Harassment</td>
<td>Assault with a deadly weapon</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Cruelty to animals</td>
<td>Assault with intent to rape</td>
<td></td>
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<tr>
<td></td>
<td>Hindering prosecution</td>
<td>Kidnapping or abduction</td>
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<tr>
<td></td>
<td>Eluding police</td>
<td>Murder</td>
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<tr>
<td></td>
<td></td>
<td>Rape</td>
<td></td>
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<tr>
<td></td>
<td></td>
<td>Arson</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>Threat or assault on public official</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>Manslaughter (voluntary)</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>Child abuse</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th><strong>7. Employment Misconduct or Negligence</strong></th>
<th>A- Minor</th>
<th>B- Moderate</th>
<th>C- Substantial</th>
<th>D- Major</th>
</tr>
</thead>
<tbody>
<tr>
<td>Insubordination</td>
<td></td>
<td>Pattern of unemployability</td>
<td>based on misconduct or negligence as reflected in employment history</td>
<td></td>
</tr>
<tr>
<td>Absenteeism</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Attendance problems</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Rules or regulation violations</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Minor stealing or petty theft
Shoplifting
Abuse of property
False statement
Filing false instrument
Failure to file income tax return
transportation of stolen goods
Black market activities with intent to profit
Income tax evasion
Receiving stolen property
Material, intentional false statement or fraud in examination or appointment
Deliberate misrepresentation, falsification, or omission of material fact

Pattern of violence as reflected in:
Conviction records
Disregard for life or property
Civil actions
Employment records or medical records
Aggravated assault
Assault with a deadly weapon
Assault with intent to rape
Kidnapping or abduction
Murder
Rape
Arson
Threat or assault on public official
Manslaughter (voluntary)
Child abuse

Pattern of unemployability based on misconduct or negligence as reflected in employment history

Pattern of unemployability based on misconduct or negligence as reflected in employment history
If an employee engaged in other behavior listed in boxes one through five, eight and nine, and this was the reason for termination, raise the ranking by one level. For example, petty theft, a moderate issue by itself, becomes a substantial issue if it was the reason for termination.

## 8. Firearms & Weapons

<table>
<thead>
<tr>
<th></th>
<th>A - Minor</th>
<th>B - Moderate</th>
<th>C - Substantial</th>
<th>D - Major</th>
</tr>
</thead>
<tbody>
<tr>
<td>Possession of an unregistered firearm</td>
<td>Possession of a prohibited weapon</td>
<td>Carrying concealed weapon or firearm</td>
<td>Improper or illegal sale or transportation of firearms or explosives</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Possession of illegal ammunition</td>
<td>Brandishing firearm</td>
<td>Illegal manufacture of firearm or explosives</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Carrying deadly weapon</td>
<td>Possession of firearm by a felon</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Unlawful discharge of a firearm</td>
<td>Possession of explosives</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

## 9. Miscellaneous

<table>
<thead>
<tr>
<th></th>
<th>A - Minor</th>
<th>B - Moderate</th>
<th>C - Substantial</th>
<th>D - Major</th>
</tr>
</thead>
<tbody>
<tr>
<td>Vagrancy</td>
<td>Moderate traffic violation</td>
<td>Vehicular homicide</td>
<td>Hatch Act violation</td>
<td></td>
</tr>
<tr>
<td>Loitering</td>
<td>Contempt of court</td>
<td>Refusal to furnish testimony as required by 5 CFR 5.4</td>
<td>Mutilation or destruction of public records</td>
<td></td>
</tr>
<tr>
<td>Trespassing</td>
<td>Driving motor vehicle without owner's consent</td>
<td>Tampering with a witness</td>
<td>Engaging in riots or civil disorders</td>
<td></td>
</tr>
<tr>
<td>Minor traffic violation</td>
<td>Possession of instrument of crime</td>
<td>Harboring a fugitive</td>
<td>Military desertion</td>
<td></td>
</tr>
</tbody>
</table>

### Upgrading Ranking

An issue may be elevated to a higher level if it occurs repeatedly or in conjunction with another issue. If an individual is charged with multiple crimes based on one incident there is not an upgrade. Characterize the issue according to the most serious conduct.

#### Frequency Upgrade

| Two Issues in 0-36 months | Raise both issues one level. |
| Three or more issues in 0-36 months | Raise all issues two levels (e.g. minor becomes substantial) |

### Downgrading Ranking

Issues can be downgraded due to when they occurred. Any issue that occurred over 108 months (9 years) ago is considered a non-issue under this system.

#### Determining Recency

<table>
<thead>
<tr>
<th>Ranking</th>
<th>Period in Which Issue Occurred</th>
</tr>
</thead>
<tbody>
<tr>
<td>0-36 months</td>
<td>37-72 months</td>
</tr>
<tr>
<td>73-108 months</td>
<td></td>
</tr>
<tr>
<td>Grade Level</td>
<td>Conversion Type</td>
</tr>
<tr>
<td>-------------</td>
<td>----------------</td>
</tr>
<tr>
<td>A- Minor</td>
<td>No conversion</td>
</tr>
<tr>
<td>B- Moderate</td>
<td>No conversion</td>
</tr>
<tr>
<td>C- Substantial</td>
<td>No conversion</td>
</tr>
<tr>
<td>D- Major</td>
<td>No conversion</td>
</tr>
</tbody>
</table>

End of McClusky School District #19 Exhibit DBAA-E
INTENT TO HIRE LETTER

[Date]

[Employee Name]
[Employee Address]
[City, State, Zip]

Dear [Employee Name]:

The McClusky Public School is pleased to offer you the position of [Title] beginning [Date]. Your compensation will be [$] per hour, payable [weekly, biweekly, monthly]. Your regular hours are [Monday through Friday, 8:00 a.m. to 4:00 p.m.].

McClusky Public School District offers the following benefits:
1. [Medical, life, disability, dental, vision insurance, etc.]
2. [Cafeteria Plan, 403b annuity, etc.]
3. [Sick, personal, funeral leave; vacation, etc.]

We will provide more detailed information regarding your benefits and appropriate enrollment forms once you begin work.

This position is considered “at will.” This means that either you or the District may terminate your employment at any time, with or without cause.

To accept this offer of employment, you are required to respond on or before [date].

Thank you for your interest in employment with the McClusky Public School District. I look forward to hearing from you soon. Please feel free to contact me with any questions.

Sincerely,


[Name]
[Title]
[Phone, email]
For Recipient to Complete:

I have received the McClusky Public School offer of employment for the position of ________________________ and choose to:

☐ Accept the offer
☐ Reject the offer

__________________________________________  ______________________
Signature                                      Date

Return this form to [Name, Title.] PO Box 499, McClusky, ND 58463-0499 by [Date]. Failure to return this form by the deadline may result in the position being offered to another applicant.

End of McClusky School District #19 Exhibit DBAA-E2
EMERGENCY HIRING OF CLASSIFIED PERSONNEL

Prior to receipt of the federal criminal history record, the new hire will not be permitted to have unsupervised contact with students.

The McClusky Public School authorizes the Superintendent to hire non-licensed personnel on a provisional basis in emergency situations prior to the completion of a criminal history record check provided that the Superintendent has taken the following precautionary measures:

1. The applicant has completed and submitted all required application, authorization, and certification forms and provided references;
2. A criminal history record check has been initiated;
3. The Superintendent has received and reviewed other applicable records, including but not limited to credit history and/or driving records;
4. The Superintendent has reviewed the items listed in #1 and #3 in accordance with relevant policies and ruled that pending the successful completion of the criminal history record check the applicant is qualified for district employment.
5. The Superintendent has selected the final applicant in accordance with applicable portions of district policy and applicable Veterans’ preference laws.
6. The applicant has been advised that s/he is an at-will employee and employment is subject to successful completion of a background check.

Complementing Documents
- DBAA, Recruitment, Hiring & Background Checks for Classified Personnel
- DBAC, Recruitment, Hiring, & Background Checks for New Instructional Personnel
- DKBA, Separation of At-Will Employees

End of McClusky School District #19 Policy DBAB ..........................Adopted: June 20, 2017
RECRUITING & HIRING TEACHERS

The McClusky Public School Board is committed to hiring teachers who will best meet the needs of the District consistent with budget limitations, with district policy, with its goal to ensure student and staff safety, and in compliance with state and federal law. Nothing contained in this policy requires the District to fill a teaching vacancy. The Superintendent is authorized to end the advertising and screening processes in this policy at any time based on the needs of the District; however, once the District offers a teaching contract, it cannot retract this offer without the consent of the teacher receiving the job offer.

Definitions
For the purposes of this policy:

- *Crime against a child* is defined in accordance with NDCC 15.1-13-26.
- *Immediate family* is defined as the employee's spouse, brother, sister, parents, children, stepchildren, father-in-law, mother-in-law, brother-in-law, sister-in-law, daughter-in-law, son-in-law, and any member of the employee's household.
- *Teaching positions* are jobs held by individuals licensed to teach in North Dakota who are employed primarily as classroom teachers.
- *Sexual offense* is defined in accordance with NDCC 15.1-13-26.

Advertising Protocol
When the District seeks to fill a teaching position, the Superintendent or designee:

1. Shall develop an announcement with the following components:
   a. Minimum qualifications including, but not limited to, required education, licensure, competencies, and successfully passing any required background or criminal history record checks;
   b. Instructions on where to access the position’s job description, this policy, and any other application material;
2. May post the announcement internally; internal teaching announcements shall contain all items listed under #1, a statement that internal applicants are ineligible for Veterans’ Preference, and the deadline for internal applicants to exclusively submit applications.
3. May post the announcement externally using methods deemed reasonable, effective, and within budget parameters; external teaching announcements shall contain all items listed under #1, a statement that external applicants are eligible for Veterans’ Preference if meeting requirements in state law, and a closing date.

Screening Protocol
The Superintendent or designee should develop regulations, including adjudication standards, for conducting background and criminal history record checks on teachers.

Teaching applicants must meet minimum qualification requirements contained in the job announcement and job description. Teaching applicants are disqualified
from employment if meeting the disqualifying factors listed in this policy. If no applicant is qualified, the Superintendent or designee may revise the announcement and shall repost the opening in accordance with this policy’s advertising protocol.

The Superintendent or designee shall verify that any applicant claiming Veterans’ Preference has satisfied eligibility requirements in law, including submission of required documentation.

The District uses a competitive personnel system to screen all qualified teaching applicants with the exception of substitute teachers. This system consists of the following components: phone interviews or face-to-face interviews. Under this system, the Superintendent or designee(s) scores applicants eligible for Veterans’ Preference in accordance with NDCC 37-19.1-02. The Superintendent or designee shall develop a rubric for scoring teaching applicants under the competitive personnel system and for defining the threshold for a passing score.

The District may further investigate the qualifications of applicants who received a passing score under the competitive personnel system by conducting secondary interviews and checking sources such as, but not limited to, references, employment history, background check databases.

The Superintendent may recommend to the Board for hire the most qualified teaching applicant remaining after all screening steps are complete.

Applicants eligible for Veterans’ Preference who are not recommended for hire shall receive notice in accordance with NDCC 37-19.1-02.

**Disqualifying Factors**

Factors that may exclude an applicant from employment as a teacher include, but are not limited to, the following:

1. The applicant has been charged with a felony, sexual offense, crime against a child, any other offense involving a child victim, or any other crime that the Superintendent or designee has reason to believe poses a safety risk to district students, staff, or operations or could substantially disrupt district operations.

2. Knowing falsification or omission of any information given to the District by an applicant or made by an applicant during the applicant screening process including, but not limited to, information concerning criminal convictions or pending criminal charges.

3. The individual has not met ESPB’s standards for teaching licensure and/or will not have obtained a teaching license by the start of the school year.

4. The individual was nonrenewed for cause or discharged from a previous teaching position.

If an applicant seeking employment with the District would create a direct supervisor-subordinate relationship with an immediate family member who is also an employee, an alternate supervisor will be designated. Employees who marry or become members of the same household may continue employment; however, a direct supervisor-subordinate relationship between the employees shall be avoided.
Hiring Authority
The Superintendent or designee(s) shall screen and make recommendations to the Board about offering an applicant a teaching position.¹

Final Applicant Rights
Records obtained by the District for background checks, criminal history record checks, 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 district’s personnel records policy. Applicant rights related to criminal history records are contained in DBAC-E2.

Issuing Contracts
If the Board approves hiring a new teaching staff member contingent upon satisfactory adjudication of criminal history records or obtaining a teaching license, the individual’s teaching contract shall be issued with language notifying him/her of this contingency.

Orientation
Each teacher shall be provided with a personnel handbook. The Superintendent or designee shall provide an orientation program for new teaching staff members to acquaint them with the district’s policies and procedures, the school’s rules and regulations, and the responsibilities of their position.

Complementing Documents
- DI, Personnel Records

End of McClusky School District #19 Policy DBAC ..........................Adopted: June 20, 2017

¹ This is only one option. The Board may screen candidates or designate an interview committee to conduct candidate screening.
COMPETITIVE PERSONNEL SYSTEM EXAMPLE FOR TEACHERS

NOTE: This competitive personnel system is for a school district that **only conducts interviews** to screen teaching candidates. If your district uses **additional screening mechanisms**, adjust the competitive personnel system accordingly.

### Managing Classrooms

<table>
<thead>
<tr>
<th>Sample questions (select and assign point value to each):</th>
<th>Total Points: 20</th>
</tr>
</thead>
<tbody>
<tr>
<td>• Describe day-to-day procedures and activities you use to help structure your classroom.</td>
<td>Score:</td>
</tr>
<tr>
<td>• Describe how you would handle the following:</td>
<td></td>
</tr>
<tr>
<td>o A group of students who are insubordinate</td>
<td></td>
</tr>
<tr>
<td>o A parent who wants to observe your classroom</td>
<td></td>
</tr>
<tr>
<td>o A student who persistently disrupts your classroom</td>
<td></td>
</tr>
<tr>
<td>o Bullying</td>
<td></td>
</tr>
<tr>
<td>• Describe your ideal classroom environment. What steps do you take to create this environment?</td>
<td></td>
</tr>
<tr>
<td>• Do your students consider you to be lenient or strict? Why?</td>
<td></td>
</tr>
<tr>
<td>• How do you command the respect of your students?</td>
<td></td>
</tr>
<tr>
<td>• How would you rate yourself as a classroom manager? Why?</td>
<td></td>
</tr>
<tr>
<td>• What are your academic expectations for your students?</td>
<td></td>
</tr>
<tr>
<td>How do you convey these expectations to them?</td>
<td></td>
</tr>
<tr>
<td>• What are your behavioral expectations for your students?</td>
<td></td>
</tr>
<tr>
<td>How do you convey these expectations to them?</td>
<td></td>
</tr>
<tr>
<td>• What strategies do you use to work with and manage [paraprofessionals] [volunteers] in your classroom?</td>
<td></td>
</tr>
<tr>
<td>• What is it like to be in your class?</td>
<td></td>
</tr>
</tbody>
</table>

### Organizing for Instruction

<table>
<thead>
<tr>
<th>Sample questions (select and assign point value to each):</th>
<th>Total Points: 20</th>
</tr>
</thead>
<tbody>
<tr>
<td>• Describe how you develop a lesson plan from start to finish.</td>
<td>Score:</td>
</tr>
<tr>
<td>• Describe how you use your preparation period.</td>
<td></td>
</tr>
<tr>
<td>• Describe strategies you use for short and long-term instructional planning.</td>
<td></td>
</tr>
<tr>
<td>• Describe your experience working [on a curriculum planning team] [in a professional learning community]. How has involvement on the team impacted your planning and instruction?</td>
<td></td>
</tr>
<tr>
<td>• Describe time management strategies you use to ensure you successfully complete all your responsibilities as a teacher.</td>
<td></td>
</tr>
<tr>
<td>• How do state standards guide your lesson planning? Tell me about a lesson you use that integrates one or more standards.</td>
<td></td>
</tr>
<tr>
<td>• How do you decide what should be taught in your class?</td>
<td></td>
</tr>
<tr>
<td>• How do you ensure that you cover all the necessary content in your classroom each school year?</td>
<td></td>
</tr>
<tr>
<td>• How do you incorporate technology into your lesson plan?</td>
<td></td>
</tr>
<tr>
<td>• What is differentiated instruction and how is incorporated into your lesson plans?</td>
<td></td>
</tr>
</tbody>
</table>

### Implementing Instruction

<table>
<thead>
<tr>
<th>Sample questions (select and assign point value to each):</th>
<th>Total Points: 30</th>
</tr>
</thead>
<tbody>
<tr>
<td>• Describe how you make content relevant to students.</td>
<td>Score:</td>
</tr>
<tr>
<td>• Describe one of your assignments or projects, the outcome</td>
<td></td>
</tr>
</tbody>
</table>
of which surprised you. Explain why.
- Describe the best lesson that you taught. Why did it work so well?
- Describe the worst lesson that you taught. Why didn’t it work and what did you learn from it?
- Describe three teaching strategies you feel most competent using.
- Describe your teaching style.
- How do you encourage class participation?
- How do you individualize instruction?
- How much time do you devote to lecturing?
- If your students do not understand a concept, how do you adjust your instructional techniques to respond?
- What is cooperative learning, and how have you used it in your classroom?
- What was the best question(s) you asked your students during a lesson taught? What was their response?
- What would we see if overserving you at work in your classroom?
- What would your students say they remember most about your class?
- Would you rather try new teaching strategies or try to perfect the approaches which work best for you? Explain.

### Monitoring Student Progress

<table>
<thead>
<tr>
<th>Total Points: 10</th>
<th>Monitoring Student Progress</th>
</tr>
</thead>
<tbody>
<tr>
<td>Sample questions (select and assign point value to each):</td>
<td></td>
</tr>
<tr>
<td>- Describe your experience and/or training in interpreting state assessment data.</td>
<td></td>
</tr>
<tr>
<td>- Discuss your philosophies related to grading, assignments, assessments, and extra credit.</td>
<td></td>
</tr>
<tr>
<td>- Does assessment improve student learning? If so, how?</td>
<td></td>
</tr>
<tr>
<td>- How do you communicate student progress or lack of progress to students? To parents?</td>
<td></td>
</tr>
<tr>
<td>- How do you define student success, and how do you know when a student has succeeded?</td>
<td></td>
</tr>
<tr>
<td>- How have you used student data to inform planning or assessment?</td>
<td></td>
</tr>
<tr>
<td>- If most of the students in your class failed an assignment, test, or project, how would you respond?</td>
<td></td>
</tr>
<tr>
<td>- What is the role of homework in your classroom?</td>
<td></td>
</tr>
<tr>
<td>- What procedures do you use to evaluate student progress besides tests?</td>
<td></td>
</tr>
<tr>
<td>- What strategies do you use to help students self-assess their progress?</td>
<td></td>
</tr>
<tr>
<td>- When should a student be considered for remediation?</td>
<td></td>
</tr>
</tbody>
</table>

### Aptitude

<table>
<thead>
<tr>
<th>Total Points: 10</th>
<th>Score:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Sample questions (select and assign point value to each):</td>
<td></td>
</tr>
<tr>
<td>- Describe characteristics of the best/worst teacher you have known.</td>
<td></td>
</tr>
<tr>
<td>- How do you handle a conflict with:</td>
<td></td>
</tr>
<tr>
<td>- A student?</td>
<td></td>
</tr>
<tr>
<td>- Parent?</td>
<td></td>
</tr>
<tr>
<td>- Co-worker?</td>
<td></td>
</tr>
<tr>
<td>- Supervisor?</td>
<td></td>
</tr>
<tr>
<td>- How would your previous principal describe you?</td>
<td></td>
</tr>
<tr>
<td>- If you could choose your class size and were paid $3000 per student, what would your class size be? Why?</td>
<td></td>
</tr>
<tr>
<td>- What are your goals in terms of professional growth?</td>
<td></td>
</tr>
<tr>
<td>- What does it mean to be a professional and ethical</td>
<td></td>
</tr>
</tbody>
</table>
- What does it mean to be a student advocate?
- What kinds of experiences have you had interacting with people whose backgrounds are different than your own?
- When is it appropriate for teachers to use social media to interact with students?
- Who do you believe to be most responsible for student learning: the student, the teacher, or the parent?
- Why did you choose to become a teacher [and study your subject area]?

<table>
<thead>
<tr>
<th>Adaptability</th>
<th>Total Points: 10</th>
</tr>
</thead>
<tbody>
<tr>
<td>• Are you highly qualified to teach in any other areas?</td>
<td></td>
</tr>
<tr>
<td>• At which grade levels have you previously taught?</td>
<td></td>
</tr>
<tr>
<td>• Do you hold any specialty credentials?</td>
<td></td>
</tr>
<tr>
<td>• Do you have an administrator’s credential?</td>
<td></td>
</tr>
<tr>
<td>• Do you have experience advising or coaching student activities?</td>
<td></td>
</tr>
</tbody>
</table>

Interview total: ............................................................

**Extra points**

**Applicant is eligible for Veteran’s Preference and is not disabled:** Assign five points

**Applicant is eligible for Veteran’s Preference and is disabled:** Assign 10 points

**Applicants is highly qualified to teach in one or more hard-to-fill area(s) as defined by the Educational Standards and Practices Board:** Assign [#] points for each area

Total score: ............................................................

A passing score is defined as receiving [#] points or more.

End of McClusky School District #19 Exhibit DBAC-E
CRIMINAL HISTORY RECORD SCREENING PROCEDURES & ADJUDICATION FOR TEACHERS

The process for teachers to be fingerprinted is contained in DBAA-AR.

Criminal history records are confidential. Only the district adjudicator is authorized to review them. The District designates Business Manager and Superintendent to serve as the adjudicator of teachers’ criminal history records.

The adjudicator shall advise applicants that the procedure for obtaining, correcting, or updating federal criminal history records is contained in 28 CFR 16.34. Before determining if an applicant passed or failed the criminal history record check, the adjudicator shall give the applicant a reasonable time to correct and/or complete his/her criminal history record or decline to do so.

The adjudicator will deem a teaching applicant to have failed the criminal history record check if the applicant has been charged with:

- A felony
- Sexual offense (NDCC 15.1-13-26)
- Crime against a child (NDCC 15.1-13-26)
- Any other offense involving a child victim
- Any other crime that the adjudicator has reason to believe poses a safety risk to district students, staff, or operations or could substantially disrupt district operations

End of McClusky School District #19 Exhibit DBAC-E2
Definitions
For the purpose of this policy:

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

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

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

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

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

Notice of Medication Use
Employees covered by this policy shall notify the District any time they are using medication prescribed by a physician that could adversely affect performance of safety-sensitive duties. Employees shall not drive or perform other safety-sensitive duties at any time they have been advised by a physician that medication may or will adversely affect their ability to safely perform these duties.
Participation in Drug and Alcohol Testing Program Required
Employees serving in positions covered by this policy are required to participate in all applicable drug and alcohol testing as a condition of employment.

Circumstances for Testing
1. All covered employees shall be subject to pre-employment, reasonable suspicion, random, post-accident, return-to-duty and follow-up alcohol and drug testing pursuant to procedures set out in the federal regulations. Pre-employment controlled substance testing shall be administered to an applicant offered a covered position in the District prior to the first time the employee performs any safety-sensitive duties for the District unless the applicant meets exemption criteria contained in federal regulations. Employment with the District is conditional upon the applicant receiving negative test results.

2. An individual applying for, transferring to, or being promoted to any safety-sensitive position shall initially be subject to controlled substance testing. Verified positive test results shall prevent an applicant/employee from moving into a safety-sensitive position. School vehicle drivers shall also be subject to post-accident, reasonable suspicion and random testing. Non-transportation safety-sensitive positions shall be subject to post-accident and reasonable suspicion tests.

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

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

Violations
If the testing confirms prohibited alcohol concentration levels or the presence of a controlled substance, the employee shall be removed immediately from safety-related duties and may be subject to the disciplinary consequences contained in the Drug and Alcohol Free Workplace policy. Before an employee is reinstated, if at all, the employee shall comply with all applicable return-to-duty requirements, including evaluation, rehabilitation, and drug/alcohol testing requirements. An employee who is prohibited from performing safety-sensitive duties may be assigned to non safety-sensitive duties until such time as the employee complies with the requirements for returning to duty. The District will follow treatment referral procedures contained in federal regulations for covered employees.
Employees with verified alcohol concentrations below prohibited amounts shall be removed from safety-sensitive positions and may be subject to the disciplinary consequences contained in the Drug and Alcohol Free Workplace policy.

The District is not required to provide rehabilitation, pay for substance abuse treatment, or to reinstate the employee. The Board retains the authority consistent with law to discipline or discharge any employee who is an alcoholic or chemically dependent and whose current use of alcohol or drugs affect the qualifications for and performance of his/her job.

**Confidentiality of Records**
The District shall maintain records in compliance with law. Drug and alcohol testing records are confidential and shall be maintained in a secured location. An employee shall be entitled, upon written request, to obtain copies of any records pertaining to the employee’s use of alcohol or controlled substances including information pertaining to alcohol or drug tests. Records shall be made available to a subsequent employer upon receipt of a written request from an employee only as expressly authorized by the terms of the employee’s request.

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

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

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

**Identity of Contact Person**
The Board designates the Superintendent to serve as the contact person for questions concerning the drug and alcohol testing program and this policy. This designee may be reached at 701-363-2470 or at Dr. Cheri Poitra, Superintendent, McClusky Public School, PO Box 499, McClusky, ND 58463.

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

**Effects of Alcohol and Controlled Substances**
The Counselor’s office contains information on the effects of alcohol and controlled substance misuse on an individual’s health, work, and personal life; signs and symptoms of an alcohol problem; and available methods of intervening when a misuse problem is detected.
Conflict Between Regulations and Federal Law And Regulations
In the event of a conflict between the provisions of federal law or regulations concerning alcohol and drug testing and this policy or regulations, the federal law or regulations shall control.

Complementing Documents
- DBBA-AR, Drug and Alcohol Testing Procedures
- DBBA-E, Drug & Alcohol Testing for Employees
- DEAA, Drug & Alcohol Free Workplace
- DEAA-AR, Procedure if Chemical Use is Suspected
- DEAA-E, Record of Observable Behavior
- DFC, Transfer & Reassignment
- DI, Personnel Records

End of McClusky School District #19 Policy DBBA .......................... Adopted: June 20, 2017
DRUG & ALCOHOL TESTING PROCEDURES

Description of tests

1. **Alcohol**: Alcohol testing is required, when reasonable suspicion exists, after an accident, at random, and when return-to-duty and/or follow-up testing is required. Alcohol testing is performed using an evidential breath testing device (EBT) approved by the National Traffic Safety Administration. All alcohol breath tests shall be conducted on an approved evidential breath testing device (EBT) by a trained breath alcohol technician (BAT). EBT's shall be able to distinguish alcohol from acetone at the 0.02% alcohol concentration level and shall be capable of testing an air blank prior to each collection of breath and performing an external calibration check. In order to be used in either screening or confirmation alcohol testing, an EBT shall have a quality assurance plan (QAP) developed by the manufacturer.

2. **Drug testing**: Drug testing is required pre-employment, when reasonable suspicion exists, after an accident, at random, and when return-to-duty and/or follow-up testing is required. Drug testing is conducted by analyzing a urine specimen for the following drugs: marijuana, cocaine, opiates, amphetamines, and phencyclidine. All drug test results are reviewed and interpreted by a medical review officer (MRO) before the results are reported to the District.

General testing procedures

The following procedures apply anytime a covered or safety-sensitive employee is subject to drug or alcohol tests:

1. **Alcohol**:
   a. Breath alcohol testing will be conducted at a location that affords visual and aural privacy to the employee being tested sufficient to prevent unauthorized persons from seeing or hearing the test results. In some unusual circumstances, such as when it is essential to conduct a test at the scene of an accident, a test may be conducted at a location that provides visual and aural privacy only to the extent practicable.
   b. All necessary equipment, personnel, and materials for breath testing shall be provided at the location where testing is conducted.
   c. The employee will complete all required paperwork and be required to properly identify him/herself. The test administrator shall document refusal to complete required paperwork.
   d. The employee will be directed to blow into a breathalyzer and will be shown the results of the test.
   e. If the test is positive, as defined by federal standards, the employee will be required to submit to a confirmation test. The employee shall be instructed not to eat, drink, or put any object or substance in his/her mouth until after the confirmation test. The test administrator shall also explain the test will be conducted even if the employee has disregarded these instructions. Confirmation test
results are deemed to be the final results upon which any action under the drug and alcohol testing policy or regulations shall be based.

f. The test administrator shall transmit all results to the District in a confidential manner.

g. The test administrator shall also inform the District of any refusal to test.

h. If the employee attempts and fails to provide an adequate amount of breath, the District shall direct the employee to obtain, as soon as practical after the attempted test, an evaluation from a licensed physician acceptable to the District concerning the employee’s medical ability or inability to provide an adequate amount of breath. If the physician determines, in his/her reasonable medical judgment, that a medical condition has, or could have, precluded the employee from providing an adequate amount of breath, the employee’s failure to provide an adequate amount of breath shall not be deemed a refusal to take the test. If a licensed physician is unable to make such a determination, the employee’s failure to provide an adequate amount of breath shall be regarded as a refusal.

2. **Controlled substances:**

To ensure the appropriate chain of custody and specimen control are maintained, the collection of urine specimens will proceed as follows:

a. Upon the employee’s arrival at the designated collection site, the collector will request the employee to provide identification and complete required paperwork, including listing prescriptions. The collector will document refusal to complete paperwork.

b. The employee will be required to leave personal belongings including, but not limited to, coats and purses outside the collection area. The employee will be required to wash and dry his/her hands before the test is administered. The employee will then remain in the collection area and not have access to any other material that could be used to adulterate the specimen. Any transfer of the specimen from the collection container to another specimen bottle will be observed by the employee.

c. If the test result is positive, the employee may request the medical review officer (MRO) direct the split specimen be tested in a different Department of Health and Human Services-certified laboratory. The MRO shall honor such a request if it is made within 72 hours of the employee having been notified of a verified positive test result. The MRO will take all steps necessary to ensure the specimen is clearly identified and document the chain of custody when the specimen is transferred to a different lab. The cost of the split specimen testing shall be borne by the employee.

d. Upon notification by the collection site that an employee has failed to appear for his/her scheduled collection, the District will inquire of employee the reason(s) for failing to appear. If the employee provides a legitimate reason for failing to report, no disciplinary
action will be taken against the employee. If the employee does not provide a legitimate reason for failing to report, disciplinary action, in accordance with policy, may be taken. The Superintendent shall determine whether or not legitimate reasons exist.

e. In the event an employee refuses to provide a specimen, the collection site and/or the District shall advise the employee that refusal to provide a specimen shall result in disciplinary action. In the event the employee still refuses to provide a specimen, the employee shall be subject to disciplinary action in accordance with policy.

f. In the event an employee fails to provide a sufficient quantity of urine, the collection site and/or the District will meet with the employee to see if she/he has a legitimate reason, and s/he will be required to take the drug test within four hours of the meeting. If the employee does not have a legitimate reason, the failure to provide a sufficient quantity of urine shall be treated as a refusal to provide a specimen.

g. In the event an employee is unable, or alleges she/he is unable, to provide a sufficient quantity of urine because of a medical condition, the District shall direct the employee to obtain, as soon as practical after the attempted test, an evaluation from a licensed physician acceptable to the District concerning the employee’s medical ability or inability to provide a sufficient quantity of urine. If the physician determines, in his/her reasonable medical judgment, that a medical condition has, or could have, precluded the employee from providing a sufficient quantity of urine, the employee’s failure to provide a sufficient quantity of urine shall not be deemed a refusal to take the test. If a licensed physician is unable to make such a determination, the employee’s failure to provide a sufficient quantity of urine shall be regarded as a refusal.

Pre-employment/job applicant testing procedure
1. All job applicants considered a covered or safety sensitive employee under policy DBAA will receive a copy of this policy and regulation prior to testing.

2. If an applicant’s pre-employment drug test is positive, a confirmation test will immediately be conducted by the laboratory with the existing sample.

3. An additional confirmation test will be conducted, at the applicant’s expense, if a request is made to the MRO within 72 hours of the applicant having been notified of a verified positive test result. If an additional confirmation test is requested, no action will be taken on the applicant’s employment until the result of the additional confirmation test is available.

4. In the event an applicant’s pre-employment drug test is confirmed positive, or, if requested, an applicant’s additional confirmation test is positive, the applicant will not be employed.

5. Upon written request, a copy of the additional confirmation test will be supplied to the applicant at the applicant’s expense.
An applicant may be exempt from the pre-employment drug test if the applicant has participated in a drug testing program within 30 days prior to the application for employment and while participating in that program was tested for drugs within the last 6 months (from the date of application) or participated in a random drug testing program in the previous 12 months, provided that the District has been able to make all verifications required by law.

**Random testing**

1. Pursuant to Department of Transportation regulations, commercial bus drivers must be randomly tested for both drugs and alcohol, and the District requires other school vehicle drivers to submit to random testing. The number of random tests for commercial bus drivers must equal fifty percent (50%) of the number of employees in the random testing pool for drugs and ten (10%) of the number of employees in the random testing pool for alcohol.

2. Random testing periods shall be spread reasonably throughout the school year.

3. Any employee selected for random testing shall be assured his/her selection does not mean the District suspects usage of alcohol and/or drugs.

4. An employee must proceed to the test site immediately upon receiving notice that s/he has been selected for random testing unless in the process of performing a safety-sensitive function. The employee must complete his/her safety-sensitive duties or receive direction from a supervisor to cease such duties before proceeding to the test site. In the event an employee is unavailable for testing on the dates selected by the District, at the election of the District, s/he will be tested within the testing period but will not be notified until available.

5. Employees will only be randomly tested for alcohol just before or just after performing safety sensitive functions.

6. If the employee’s random test is positive for alcohol and/or drugs, the employee is subject to discipline in accordance with policy.

7. Refusal to submit to a random test shall be treated as a positive test result and subjects the employee to discipline in accordance with policy.

**Reasonable suspicion testing**

When there is reasonable suspicion to believe an employee subject to the drug and alcohol testing policy or regulations has engaged in abuse and/or untimely use of alcohol and/or a controlled substance, the employee may be required to undergo a drug and/or alcohol test.

Reasonable suspicion may be based on the employee’s appearance, behavior, speech, or body odor. District personnel designated to determine if reasonable suspicion exists must receive training concerning the physical, behavioral, speech, and performance indicators of alcohol misuse and additional training on indicators of drug abuse. A written record of these observations shall be made within 24 hours or before test results are released (whichever occurs first).

Alcohol tests based upon reasonable suspicion are authorized only if the required observations are made during, just before, or just after the period of the
work day when the employee must comply with alcohol prohibitions. If the alcohol test is not administered within two hours of the determination of reasonable suspicion, the District shall prepare and maintain a written record explaining why the testing was not done.

When the District reasonably suspects the abuse and/or untimely use of alcohol or controlled substance by an employee subject to drug and alcohol testing, the District shall proceed as described below:

1. All conversations should, whenever possible, involve a witness:

2. The employee’s supervisor or district administrator should solicit an explanation from the employee for any behavior that creates a reasonable suspicion of a violation of the policy or regulations. If the employee cannot satisfactorily explain the behavior, the employee may be requested to undergo a drug and/or alcohol test.

3. Reasonable suspicion tests must be conducted by a person other than the person who determines reasonable suspicion exists.

4. If the employee agrees to be tested, she/he will complete the district consent form and a specimen/test result will be obtained.

5. If the employee refuses to undergo the test or complete the consent form, she/he will be advised that such refusal may subject the employee to discipline in accordance with policy. If the employee still refuses to undergo testing or to complete the consent form, s/he will be directed to the Superintendent for disciplinary purposes.

6. If a positive drug test is not confirmed, the employee will return to his/her safety-sensitive position.

7. If the employee’s test is positive for abuse and/or untimely use of alcohol or controlled substance, s/he is subject to discipline in accordance with policy and s/he will be referred to a substance abuse professional.

**Employee post-accident testing**

The District shall require an employee subject to the policy and regulations to undergo drug and alcohol testing after an accident if:

1. There is a fatality;

2. One or more persons require medical treatment either at or away from the accident scene; or there is extensive damage to property, disabling a motor vehicle.

3. The District employee receives a citation arising from the accident.

The procedure set forth in the reasonable suspicion testing will be followed for post-accident tests, except the employee shall be advised the tests are required as part of the accident investigation.

A covered or safety-sensitive employee involved in an accident shall make him/herself readily available for testing, absent the need for immediate medical attention.

If an alcohol test is not administered within two hours, or if a drug test is not administered within 32 hours, the District shall prepare and maintain written records explaining why the tests were not conducted. Tests will not be given if
not administered within 8 hours after the accident for alcohol or within 32 hours for drugs.

Tests conducted by authorized federal, state, or local officials will fulfill district post-accident testing requirements provided the tests conform to applicable legal requirements, and the results are obtained by the District. Breath tests will validate only the alcohol test and cannot be used to fulfill drug testing obligations.

If the employee’s drug test is confirmed positive, and the employee makes a request to the MRO within 72 hours of the employee having been notified of a verified positive test result that an additional confirmation test be conducted (which is conducted at the employee’s expense), the employee will be placed on paid leave of absence pending the results of the additional confirmation test. If a positive drug test is not confirmed, the employee may be returned to his/her job as a driver.

**Return-to-duty/follow-up testing**

In the event the District returns an employee who is subject to the policy and regulations to a safety-sensitive position:

1. The employee must have been evaluated by a substance abuse professional.
2. The employee must have complied with any recommended treatment;
3. The substance abuse professional must have provided a written statement to the District stating the employee has successfully completed the rehabilitation program that was prescribed for him/her;
4. The employee has taken a return-to-duty alcohol/drug test and has a verified negative result for alcohol and controlled substance use; and
5. The employee is subject to unannounced follow-up testing. The number and frequency of such follow-up testing shall be as directed by the substance abuse professional but shall occur a minimum of 6 times in 12 months.

End of McClusky School District #19 Administrative Regulation DBBA-AR
DRUG & ALCOHOL TESTING NOTIFICATION REQUIREMENTS FOR EMPLOYEES

Post-Accident Tests
Before any driver operates a vehicle designed to transport ten or more passengers, the District must provide the driver with post-accident procedures that will make it possible to comply with post-accident testing requirements.

Random Tests
Educational Material Requirements & Notification
Each employer shall provide educational materials that explain the requirements under federal law and the employer's policies and procedures with respect to meeting these requirements.

1. The employer shall ensure that a copy of these materials is distributed to each driver prior to the start of alcohol and controlled substances testing under this part and to each driver subsequently hired or transferred into a position requiring driving a commercial motor vehicle.

2. Each employer shall provide written notice to representatives of employee organizations of the availability of this information.

3. The materials to be made available to drivers shall include detailed discussion of at least the following:
   a. The identity of the person designated by the employer to answer driver questions about the materials.
   b. The categories of drivers who are subject to the provisions of this part.
   c. Sufficient information about the safety-sensitive functions performed by those drivers to make clear what period of the work day the driver is required to be in compliance with this part.
   d. Specific information concerning driver conduct that is prohibited.
   e. The circumstances under which a driver will be tested for alcohol and/or controlled substances, including post-accident testing.
   f. The procedures that will be used to test for the presence of alcohol and controlled substances, protect the driver and the integrity of the testing processes, safeguard the validity of the test results, and ensure that those results are attributed to the correct driver, including post-accident information, procedures and instructions.
   g. The requirement that a driver submit to alcohol and controlled substances tests administered in accordance with this part.
   h. An explanation of what constitutes a refusal to submit to an alcohol or controlled substances test and the attendant consequences.
   i. Consequences for drivers found to have violated drug and alcohol prohibitions, including the requirement that the driver be removed immediately from safety-sensitive functions, and the procedures for referral, evaluation, and treatment.
j. Consequences for drivers found to have an alcohol concentration of 0.02 or greater but less than 0.04.

k. Information concerning the effects of alcohol and controlled substances use on an individual's health, work, and personal life; signs and symptoms of an alcohol or a controlled substances problem (the driver's or a co-worker's); and available methods of intervening when an alcohol or a controlled substances problem is suspected, including confrontation, referral to any employee assistance program, and/or referral to management.

The employer shall ensure that each driver signs a statement certifying that he or she has received a copy of these materials described in this section. Each employer shall maintain the original of the signed certificate and may provide a copy of the certificate to the driver. Each employee must sign a statement certifying the receipt of a copy of the above materials.

Testing Notification
The District will notify an applicant of the results of a pre-employment drug test if the applicant requests such results within 60 calendar days of being notified of the disposition of the employment application.

The District will notify an employee of the results of random, reasonable suspicion, and post-accident drug tests if the test results are verified positive. The District also will tell the employee which controlled substances were verified as positive.

Referral
An employee who in any other way violates district prohibitions related to drugs and alcohol will receive from the District the names, addresses, and telephone numbers of substance abuse professionals and counseling and treatment programs available to evaluate and resolve drug and alcohol-related problems. The employee will be evaluated by a substance abuse professional who will determine what help, if any, the employee needs in resolving such a problem.

Any substance abuse professional who determines that an employee needs assistance will not refer the employee to a private practice, person or organization in which the substance abuse professional has a financial interest except under circumstances allowed by law.

End of McClusky School District #19 Exhibit DBBA-E
PHYSICAL EXAMINATIONS

At the post-offer stage of the employment process, the District may require certain categories of final candidates to submit to a physical, or, in the case of commercial bus drivers, furnish valid proof of medical fitness for duty.

The District shall comply with the following when requiring physicals:
1. The District will reimburse any remaining cost of physical examinations for school vehicle drivers after the applicant’s or employee’s health insurance is billed and pays its share of the exam if applicable. The District will pay the full cost of physical exams it requires of any other district employee.
2. All final candidates entering the same job category shall be subject to same physical exam requirements.
3. All information the District obtains as a result of physical exams shall be kept confidential.

If the District requires a physical exam, a final job offer shall be contingent on the results of the exam, with the employment decision being made in a nondiscriminatory manner.

End of McClusky School District #19 Policy DBBB ............................Adopted: June 20, 2017
CLASSIFIED STAFF JOB DESCRIPTIONS

The Superintendent shall maintain a comprehensive, up-to-date set of job descriptions for all positions approved by the Board. Job descriptions shall include the purpose and function of the position, title of immediate supervisor, qualifications, and a list of duties and responsibilities and may be approved by the Board.

End of McClusky School District #19 Policy DBCB .........................Adopted: June 20, 2017
CLASSIFIED STAFF INTENT TO REHIRE

All classified personnel eligible for rehire will receive an annual intent to rehire notice from the District at the end of the school year. Classified personnel must indicate their intent to return to district employment on this form and must return this form on or before the due date and time listed therein. The notice must be received by the Superintendent by this deadline.

Failure by any classified employee to return the notice by this deadline or an indication on the form that the employee has chosen not to return will be deemed to be a resignation from district employment.

The intent to rehire notices are for planning purposes only and not a contract prescribing a duration of employment. All classified employees remain at will. The District may choose to terminate at-will employees at any time with or without cause, and the employee may resign from employment at any time, with or without cause.

Complementing Documents
- DBD-E, Intent to Rehire Classified Staff Notice
- DKBA, Separation of At-Will Employees

End of McClusky School District #19 Policy DBD...........................................Adopted: June 20, 2017
INTENT TO REHIRE CLASSIFIED STAFF NOTICE

Date notice issued: ______________________________________________________

Notice delivered by: ____________________________________________________

Acknowledgement of receipt by employee (initials): ______

NOTE: The preferred method of delivering this document is in person. Make a copy of this document prior to issuance and place in the employee’s file.

This is a notice that the District intends to rehire you next fall for the position of: ____________________________________________________________.

Your start date will be ______________ [list date] and your work schedule will be Monday through Friday from ______________ [list hours]. Upon rehire, your hourly wage will be ______________ and all your benefits will resume in accordance with district policy and the classified employee handbook.

Please be aware that this notice is for informational and planning purposes only and not a contract prescribing a duration of employment. You will remain an at-will employee. The District may choose to terminate at-will employees at any time with or without cause, and the employee may resign from employment at any time, with or without cause.

If you intend to return to district employment next fall, you must sign and file this notice with ______________________ [list name and position] at __________________ [list location] by ______________ [list date and time]. Failure to return this notice by the deadline will be deemed a resignation and will result in the district advertising your position, at which time, you would be welcome reapply [:however, by failing to return this notice, you will forfeit your seniority status with the District and any benefits specifically tied to this status.]*

To be completed by the employee

☐ I intend to return to the position listed in this notice on the date listed above.

☐ I do not intend to return to the position listed above. This is notice of my intent to resign from my position effective ______________ [list date]. [I understand that by resigning, I will forfeit my seniority status with the District and any benefits specifically tied to this status.]*

_____________________________ ______________________
Signature of employee Date

Continued on next page

* Review employee handbooks and district policy to ensure no conflicts before including this language.
To be completed by the District

Notice received by: _________________________________ [name, position] at _________________________________ [list date and time]

NOTE: Make a copy of this document upon return by the employee. Provide the employee with a copy of the signed document and place the original in the employee’s file.

End of McClusky School District #19 Exhibit DBD-E

* Review employee handbooks and district policy to ensure no conflicts before including this language.
FRINGE BENEFITS

All employee benefits, other than those established by negotiated agreements, will be subject to board policy. The Business Manager will provide for the interpretation and application of the board's policies and decisions regarding benefits.

Licensed Staff
Personnel subject to negotiated agreements will receive only those benefits authorized by the agreement.

Classified Staff
The Board shall extend to regular full-time classified personnel benefits designed to promote their economic security including a comprehensive health insurance program. Benefits may also include various types of insurance protection and tax-sheltered annuity programs, retirement benefits, and severance pay. Classified employees who are employed nine or more months per year for at least 20 hours per week will be eligible to receive fringe benefits as detailed for each area of fringe benefit.

Positions in which the work time is flexible and which may at times be more than 20 hours per week and at other times less than 20 hours per week will not be eligible for fringe benefits unless determination is made prior to the start of the school year (or at the commencement of the position) that the position is intended to be at least a 20 hours per week position.

Complementing Documents
- DKBA, Separation of At-Will Employees

End of McClusky School District #19 Policy DCAB .......................... Adopted: June 20, 2017
SALARY ADJUSTMENTS

The Board has the authority to determine appropriate placement on the salary schedule. However, responsibility for accuracy of that placement on the salary schedule rests equally with the employee. Employees are therefore expected to examine the contracted salary before signing their contracts and to notify the Business Manager or Superintendent of any possible error.

Should an error in salary be determined to exist after the contract is signed the Board will adjust the employee’s salary for the remainder of the year to compensate for the error. For example, if the employee has been paid less than proper placement on the schedule would indicate, the District will increase the monthly salary to bring the annual salary to the correct amount. If the employee has been paid more than proper placement on the schedule would indicate, the District will enter into an agreement with the employee to correct the overpayment.

Complementing Documents
• DHA, Licensure

End of McClusky School District #19 Policy DCAC ..........................Adopted: June 20, 2017
DEFINITION OF WORKWEEK AND OVERTIME AND COMPENSATORY TIME

All classified employees shall be considered subject to the minimum wage and overtime provisions of state and federal law unless specifically shown to be exempt.

Workweek
For the purposes of calculating overtime, the District defines the workweek as beginning on Sunday and ending on Saturday. *Note: Under state law, a workweek is a seven-day period. Ensure that your definition of workweek meets this standard.*

Overtime Restrictions
Non-exempt employees are restricted from working more than 40 hours a week without prior written permission from the Administration. Non-exempt employees who work more than 40 hours a week without authorization are subject to disciplinary action up to and including discharge.

The Administration shall determine if it is necessary for non-exempt employees to work overtime hours. Non-exempt employees shall be required to perform all overtime hours assigned to them.¹ Supervisors are charged with ensuring that employees do not work overtime hours except as assigned. Failure to enforce this requirement may result in discipline of the supervisor.

Recordkeeping
Accurate records shall be kept of hours worked by all classified employees. The Business Manager shall institute a system of recordkeeping.

Compensation
Overtime hours will be compensated in accordance with the Fair Labor Standards Act and the North Dakota Department of Labor Regulations.

Employees will be reimbursed with overtime compensation in accordance with law for all overtime worked unless the District and employee agree to compensatory time off in lieu of overtime pay. Employees shall be notified of this arrangement before performance of overtime work.

If an employee is employed for two or more different positions which have different rates of pay, the District will pay the employee overtime compensation based upon the weighted hourly rate or may enter into an agreement with the employee before the work is performed to pay overtime at the overtime rate of pay for the actual work performed after the first forty hours of work in that work week.

Complementing Documents
• DCB-E, Compensatory Time Off Law

End of McClusky School District #19 Policy DCB ..............................................Adopted: June 20, 2017

¹You have the right to assign overtime hours unless the overtime hours assigned are excessive.
COMPENSATORY TIME OFF LAW

The following exhibit summarizes key portions of the Fair Labor Standards Act pertaining to compensatory time off.

Maximum Allowable
If overtime hours are compensated with time off, compensatory time shall be provided at a rate of one and one-half hours for each hour in excess of 40 hours worked in a workweek. Compensatory time may be accumulated to a maximum of 240 hours. Any employee who has accrued 240 hours of compensatory time off or more shall be paid overtime compensation for additional overtime hours of work.

Use of Compensatory Time
Employees who have accrued compensatory time off may request the use of compensatory time and shall be permitted to use such time within a reasonable period after making the request if the use of compensatory time does not unduly disrupt the operations of the employee’s office or department. A reasonable period might be one or two days—normally whatever time would be required to secure a replacement or to shift workloads so as to allow the employee to be absent. The burden of proof is with the employer if a dispute should arise as to whether granting the request would unduly disrupt the operations of the office or department.

The District may enter into an agreement with the employee that all compensatory time off within the maximum allowed will be taken at a specific time (e.g., the custodian who normally works more than 40 hours during the school year and is not needed full time in the summer). Such an arrangement would allow the District to pay the employee a fixed rate for the year on a monthly basis and adjust the hours to allow time off in the summer for the overtime hours worked during the school year. However, a voluntary agreement signed by the employee is required to do this.

Separation
Upon separation of employment, employees who have accrued compensatory time shall be paid for unused compensatory time at a rate of compensation not less than:

1. The average regular rate received by the employee during the last three years of the individual’s employment, or
2. The final regular rate received by the employee, whichever is higher.

End of McClusky School District #19 Exhibit DCB-E

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1 A 480-hour cap is allowed for employees whose primary job duties involve public safety, emergency response, or a seasonal activity.
SIGNING BONUS

It shall be the policy of the Board of the McClusky Public School to authorize the Superintendent to offer signing bonuses as allowed by law. A signing bonus of not more than $3,000.00 may be offered. This bonus shall be distributed in equal yearly installments not to exceed the number of years allowed by law. The District will comply with any applicable 409a requirements when paying out signing bonuses. The Superintendent shall cause a signing bonus agreement to be signed by the teacher and presented for board approval at the same time as the contract.

End of McClusky School District #19 Policy DCCA ............................Adopted: June 20, 2017
SICK LEAVE

Full time employees shall receive paid sick leave per year as determined by the Board in accordance with any applicable law. This leave may be used for any personal illness or disability.

Requesting Sick Leave
Requests for sick leave must include the nature of the illness, injury, or disability and shall be made in accordance with board regulations. The Administration has the right at its discretion to request medical certification as a prerequisite for the awarding of sick leave and the response to the request shall be made in accordance with board regulations. In the event a second medical opinion is requested by the Administration, the Board shall pay the expense.

Disability Resulting from Pregnancy Leave
Disability or physical limitations resulting from pregnancy shall be treated the same as any other illness, injury, or disability for the purpose of sick leave and is subject to the limitations of this policy. The employee is free to determine when she will commence her leave in accordance with her healthcare provider’s recommendations. The District will not mandate that pregnancy leave be taken for a prescribed duration of time. Requests for sick leave resulting from a disability or physical limitation related to pregnancy, child birth, or a post-pregnancy condition shall be made in accordance with board regulations on sick leave documentation requirements and may, at the employee’s discretion, occur earlier than timeframes contained in regulations in order to allow the District ample time to locate a replacement.

NOTE: To the extent sick leave is governed by a negotiated agreement, this policy should either be modified accordingly, deleted, or amended by a clause which states: “Subject only to the provisions of any negotiated agreement.”

Complementing Documents
- DDA-BR, Sick Leave Regulations
- DDAA, Family & Medical Leave Act
- DDAA-BR, Family & Medical Leave Act Regulations
- DDAA-E, Family & Medical Leave Act Law
- DDAA-E2, Notice of Eligibility & Rights/Responsibilities under FERPA
- DDAA-E3, FMLA Designation Notice

End of McClusky School District #19 Policy DDA............................................Adopted: June 20, 2017
SICK LEAVE REGULATIONS

Requests for Leave
Foreseeable sick leave (e.g., leave for an operation) shall be requested 30 days in advance. If an employee is unsure when leave will commence or requests unforeseeable sick leave, notice shall be given as soon as practicable. Requests for leave shall be made to Administration. Requests for foreseeable sick leave should be made in writing and include the reason for leave, anticipated duration, and anticipated commencement date.

Requests for Medical Certification
When medical certification is requested as a pre-requisite for granting sick leave, the employee shall have 15 calendar days to fulfill this request unless this deadline is not practicable despite the employee’s good faith effort. Failure to provide medical certification may result in delaying or denying the employee’s leave request until certification is received. Medical certification shall contain information indicating the nature of the disabling condition, the exact period of disability, whether the employee will need intermittent leave or a reduced schedule, and a statement from a licensed health care provider verifying that the employee is unable to carry out his/her duties.

End of McClusky School District #19 Board Reg. DDA-BR......... Approved: January 9, 2018
HEALTH RESTORATION LEAVE

An employee may apply for unpaid health restoration leave in accordance with regulations when the employee has used applicable paid leave. Leaves under this policy may be granted for a period of time consistent with the medical doctor’s statement but not to exceed twelve (12) months less all paid used.

Benefits
A person granted a health restoration leave shall not be entitled to receive any salary or fringe benefits.

Extension
The Board may, upon an employee’s request and with proper medical certification, extend health restoration leave for period of time not to exceed one (1) year. Such extension, if granted, shall be upon the same conditions as the original leave.

Return to Duty
At the conclusion of the leave of absence, a statement must be submitted from a medical doctor showing that the health of the employee concerned is such that s/he is able to return to his/her position with reasonable accommodations, if applicable.

Employees on leave will be assured of their former position or a similarly situated position in the school system at the conclusion of the leave, provided that written notice of intent to return is submitted in accordance with regulations; however, instructional staff granted health restoration leave are still subject to the reduction-in-force policy. Instructional staff are subject to the return to duty restrictions contained in the Family Medical Leave Act regulations. Failure to submit the written notice of intent to return in accordance with deadlines and procedures contained in regulations shall be deemed to be a voluntary resignation and waiver of the right to re-employment. The District shall attempt to contact and notify the employee on health restoration leave of all such notification deadlines and procedures at least 30 days in advance.¹

Complementing Documents
- DDAA, Family & Medical Leave
- DDAA-BR, Family & Medical Leave Law
- DDAB-AR, Health Restoration Leave

End of McClusky School District #19 Policy DDAB ................................ Adopted: January 9, 2018

¹ Notifying employees of return to work deadlines is an essential procedural safeguard because this language on voluntary resignations has not been tested in court.
HEALTH RESTORATION LEAVE

Request for Leave
An employee shall request health restoration leave at the same time s/he requests sick leave if health restoration leave is foreseeable. If this deadline is not practicable or leave is not foreseeable, the employee shall apply for leave as soon as practicable. Upon application for leave the employee shall present a written statement by a medical doctor to the effect that such leave is necessary for health purposes, stating the length of time such leave of absence is necessary. Failure to provide such certification may result in delaying or denying the leave until certification is received.

Return to Duty
An intent to return to duty must be submitted to the Superintendent no later than March 15 of the calendar year in which said leave is to be completed if the leave will terminate the first day of the next school year or no later than sixty (60) days prior to the leave completion date if scheduled to terminate during the course of a school year then in progress. Reassignment to the same school or, in the case of teachers, grade, or teaching area is not guaranteed.

End of McClusky School District #19 Administrative Regulation DDAB-AR......... Approved: January 9, 2018
CHEMICAL DEPENDENCY LEAVE

The District encourages and may mandate employees afflicted by alcoholism and/or a chemical dependency seek rehabilitative assistance. Sick leave will be granted in accordance with the District’s sick leave policy. An employee’s return to work will also be handled in accordance with the sick leave policy.

Complementing Documents
• DDA, Sick Leave

End of McClusky School District #19 Policy DDAC ......................... Adopted: January 9, 2018
SUPPLEMENTARY

CHILDCARE LEAVE

The Board may grant extended childcare leave to employees for the purpose of preparing and providing parental care for a natural, adopted, or foster child or children of the employee for an extended period of time. Leaves must be requested in accordance with regulations. Extended childcare leave shall be for a maximum of twelve months less paid used.

Benefits
A person granted childcare leave shall not be entitled to receive any salary or fringe benefits during the duration of the extended leave.

Return to Duty Requirements
Intent to return to duty must be submitted in accordance with regulations.

Failure to submit the written notice of intent to return in accordance with deadlines and procedures contained in regulations shall be deemed to be a voluntary resignation and waiver of the right to re-employment. The District shall attempt to contact and notify the employee on childcare leave of all such notification deadlines and procedures at least 30 days in advance.¹

Instructional staff on childcare leave are still subject to the reduction-in-force policy.

Complementing Documents
- DDA, Sick Leave
- DDA-BR, Sick Leave Regulations
- DDAA, Family & Medical Leave Act
- DDAA-BR, Family & Medical Leave Act Regulations
- DDAA-E, Family & Medical Leave Act Law
- DDAD-AR, Child Care Leave Regulations
- DKA, Reduction in Force Policy

End of McClusky School District #19 Policy DDAD ......................... Adopted: January 9, 2018

¹ Notifying employees of return to work deadlines is an essential procedural safeguard because this language on voluntary resignations has not been tested in court.
CHILDCARE LEAVE REGULATIONS

Requests for Leave
An employee shall submit a request to the Administration in writing of intention to take the leave at the same time that the employee requests childcare and/or pregnancy disability leave. When such notice is not practicable, the employee shall submit a request as soon as practicable.

If the reason for childcare leave is occasioned by adoption, an adopting employee, at the time of the leave application, will provide a statement as to the expected date of placement.

Return to Duty Requirements
Except as stipulated in policy, an employee returning from childcare leave shall be reemployed in the school system, provided that written notice of intent to return is received by Superintendent no later than March 15th in the calendar year in which said leave is to terminate, if that leave is to terminate as of the first day of the next school year, or no later than sixty (60) days prior to the termination date of any leave which is scheduled to terminate during the course of a school year then in progress. Said reemployment is not guaranteed to be at the same school, teaching area, or grade.

End of McClusky School District #19 Administrative Regulation DDAD-AR............ Approved: January 9, 2018
VACATIONS

The District provides vacation benefits in order that employees receive time for rest and renewal.

Ancillary Employees
All twelve-month full-time ancillary employees shall be eligible for paid vacation benefits as delineated in board regulations. Five days may be carried over from one year to the next for a maximum accumulation of 15 days. The Board shall not pay down accumulated vacation days while an individual is employed with the District.

Licensed Employees
Vacation is subject to the negotiated agreement for licensed staff.

Separation
Upon separation from district employment, any employee granted paid vacation time shall be entitled to prorated monetary reimbursement for unused vacation days as required by law.

End of McClusky School District #19 Policy DDBA .......................... Adopted: June 19, 2018
HOLIDAYS

Twelve-month employees shall be granted pay for holidays as established by state law (NDCC 15.1-06-02) that fall on a day(s) that they would otherwise be scheduled to work. All other personnel will be paid for the holidays set by state law that fall within the time of their work year and that fall on a day(s) that they would otherwise be scheduled to work.

End of McClusky School District #19 Policy DDBB ........................ Adopted: January 9, 2018
MILITARY LEAVE

Military leave shall be granted pursuant to current state (NDCC 37-01-25 and NDCC 37-01-25.1) and federal law (38 U.S.C. 43).

End of McClusky School District #19 Policy DDBD .......................... Adopted: January 9, 2018
UNPAID LEAVE

No leaves shall be granted other than those specified in board policy or the negotiated agreement without specific approval of the Board. Such approval shall be at the sole discretion of the Board.

Complementing Documents
• DKA, Reduction-in-Force Policy

End of McClusky School District #19 Policy DDC ......................... Adopted: January 9, 2018
POLITICAL LEAVE

Political leave may be granted in accordance with board regulations. Any licensed employee who has been granted political leave shall be subject to district reduction-in-force policy the same as if the employee were not on leave.

Complementing Documents
• DDCA-BR, Political Leave Regulations
• DKA, Reduction in Force

End of McClusky School District #19 Policy DDCA .......................... Adopted: January 9, 2018
POLITICAL LEAVE REGULATIONS

Legislative Leave
A full-time employee seeking election to the North Dakota Legislature may be granted a leave of absence for the purpose of serving during any regular or special session of the legislative assembly if the leave has been requested and acted upon prior to the candidate filing for election. The leave will, at a minimum, be subject to the employee being elected. A person granted such leave shall not be entitled to receive any salary or fringe benefits during the entire term of the leave. If the leave is not granted, the Board may grant a request for release from contract, if requested, without imposing liquidated damages.

Any person who has been granted a legislative leave may take unpaid leave for legislative duties in the succeeding year, in which case the District will provide the substitute. The employee is responsible for the organization and coordination of their regular school responsibilities. No request for leave will be necessary when such activity does not interfere with the performance of the employee's duties.

Other Elective Office
A full-time employee who has been elected to office other than the North Dakota Legislature may be granted an unpaid leave of absence if such a leave is necessary to fulfill the duties of the office. Such leave will be at the sole discretion of the Board and may be for an extended period or for parts of days as necessary. Pay and benefits will be prorated according to the duration of the leave. At the sole discretion of the Board, employees who request periodic short-term leaves under this policy may receive their regular pay and benefits minus the cost of the substitute teacher. In either case, the employee is responsible for the organization and coordination of their regular school responsibilities.

End of McClusky School District #19 Board Reg. DDCA-BR ....... Approved: January 9, 2018
SHORT-TERM PROFESSIONAL LEAVE

Short-term professional leave may be granted at the sole discretion of the Superintendent. The Superintendent shall develop regulations related to granting professional leaves. If the policy is not adhered to, salary will be deducted, or leave will be denied.

Reimbursement
When such leave is approved, the Board shall:
1. Provide and pay for a substitute if necessary.
2. Pay travel, lodging, and meals at the rate established by law.
3. Pay for all registration fees based on actual costs.

All additional expenses shall be borne by the employee.

If the principal or Superintendent requests a staff member to attend or represent the District at a workshop, convention, or other meeting, the employee shall be allowed salary and travel, meal, and lodging expenses in conformance with law. The District shall pay all registration fees. Any conference worthy of attendance by a substantial number of staff members should be considered for an in-service day.

Unauthorized Leave Extensions
An employee who is absent beyond the amount of time authorized will have his/her annual salary deducted for each day that he/she is absent. Annual salary does not include extracurricular salary; however, extracurricular salary shall be deducted if an employee misses extracurricular duty as a result of unauthorized extended leave.

Complementing Documents
- DDDA-AR, Short-Term Professional Leave Regulations

End of McClusky School District #19 Policy DDDA ...................... Adopted: January 9, 2018
SHORT-TERM PROFESSIONAL LEAVE REGULATIONS

An employee must request a short-term professional at least 15 days in advance.

More than one staff member may simultaneously attend a workshop or conference upon the recommendation of the Superintendent.

End of McClusky School District #19 Administrative Regulation DDDA-AR.......... Approved: January 9, 2018
LONG-TERM PROFESSIONAL LEAVE

Long-term professional leaves of absence for educational training, career exploration, and other professional growth experience may be granted to teachers at the sole discretion of the Board. The Board/Administration shall establish regulations containing criteria and conditions under which long-term professional leaves may be granted.

Complementing Documents
• DDDB-AR, Long-Term Professional Leave Regulations

End of McClusky School District #19 Policy DDDB ...................... Adopted: January 9, 2018
LONG-TERM PROFESSIONAL LEAVE REGULATIONS

Criteria for Granting
1. Eligible teachers must apply to the Administration and all such leaves shall be subject to approval of the Board.

2. A teacher must have a minimum of 5 years of experience within the District. If a teacher cannot satisfy the requirements, it is still possible for a teacher to initiate a request for leave. However, teachers fully eligible will be given preference. Further, any teacher not fully eligible must produce evidence that the request is a unique opportunity for professional growth that is not likely to be available at the time the teacher is fully eligible.

3. Teachers applying for the first time for long-term professional leaves shall be given priority over those teachers requesting either an extension of a granted leave or an additional leave after having previously been granted a long-term leave.

4. In order for the Board to approve a leave, a suitable replacement must be available to ensure the curricular program of the school.

5. The number of teachers on long-term leaves of absence (including all leaves, not just educational leave) shall not be in excess of one member of the teaching staff employed by the District.

Conditions of Approved Leaves
1. Long-term educational training leaves and other long-term professional growth experiences shall be for not less than one semester and not more than one school year.

2. A person granted a long-term leave of absence shall not be entitled to receive any salary or fringe benefits during the entire term of the leave of absence.

3. While on leave, a teacher may continue with insurance coverage provided:
   a. the teacher has secured written approval from the individual carriers; and
   b. all costs, premiums, deductibles, etc., are borne by the teacher [plus 2% of the premium for administrative costs].

3. Provided that written notice of intent to return is received by the Administration, no later than March 15 of the calendar year in which said leave is to be completed, a teacher on leave will be assured of a position in the school system at the conclusion of the leave, but reassignment to the same [school or] teaching area is not guaranteed. Failure to submit the written notice of intent to return by this specified date shall be deemed to be a voluntary resignation and waiver of the right to re-employment. The District shall attempt to contact and notify the employee on long-term
professional leave of this notification deadline and procedure at least 30
days in advance.¹

4. A teacher on long-term professional leave is subject to reduction in force,
the same as if the teacher had not been on leave.

5. A teacher who returns from career exploration leave within the provisions
of this section shall retain all previous experience credit for pay purposes
as of the commencement of the leave. The teacher shall not accrue
additional experience credit for pay purposes or leave time during the period
of absence for career exploration leave.

6. Upon returning to the District, the teacher shall have restored benefits to
which s/he was entitled at the time the leave commenced, including unused
accumulated sick leave and accumulated personal leave.

End of McClusky School District #19 Administrative Regulation DDDB-AR……… Approved:
January 9, 2018

¹ Notifying employees of return to work deadlines is an essential procedural safeguard because
this language on voluntary resignations has not been tested in court.
EXCHANGE TEACHING

The McClusky Public School may participate in U.S. State Department sponsored foreign exchange teaching programs. The District shall develop regulations and comply with all federal laws and regulations related to accepting teachers from foreign countries. The Superintendent shall develop criteria for selecting and approving district instructional staff to participate in foreign exchange programs.

Salary
Conditions affecting salary payments and position on the McClusky Public School salary schedule shall be as follows:

1. Salary increments, retirement, and other benefits shall continue during a district teacher's participation in the program;

2. Teachers shall be paid according to the terms agreed upon between the school systems and the teachers involved;

Complementing Documents
- DDDC-AR, Criteria for Participating in Exchange Teaching
- DDDC-E, Criteria for Accepting Exchange Teachers

End of McClusky School District #19 Policy DDDC ....................... Adopted: January 9, 2018
CRITERIA FOR PARTICIPATING IN EXCHANGE TEACHING

Applicants for foreign exchange teaching programs shall be outstanding representatives of the American teaching profession and shall meet the following criteria:

1. Applicants shall be teachers under regular contract with the District and shall have taught in the McClusky School District schools for the five years immediately preceding the date of application.

2. Application for the leave shall be made in writing to the Superintendent prior to the second day of January before the fall term under consideration.

3. Leave of absence for a foreign exchange teaching position shall be for one year only but may be extended for an additional year on mutual consent of the two school systems and the teachers involved.

End of McClusky School District #19 Administrative Regulation DDDC-AR
CRITERIA FOR ACCEPTING FOREIGN TEACHERS

This exhibit is based on federal regulation 22 CFR 62.24.

A foreign national shall be eligible to participate in an exchange visitor program as a full-time teacher if the individual:
1. Meets the qualifications for teaching in primary or secondary schools in his or her country of nationality or last legal residence;
2. Satisfies the standards of the U.S. state in which he or she will teach;
3. Is of good reputation and character;
4. Seeks to come to the United States for the purpose of full-time teaching at a primary or secondary accredited educational institution in the United States;
5. Has a minimum of three years of teaching or related professional experience.

Program sponsors shall adequately screen teachers prior to accepting them for the program in accordance with standards in law.

End of McClusky School District #19 Exhibit DDDC-E
SUPPLEMENTARY

PROFESSIONAL ORGANIZATION LEAVE

Unless otherwise covered by the negotiated agreement, absence from work for participation in professional organizations activities shall require board approval. Staff members who accept association offices and/or duties which will require absence from school or which will encroach upon time spent on regular district assignments shall seek board approval.

End of McClusky School District #19 Policy DDDD ........................ Adopted: January 9, 2018
JURY & WITNESS DUTY

Non-exempt Employees
During jury duty or when subpoenaed as a witness, non-exempt employees shall be paid regular wages based on the number of hours typically worked but not to exceed 40 hours but shall remit any compensation for jury duty to the District. In addition, non-exempt employees shall remit any compensation for witness duty to the District when the District and employee or employee association are opposing parties.

Exempt Employees
Exempt employees shall be paid regular wages but shall remit any compensation for jury duty to the District. In addition, exempt employees shall remit any compensation for subpoenaed witness duty when the District and employee or employee association are opposing parties.

Expert Testimony
Employees shall not voluntarily serve as an expert witness when such activity is in conflict of interest with the District.

End of McClusky School District #19 Policy DDEA.......................... Adopted: January 9, 2018

[01/17]
RECOMMENDED

STAFF CODE OF CONDUCT

Descriptor Code: DE

Purpose
The Board has adopted this policy with the intent of fostering learning and working environments that operate efficiently; are safe, ethical, and equitable for students and staff; and meet community expectations.

Application of Policy
All school district employees, including teachers, administrators, other contracted staff, and ancillary staff, are required to adhere to this policy.

Code of Conduct
All staff members are responsible for becoming familiar with and abiding by the laws of the state as they affect their work, professional codes of ethics associated with their licensure if applicable, the school district’s policies, and the regulations designed to implement them.

The Board has adopted the following policies on staff conduct, which are considered part of this code of conduct and to which all district staff are required to adhere:

- Acceptable Technology Use
- Accident Reporting
- Bullying
- Complaints about Personnel
- Confidentiality
- Conflict of Interest
- Copyrighted Material and Intellectual Property
- Distribution and Posting of Noncurricular Material in Schools
- Drug and Alcohol-Free Workplace
- Employee Relations with Vendors
- Employee Speech
- Gifts to District Personnel
- Hazing
- Nondiscrimination and Anti-harassment
- Occupational Safety
- Off-Duty Electronic Communication with Students
- Outside Employment
- Political Activities
- Records Retention
- Restraint or Seclusion
- Sportsmanship
- Staff Attendance
- Staff Dress Code
- Staff Use of Electronic Devices
- Student Conduct and Discipline (Prohibition on Corporal Punishment)
- Student Education Records and Data Privacy
- Student-Staff Relations
- Tobacco Use
- Unauthorized Purchases
- Vandalism
- Violent and Threatening Behavior
- Weapons Prohibitions on District Property—Employees
- Whistleblower Protections

The Board may have adopted or may adopt additional conduct policies applicable to specific categories of employees (e.g., academic freedom standards for teachers). Such policies are also considered part of this code of conduct, and the Superintendent is charged with disseminating such policies using the policy dissemination procedure contained in this policy.
In addition to district policies governing staff conduct, each staff member is required to:

1. Conduct oneself professionally whenever serving in his/her official capacity as a school district employee including maintaining professional decorum and professional boundaries in all interactions with students.

2. Exercise honesty and integrity when executing all duties.

3. Comply with confidentiality laws (e.g., student education records are protected by FERPA).

4. Be faithful and prompt in attendance at work.

5. Support and enforce policies and regulations of the District.

6. Diligently execute all duties as assigned by supervisors and as set forth in job descriptions, district policies, or the negotiated agreement; staff members are also required to fulfill the terms of their contracts if applicable.

7. Demonstrate care and conservation of school property and resources.

8. Make job-related decisions in a manner that is fair and consistent with district policy and the district’s mission.

9. Not use his/her position with the District for private gain.

10. Treat all staff, students, and community members with dignity and respect.

11. Report suspected violations of this code of conduct, district policy, or workplace violations of law to an immediate supervisor or individual/entity designated by law/policy to receive such reports.

Dissemination of Staff Conduct Standards
The Superintendent or designee shall develop a procedure to ensure that this code of conduct and other policies governing staff conduct are provided to all staff annually. The Board further directs the Superintendent or designee to compile a list of state laws related to staff conduct and disseminate this information to staff annually. The Superintendent or designee also shall provide a copy of the Education Standards and Practices Board Code of Professional Conduct for Educators to teachers and administrators annually. Administration should require staff to acknowledge, in writing, receipt and understanding of all documents provided to them under this policy.

If a staff conduct policy contains specific policy dissemination procedures that are more comprehensive than the policy dissemination requirements contained herein, the more comprehensive policy dissemination procedures should be followed.

Reporting and Investigation
Any staff member who has reason to believe that this policy may have been violated is required to report the alleged violation to an immediate supervisor or individual/entity designated by law/policy to receive such reports as soon as possible. Students and community members who have reason to believe this policy has been violated are encouraged to report this to a building principal.

The reporter may submit a written or oral report of the alleged violation. The supervisor or administrator receiving the report should document the date and time...
that the report is received, nature of the alleged violation, name of the reporter (if choosing to identify him/herself), and names of any witnesses to the alleged violation if this information is not submitted by the reporter in writing.

The supervisor shall refer the report to the Superintendent as soon as possible for investigation and resolution. The Superintendent shall investigate the alleged violation in a timely manner not to exceed 60 days unless the Superintendent determines additional time is needed. The Superintendent shall issue a summary of the investigation’s findings to the employee who is the subject of the investigation.

At any time during the investigation process, the Superintendent or designated investigator may refer the alleged violation to law enforcement if a violation of law is reasonably believed to have occurred and/or ESPB if a violation of the Code of Professional Conduct for Educators is reasonably believed to have occurred. Such referrals do not relieve the District of its responsibility to complete an internal investigation of the alleged violation.

If a staff conduct policy contains an investigation procedure that is in conflict with the investigation procedure contained herein, the most comprehensive investigation protocol of the two in conflict must be used to conduct the investigation.

**Alleged Violations by the Superintendent**

If the Superintendent is believed to have violated this policy, the alleged violation shall be reported to the Board President who is responsible for conducting the investigation and rendering a final decision on the outcome of the investigation in accordance with this policy. The Board President may retain an attorney or consultant to assist with the investigation process.

**Violations**

Violations of this policy shall result in appropriate disciplinary action as determined by the Superintendent. The superintendent’s decision is final. If the violation is covered by another district policy on staff conduct (e.g., discrimination or harassment), any specific disciplinary consequences contained in that policy shall apply.

**Retaliation and Providing False Information Prohibited**

The District prohibits retaliation for an individual’s participation in an investigation and/or initiation of a report under this policy, including instances when an allegation is not substantiated. The District 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.

**Complementing Documents**

- AAC, Nondiscrimination & Anti-Harassment Policy
- ABBA, ND’s Comprehensive Model School Policy for Tobacco Use
- ABBDA, Political Activities
• ABCA, Copyrighted Material & Intellectual Property
• ABCB, Sportsmanship
• ABCD, Records Retention
• ACAC, Accident Reporting
• ACDA, Acceptable Technology Use
• ACE, Violent & Threatening Behavior
• ACAE, Bullying
• ACEB, Hazing
• ACEC, Vandalism
• ACF, Whistleblower Protections
• DEAA, Drug & Alcohol-Free Workplace
• DEAB, Staff Attendance
• DEAC, Staff Dress Code
• DEAD, Staff Use of Electronic Devices
• DEAE, Occupational Safety
• DEAG, Weapons Prohibition on District Property – Employees
• DEBA, Confidentiality
• DEBB, Conflict of Interest
• DEBC, Gifts to District Personnel
• DEBD, Student-Staff Relationships (Non-Fraternization Policy)
• DEBE, Employee Relations with Vendors
• DEBF, Employee Speech
• DEBJ, Unauthorized Purchases
• DECA, Outside Employment
• DECC, Off-Duty Electronic Communication with Students (Under Review)
• FCC, Restraint or Seclusion
• FF, Student Conduct & Discipline
• FGA, Student Education Records & Privacy
• GBA, Academic Freedom
• KAAD, Distribution & Posting of Noncurricular Material in Schools
• KACB, Complaints About Personnel

End of McClusky School District #19 Policy DE..............................Adopted: February 13, 2018
The McClusky Public School enforces the Drug-Free Workplace Act. The District prohibits employees from:
1. Unlawfully manufacturing, distributing, dispensing, possessing or using a controlled or prohibited substance including, but not limited to, alcohol on district property and grounds, in any vehicle belonging to the District, and at any school-related activity
2. Knowingly or intentionally aiding or abetting in any of the above activities

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

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

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

**Violations**
Violations of this policy may result in the following:
1. 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 applicable;
4. Notification of proper law enforcement authorities.

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

**Confidentiality**
All information received by the District as a result of this policy is confidential. Access to this information is limited to those who have a legitimate need to know.
Complementing Documents
- DEAA-AR, Procedure if Harmful Chemical Use is Suspected
- DEAA-E, Record of Observable Behavior
- DGB, Employee Assistance Program
- DGB-BR, Employee Assistance Program Procedure

End of McClusky School District #19 Policy DEAA............................Adopted: February 14, 2017
PROCEDURE IF HARMFUL CHEMICAL USE IS SUSPECTED

1. A supervisor will complete a "Record of Behavioral Data" when behavior that may indicate misuse of alcohol or drugs is observed. The supervisor will not attempt to make allegations or diagnose behavior beyond observed and reported behavior.

2. If accumulated information appears to indicate a high probability that the employee's job performance is endangered, the supervisor will either conduct an interview with the employee or turn the information over to the Superintendent who will conduct the interview. At the interview, the employee will be asked to comment on his/her use of alcohol or drugs.

3. A formal chemical dependency diagnostic interview (and treatment, if the report of the diagnostician indicates a need for treatment) may be made a condition of continued employment if the employee's job performance is adversely affected. Violators of the district's Drug-Free Workplace policy may be subject to the disciplinary consequences contained therein.

4. The school will make every effort to provide supportive assistance to those employees who return after completing a therapeutic regime.

End of McClusky School District #19 Administrative Regulation DEAA-AR
RECORD OF OBSERVABLE BEHAVIOR

**Attendance**
1. Frequently absent
2. Frequently tardy
3. Unexplained gaps of time (e.g., takes 15 minutes to get from one room to another)

**Appearance - Health**
1. Appears to neglect personal appearance (untidy)
2. Bloodshot eyes
3. Unexplained bruises
4. Changes in facial color and/or degree of alertness from day to day or hour to hour
5. Appears dazed, giddy or out of it
6. Coughs (constantly, persistently)
7. Dilated pupils
8. Needle or burn marks
9. Runny nose
10. Shaky hands
11. Skin eruptions (sudden change)
12. Glassy, bloodshot eyes, dark glasses
13. Weeping eyes
14. Weight loss or gain

**Possible Alcohol/Drug Behavior**
1. Selling or delivering drugs
2. Possession of alcohol or drugs
3. Use of alcohol or drugs in school
4. Under influence of alcohol or drugs
5. Odor of alcohol or drugs
6. Talks freely about use
7. Associates with known user(s)
8. Possession of drug paraphernalia

**Work Performance**
1. Declining quality of work
2. Incomplete work
3. Perfectionists or Workaholic

**Disruptive Behavior**
1. Verbal threats to other staff or student
2. Threatening behavior
3. Defiance of rules, constant discipline needed
4. Vandalism (actual or suspected)
5. Thefts or other illegal activity (suspected or actual)
6. Sudden outbursts
7. Obscene language or gestures
8. Frequent visits to lavatory
9. Aggressive sexually to staff or students
10. Observed fighting

**Other Unusual Behavior**
1. Erratic behavior
2. Sudden change in friends
3. Mood swings
4. Time disoriented
5. Depressed
6. Unrealistic goals
7. Changes in personal values
<table>
<thead>
<tr>
<th>SITUATIONAL CATEGORY</th>
<th>IMMEDIATE ACTION</th>
<th>INVESTIGATION</th>
<th>NOTIFICATION OF POLICE</th>
<th>DISCIPLINE REHABILITATION</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Employee suspected of possible alcohol or other drug use. No violation or physical evidence.</td>
<td>Employee informed of available help and encouraged to seek assistance.</td>
<td>Limited to supervisor contacting counselor or nurse for assistance.</td>
<td>Not applicable</td>
<td>None. Referral to Substance Abuse Professional.</td>
</tr>
<tr>
<td>2. Employee contacts supervisor in regard to alcohol or other drug use of another employee.</td>
<td>Employee who contacts supervisor encouraged to get employee with problem to personally seek assistance.</td>
<td>Limited to supervisor, although, counselor or nurse may be contacted for assistance.</td>
<td>Not applicable</td>
<td>None. Referral to Substance Abuse Professional.</td>
</tr>
<tr>
<td>3. Employee voluntarily informs supervisor about personal alcohol or other drug use and asks for help.</td>
<td>Employee informed of services available and encouraged to seek assistance.</td>
<td>Supervisor may request advice from counselor or nurse.</td>
<td>Not applicable</td>
<td>None. Referral to Substance Abuse Professional.</td>
</tr>
<tr>
<td>4. Employee has alcohol or other drug related medical emergency.</td>
<td>Nurse summoned immediately. Employee transported to medical facility.</td>
<td>Supervisor will investigate incident. May include search of employee and possessions.</td>
<td>Only where safety of emergency victim or school population is at risk</td>
<td>Referral to Substance Abuse Professional. If further violation, see appropriate situational category.</td>
</tr>
<tr>
<td>5. Employee possesses drug related paraphernalia. No evidence of use.</td>
<td>Supervisor summoned; Personnel involved write anecdotal report of incident.</td>
<td>Supervisor will investigate incident.</td>
<td>At discretion of supervisor</td>
<td>Required meeting with counselor and/or supervisor. If further violation, see appropriate situational category.</td>
</tr>
<tr>
<td>6. Employee possesses, uses, or is under influence of alcohol or other drugs during workday. 1st offense. Cooperative behavior.</td>
<td>Supervisor summoned. Personnel involved write anecdotal report of incident. Employee relieved of duties for remainder of day if using or under influence.</td>
<td>Supervisor will investigate incident.</td>
<td>At discretion of supervisor</td>
<td>Notice given that repeated violation may result in recommendation for discharge. Required participation in chemical abuse program.</td>
</tr>
<tr>
<td>7. Employee possesses, uses, or is under influence of alcohol or other drugs during workday. 1st offense. Uncooperative behavior.</td>
<td>Supervisor summoned. Personnel involved write anecdotal report of incident. Employee relieved of duties for remainder of day if using or under influence.</td>
<td>Supervisor will investigate incident.</td>
<td>Yes</td>
<td>Notice given that repeated violation will result in recommendation for discharge. Required participation in chemical abuse program.</td>
</tr>
<tr>
<td>8. Employee possesses, uses, or is under influence of alcohol or other drugs at school related activity on or off school property in official capacity.</td>
<td>Supervisor will be contacted. Employee relieved of duties.</td>
<td>Supervisor will investigate incident</td>
<td>At discretion of supervisor</td>
<td>Discipline as provided by appropriate situational category following investigation.</td>
</tr>
</tbody>
</table>
STAFF ATTENDANCE

Regular attendance is required of all employees subject to applicable leave provisions and, for instructional staff, the negotiated agreement. Excessive absences or tardiness, unauthorized leave, or unexcused absences may result in disciplinary action including termination of employment in accordance with law.

End of McClusky School District #19 Policy DEAB..........................Adopted: February 13, 2018
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 and safety as necessary.

End of McClusky School District #19 Policy DEAC.......................... Adopted: March 14, 2017
STAFF USE OF ELECTRONIC DEVICES

Definition
For the purposes of this policy: an electronic device includes, but is not limited to, cell phones, pagers/beepers, laptops, and/or any other technology that transmits a signal.

Personal Electronic Devices
District employees are prohibited from using personal (i.e., employee owned) electronic devices while on duty. An exception to this prohibition exists when the employee is in attendance as an active member of a volunteer firefighting organization or a volunteer emergency medical service organization. The Superintendent may develop additional exceptions to this prohibition in administrative regulations.

District-Ownned Electronic Devices
The above prohibition does not apply to authorized employee use of district-owned electronic devices. Employees have no expectation of privacy when using district-owned electronic devices, and the District reserves the right to review any communication sent or received on district-owned electronic devices. Employees shall agree to abide by the rules established under this policy and the acceptable use policy as a condition of using district-owned electronic devices.

District-Issued Cellular Phones
District-owned cellular telephones shall be used for authorized district business purposes consistent with the district’s mission and goals. Personal use of such equipment is prohibited except in emergency situations. Any expense incurred for such personal use shall be reimbursed to the District.

General Prohibitions
Possession and/or use of any electronic device in an area where there is a reasonable expectation of privacy 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 this policy, 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 the acceptable use policy.

Use of Electronic Devices While Driving
All employees are prohibited from conducting district business through the use of electronic devices while driving. School bus/vehicle drivers are prohibited from operating a bus/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.

NOTE: Such searches must serve a legitimate work-related purpose and cannot be excessively intrusive.
In such instances, the driver shall only use a cellular phone if the bus/vehicle is parked unless the nature of the emergency situation prohibits this.

The prohibitions under this section do not apply to use of a fleet management system or 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.

Complementing Documents
- ACDA, Acceptable Use Policy

End of McClusky School District #19 Policy DEAD....................Adopted: February 13, 2018
OCCUPATIONAL SAFETY

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

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

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

3. 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 district equipment and in district facilities.

Accident Reporting

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

Complementing Documents
- DEAE-AR, Hazardous Substance Communication Program
- DEAE-E, Employee Orientation Checklist

End of McClusky School District #19 Policy DEAE....................Adopted: February 13, 2018
HAZARDOUS SUBSTANCE COMMUNICATION PROGRAM

District personnel 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 school 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 the District to expand or modify the district's potential liability exposure through the implementation of this program. The district'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 McClusky School District #19 Administrative Regulation DEAE-AR
EMPLOYEE SAFETY ORIENTATION CHECK LIST

Employee Name:_________________________________________________
Supervisor:_______________________________________________________
Department:_______________________  Date:_________________________

1. Explained General Safety Practices □
   Operations Hazards: □
   Job/Task Hazards: □
   Housekeeping: □
   Smoking Rules: □
   Other:__________________________________________________________

2. Explained District Safety Objectives and Policies □
   Notes:__________________________________________________________

3. Explained Accident Reporting Policy □
   Notes:__________________________________________________________

4. Explained District Emergency Procedures □
   Personal Injury □
   Property Damage □
   Fire □
   Explosion □
   Chemical Release □
   Natural Disaster □
   Weather Conditions □
   Employees with Disabilities □
   Evacuation Procedures □
   Showed Location of Fire Alarm Boxes and Extinguishers □
   Described Various Emergency Alarms □
   Other:__________________________________________________________

5. Explained Special Safety Training Required to Perform Job Duties (if any) □
   Notes:__________________________________________________________
6. **Identified Hazardous Substances in Workplace**
   Material Safety Data Sheets
   Proper Labeling
   Proper Storage

EMPLOYEE’S SIGNATURE/DATE

PRINCIPAL’S SIGNATURE/DATE

Original: Business Manager’s File
Copy: Employee's Personnel File
Copy: Employee

End of McClusky School District #19 Exhibit DEAE-E
WEAPONS PROHIBITION ON SCHOOL PROPERTY—EMPLOYEES

Definitions
This policy defines the following:

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

Prohibitions
District employees, district contractors and/or their employees, and district volunteers are prohibited from knowingly possessing or transmitting on school property a firearm, dangerous weapon, or any object that is used, attempted to be used, or threatened to be used, to intimidate or cause bodily harm, including those individuals who may otherwise be permitted by law to carry such weapons.

This prohibition does not apply to law enforcement personnel. Firearms and dangerous weapons under the control of law enforcement personnel are permitted on school property.

Exceptions
The prohibitions in this policy do not apply when the Administration has authorized the following:

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

Notice
The Superintendent will ensure notice of this policy is provided to district employees, district contractors, and district volunteers.

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

End of McClusky School District #19 Policy DEAG ............................................Adopted: June 19, 2018 (09/17)
CONFIDENTIALITY

Any person working for or providing services to the District 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.

Federal Requirements
District employees and service providers must follow confidentiality requirements under the Family Education Rights and Privacy Act (FERPA), Pupil Protection and Rights Amendment (PPRA), Children’s Online Privacy Protection Act (COPPA), and the Individuals with Disabilities Education Act (IDEA).

Information Release
Information concerning students shall only be released in accordance with the district’s policy on student education records and privacy (FGA). Information concerning district employees, activities, and operations shall be released in accordance with the district’s policy on employee speech (DEBF).

Violations
Employees that violate this policy may be subject to disciplinary action up to and including dismissal in accordance with law and district policy.

Complementing Documents
- DEBF, Employee Speech
- DI, Personnel Records
- FGA, Student Education Records and Privacy

End of McClusky School District #19 Policy DEBA............................ Adopted: March 14, 2017
CONFLICT OF INTEREST

No employee of the District shall engage in or have a financial interest in any activity that directly or indirectly conflicts or raises a reasonable question of conflict with his/her duties and responsibilities in the school system. Outside activities that may conflict with the duties and responsibilities of employees include but are not limited to outside employment and/or college coursework where an employee's efficiency is impaired.

End of McClusky School District #19 Policy DEBB........................................Adopted: June 20, 2017
GIFTS TO DISTRICT PERSONNEL

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

Complementing Documents

• DEBE, Employee Relations with Vendors

End of McClusky School District #19 Policy DEBC........................Adopted: February 13, 2018
The Board 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 a building administrator or the Superintendent.

All reported prohibited behavior shall be investigated. If disciplinary action is deemed warranted at the completion of the investigation, the District 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 law enforcement officials.

Complementing Documents
- AAC, Nondiscrimination & Anti-Harassment Policy
- AAC-BR, Discrimination & Harassment Grievance Procedure
- AAC-E, Filing a State or Federal Discrimination & Harassment Complaint

End of McClusky School District #19 Policy DEBD.......................... Adopted: March 14, 2017
EMPLOYEE RELATIONS WITH VENDORS

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

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

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

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

Complementing Documents

- DEBC, Gifts to District Personnel
- HCAA, Purchasing Agent
- HCAA-AR, Requisitions & Purchase Orders

End of McClusky School District #19 Policy DEBE...........................Adopted: February 13, 2018
EMPLOYEE SPEECH

For the purposes of this policy, *speech* includes statements made orally, in writing/print, electronically (e.g., online, through video, text message, etc.) and/or visual mediums (e.g., photographs, videos, etc.).

**Speech Made as an Employee**

Speech made as a school district employee is not constitutionally protected. The District requires that when staff are acting in their official capacity as school district employees, they shall use sound judgment when making statements pursuant to their official responsibilities and only to the extent that they possess accurate information. Speech made by staff in their official capacity as school district employees shall furthermore be in keeping with the district's mission statement.

Speech made pursuant to official district responsibilities that is knowingly false or inaccurate; made with reckless disregard for the truth; that violates the district’s mission statement; that causes or leads to substantial disruption of the educational environment; poses a safety threat to district students, staff, or operations; violates district policies; or impedes on the school district’s interest, including, but not limited to, delivery of public services, may be grounds for disciplinary action in accordance with law, district policy, and, if applicable, the negotiated agreement.

**Speech Made as a Private Citizen**

When school district employees make statements as a private citizen about matters of public concern, the District may take disciplinary action if such statements substantially disrupt the educational environment. Prior to taking disciplinary action, the District should document the manner in which the speech at issue disrupted the educational environment and may consult with legal counsel to determine if the speech is indeed a matter of public concern and meets the substantial disruption standard.

When school district employees make statements as a private citizen about matters that are not of public concern, the District may take disciplinary action for reasons such as, but not limited to, the speech substantially disrupts the educational environment; poses a safety threat to district students, staff, or operations; violates district policies on off-duty conduct; contains content unbecoming to a teacher; or impedes on the school district’s interest, including, but not limited to, delivery of public services. Prior to taking disciplinary action, the District shall consult with legal counsel to determine if the speech is unprotected (i.e., does not address a matter of public concern).

**Other Provisions**

In addition to the requirements established by this policy, the District has a policy on confidentiality that governs on- and off-duty speech of district employees. The District also prohibits use of district owned or created material such as, but not limited to, the district’s logo or copy trademark without first obtaining the permission of the Administration. Failure to obtain such permission may result in disciplinary action in accordance with the district’s copyright policy.
Complementing Documents

- ABCA, Copyrighted Material & Intellectual Property
- DEBA, Confidentiality
- DEBD, Student-Staff Relations
- GBA, Academic Freedom
- KBA, Relations with the News Media

End of McClusky School District #19 Policy DEBF ........................... Adopted: March 14, 2017
ELECTRONIC COMMUNICATIONS WITH STUDENTS

Definitions
For purposes of this policy:

- **Electronic communication** includes, but is not limited to, use of social networking sites (e.g., Facebook, Twitter, Instagram), instant messaging, private email accounts (e.g., Gmail, Yahoo), chatting (including, but not limited to, video and voice chat), online forums, online games, short messaging services (including, but not limited to, texting), and blogs/web feeds.

- **Student** is defined as any individual currently enrolled in district schools or any individual formerly enrolled in district schools who is under the age of 18.

Restrictions Contained in Other District Policies
The District has created policies governing student-staff relations, confidentiality, and employee speech. These policies govern on-duty and off-duty conduct, including when engaged in electronic communications. The District has also established policies governing staff’s on-duty use of the Internet and electronic devices. In addition, teachers are governed by the ND Code of Professional Conduct for Educators.

Purpose of this Policy
The Board believes that staff access to students in an unmonitored environment has a detrimental impact on the professional relationship between students and staff. The District strives to preserve the privacy of students; however, electronic correspondence of district employees may be subject to open records laws and/or district record retention requirements.

Restrictions
The District prohibits staff from corresponding electronically with students except through use of district email accounts or through other school-sponsored applications. A violation of this policy may result in disciplinary action up to and including dismissal in accordance with district policy, law, and, if applicable, the negotiated agreement. The District should consult with its legal counsel before making a dismissal decision under this policy.

This policy does not apply to electronic communication with a student who is an employee’s family member.

Enforcement
The District shall investigate any suspected or alleged violation of this policy and may, but is not required to, actively monitor websites to ensure employee compliance with this policy.

Complementing Documents
- ACDA, Acceptable Use
• DEAD, Employee Use of Electronic Devices
• DEBA, Confidentiality
• DEBD, Student Staff Relations
• DEBF, Employee Speech

End of McClusky School District #19 Policy DEBG .............................. Adopted: July 30, 2018

[03/18]
UNAUTHORIZED PURCHASES

All purchases must be made in a manner consistent with policy (HCAA) and accompanying regulations and only with properly delegated authority. Purchases that are unauthorized shall become the financial responsibility of the purchaser. Purchases made in violation of the purchasing policy or rules may become the financial responsibility of the purchaser subject to an investigation of the alleged violation conducted by the Superintendent or Board President when the alleged violation relates to the Business Manager or Superintendent. District employees may be subject to additional disciplinary consequences for making unauthorized purchases, including, but not limited to, revocation of purchasing authority.

Complementing Documents
- HCAA, Purchasing

End of McClusky School District #19 Policy DEBJ .................... Adopted: February 13, 2018
OUTSIDE EMPLOYMENT

Staff shall not engage in any private business or undertaking during school time or which affects the quality of their work.

Complementing Documents
• DEBB, Conflict of Interest

End of McClusky School District #19 Policy DECA..........................Adopted: February 13, 2018
STAFF PARTICIPATION IN COMMUNITY ACTIVITIES

All employees are encouraged to take an active part in the affairs of the community. The school and the community should not be considered separate and apart, but as working as a unified whole in the education process. Through dynamic leadership, many avenues may be opened for building community support.

End of McClusky School District #19 Policy DECB..........................Adopted: February 13, 2018
ADMINISTRATIVE LEAVE & SUSPENSION

Administrative Leave
The McClusky Public School Board authorizes the Superintendent to place a district employee (teacher, administrator, or ancillary staff) on administrative leave when an employee is under district and/or law enforcement investigation, and the Superintendent identifies a need to temporarily remove the employee from his/her duties and/or job placement to protect district property, school operations, students and/or other employees. The Superintendent may consult with district legal counsel when determining if assignment of administrative leave is appropriate.

Prior to placing an employee on administrative leave, the Superintendent should 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 with the district or negotiated agreement, if applicable.

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.

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.

The McClusky Public School Board delegates authority to the Board President to place the business manager or Superintendent on administrative leave using the same criteria and requirements established above.

Suspension
The Board retains authority to suspend all contracted district employees. The Administration is authorized to suspend all at-will employees.

Suspension may be with or without pay. If an employee is suspended without pay and then reinstated, the employee shall be entitled to back wages and accrual of any benefits that would have been accumulated during the period of suspension.

End of McClusky School District #19 Policy DED ..........................Adopted: February 13, 2018
SUPPLEMENTARY

SUPERVISION & EVALUATION

The Board shall exercise administrative oversight over the Superintendent and Business Manager including evaluation of performance. The Superintendent has supervisory responsibility over the business manager’s daily operations.

The principal shall assign each classified employee a direct supervisor. Teachers shall be under the direct supervision of the principal.

Each supervisor shall evaluate the work of each employee under his/her supervision. The Superintendent shall establish evaluation procedures in accordance with any applicable laws and shall assess evaluations submitted by supervisory personnel.

Complementing Documents
- CAAB, Superintendent Evaluation Procedure
- DFAA, Teacher Evaluation
- DFAA-AR, Teacher Evaluation Procedure

End of McClusky School District #19 Policy DFA .......................... Adopted: February 13, 2018
TEACHER EVALUATION

Immediate supervisors shall evaluate the professional staff by use of instruments adopted by the Board. The evaluation process will be based on the supervisory process. These evaluations shall be conducted in conformance with North Dakota law, including the dates specified in the law. The evaluation shall become a part of the employee’s personnel file. The employee shall have the right to review the evaluation and may attach a statement of disagreement if he/she so wishes.

Complementing Documents
- DFA, Supervision & Evaluation
- DFAA-AR, Teacher Evaluation Procedure
- DFAB, Teacher Supervision
- DIB, Review of Contested Material in Personnel Files

End of McClusky School District #19 Policy DFAA...........................Adopted: February 13, 2018
TEACHER EVALUATION PROCEDURE

Purpose & Scope
The goal of evaluation is to document and strengthen teaching performance and instructional programs.

Evaluator
The principal shall be responsible for evaluating teachers under his/her jurisdiction. Principals should be well acquainted with all the factors related to teachers' classroom assignment(s), class composition(s), environmental elements, and other contributing factors.

Procedure
Each teacher’s performance should be observed and evaluated under as widely varying circumstances as may prevail in an assignment. Formal classroom observations should be made periodically. Activities of teachers that benefit the school in addition to classroom work may be included in the evaluation report.

The principal shall maintain a written record of formal classroom observations and other relevant information. Evaluation shall be analytic and shall seek to establish the degree to which a teacher is meeting established criteria for professional performance. Follow-up observations should be noted when indicated.

Two copies of the evaluation instrument should be made following each classroom observation. One copy of the report is to be placed in the teacher's personnel file, one kept by the principal and one is to be given to the teacher.

Following the completion of each formal observation, the evaluator and teacher should meet. The teacher and the evaluator should sign the evaluation and certify any alterations according to the format of the report itself. The signature of a teacher on an evaluation does indicate agreement and/or disagreement with the evaluation, only that it has been received and read.

A teacher may attach a written response to the evaluation placed in the personnel file.

End of McClusky School District #19 Administrative Regulation DFAA-AR
Supervision is a continuing process in which the teacher and supervisor cooperatively identify major strengths and weaknesses in the teacher's effectiveness as a professional educator.

The objectives of supervision are to observe teaching performance, improve teaching performance, encourage professional growth, promote positive behavior, and to facilitate attainment of district goals and objectives in order to benefit the students of the District. Each staff member will be observed and evaluated according to board policy and state law. Administrators will visit classrooms on an announced and also on an unannounced basis. The length of time will vary from a few minutes to an entire class period. When doing something particularly interesting, teachers are encouraged to invite administrators into the classroom.

Complementing Documents
- DFAA, Teacher Evaluation
- DFAA-AR, Teacher Evaluation Procedure

End of McClusky School District #19 Policy DFAB........................Adopted: February 13, 2018
PROMOTION

Whenever new jobs are created, or vacancies occur in a higher ranked position, present employees shall be eligible for consideration. Existing personnel shall be subject to the same hiring requirements placed on external applicants.

The Superintendent shall make all promotion recommendations for instructional staff to the Board, which will approve or disapprove the recommendation. The Superintendent is authorized to promote classified staff. The Board shall not make promotion decisions without the superintendent’s input. Promotion decisions shall be based on the same criteria used to hire external applicants.

Notices of job openings shall be disseminated in accordance with administrative regulations.

Complementing Documents

- CAAA, Superintendent Recruitment & Appointment
- CABB, Hiring Administrative Staff
- DBAA, Recruitment, Hiring, & Background Checks for New Classified Personnel
- DBAA-AR, Background Screening Procedure
- DBAA-E, Adjudication System
- DBAC, Recruitment & Selection of Instructional Staff

End of McClusky School District #19 Policy DFB ..................................Adopted: February 13, 2018
TRANSFER & REASSIGNMENT

Transfers
Staff interested in transferring to an open position in the District for which they are qualified shall submit a request to the Superintendent.

Reassignments
Reassignment may occur due to an instructional or other District need. The Board or, when designated, Superintendent will consider the following when making a reassignment decisions:
1. The needs of the District;
2. Qualification of the employee;
3. The employees’ expressed desire.

Veterans' Preference does not apply to transfers, reassignments, or promotions within district schools. Reassignment shall not violate the terms of a teacher's contract.

End of McClusky School District #19 Policy DFC .........................Adopted: February 13, 2018
TEACHER GRIEVANCE PROCEDURE

The purpose of this policy is to provide a step-by-step procedure that guarantees the right of teachers to administrative “due process,” to assure fairness and equity. No teacher or administrator shall discriminate against, coerce or interfere with any teacher, administrator, witness or representative, for his/her involvement in the presentation or adjudication of any grievance.

No action taken under this procedure shall in any way be construed as forfeiting the right to seek redress through the courts.

If any provision of this procedure is or shall at any time become contrary to law, then such provision shall not be applicable or performed or enforced, except to the extent permitted by law.

Definitions

- **Grievance** is an allegation by a teacher that s/he has been subject to a personal loss, injury, or inconvenience because of a violation, misinterpretation, or misapplication of a specific article, section, or paragraph of the negotiated agreement or teacher’s individual contract.

- **Day** as used herein shall be considered a school day and the time limits set shall be considered a maximum.

- **Administrator or supervisor** named in this policy (e.g., Superintendent) assumes that his/her designate or deputy may serve in his/her place.

Time Limit

A grievance must be initiated within 30 days after the teacher knew or should have known the term or condition giving rise to the grievance existed. Failure to timely present the grievance in writing shall be deemed a waiver of the grievance.

Conditions

Failure of the teacher to meet any of the deadlines contained in this procedure shall terminate the grievance. Failure of a school supervisor/administrator to respond to the grievance within specified deadlines shall be deemed a denial of the grievance and shall allow the teacher to advance the grievance to the next step.

Procedure

Meetings held under this procedure shall generally be conducted on non-school time at a place that will afford a fair and reasonable opportunity for all persons proper to be present.

Each step in this procedure is intended to give bona fide consideration to the grievance and is to be a separate review of the facts. Each official to whom the grievance is presented shall issue a decision.

1. Informal Process: The Board encourages the resolution of grievances as near the point of origin as possible. Therefore, a teacher with a grievance shall first discuss it with his/her immediate supervisor. However, should
such informal process fail to satisfy the teacher, then a grievance may be processed as follows

2. Formal Process: A teacher may be represented and accompanied by a representative of his/her choosing at any step in this process. The teacher filing the grievance must be present at each step in this procedure.
   a. The teacher who is filing the grievance shall prepare a written statement containing his/her name, address, and telephone number; school building, address, telephone number, and name of principal; the specific contract provision being grieved and why; and the requested remedy. The written grievance must be signed and dated by the grievant.
   b. A teacher may present the written grievance to his/her immediate supervisor by the deadline contained in the “Time Limit” section of this procedure. The supervisor shall make every effort to resolve the grievance and shall, within 10 days of the filing of the grievance, render a written answer on the grievance.
   c. If no agreement is reached or the time limit outlined above elapses without answer, the aggrieved teacher may present the written grievance to the Superintendent. This step must be initiated within four days of the supervisor's written decision or within fourteen days of the filing of the grievance in the event the supervisor fails to provide a written answer. The Superintendent shall either refer the grievance to a designated representative or shall personally work with the aggrieved to seek an equitable solution within 10 days. A written response shall be made to the grievant within the same 10 days. The Superintendent's decision is final, subject to court review if the teacher files suit.

Complementing Documents
- DGAA-E, Grievance Form

End of McClusky School District #19 Policy DGAA....................Adopted: February 14, 2017
GRIEVANCE FORM

Instructions: A grievance must be filed within 30 days after the teacher knew or should have known the term or condition giving rise to the grievance existed. Failure to timely present the grievance in writing shall be a deemed a waiver of the grievance. This form must be filed with the teacher’s immediate supervisor within the 30 day timeframe.

Teacher’s name: __________________________________________________

School building: __________________________________________________

Date that you first became aware of issue being aggrieved: _________________

Under district policy grievance is an allegation by a teacher that s/he has been subject to a personal loss, injury, or inconvenience because of a violation, misinterpretation, or misapplication of a specific article, section, or paragraph of the negotiated agreement or teacher’s individual contract.

List the specific article, section, or paragraph of your contract or negotiated agreement that you are aggrieving:

________________________________________________________________

Explain the reason for filing a grievance concerning this article, section, or paragraph:
________________________________________________________________
________________________________________________________________
________________________________________________________________

Certification
I certify that the statements made in this grievance are true and accurate.

_________________________________  _________________
Signature of Teacher                     Date

_________________________________  _________________
Signature of administrator receiving grievance  Date

End of McClusky School District #19 Exhibit DGAA-E
EMPLOYEE ASSISTANCE PROGRAM

Purpose & Goals
The McClusky Public School provides an Employee Assistance Program to assist employees in obtaining help to resolve problems such as physical illness, mental or emotional illness, alcohol abuse or alcoholism, drug abuse or dependency, or personal problems such as those of a marital, family, or financial nature in an effective and confidential manner. This service will provide information for counseling and treatment referral in a confidential manner, and its intent is to motivate employees to seek help at an early stage and follow through with prescribed treatment.

This program recognizes that the primary obligation to seek assistance and to resolve the problem rests with the employee. Use of the program shall have no impact on the employee's job security or promotional opportunities.

Enforcement & Training
The Board instructs the Superintendent to develop procedures and regulations to implement this policy.

Supervisors and/or colleagues will implement this policy in such a manner that no employee will have his/her job security or promotional opportunity affected by the use of the Employee Assistance Program.

This policy, and any related procedures, will not alter or supersede the normal employment rules, policies, regulations, corrective disciplinary procedures, performance evaluation, guidelines, and/or provisions of collective bargaining agreements. The employee's right to confidentiality will be protected.

Complementing Documents
• DGB-BR, Employee Assistant Program Procedures

End of McClusky School District #19 Policy DGB .........................Adopted: February 13, 2018
EMPLOYEE ASSISTANCE PROGRAM PROCEDURES

Identification and Initiation
When a troubled (e.g., physical or mental illness, alcohol/drug addiction) employee is identified, the supervisor may:
1. Arrange for a meeting with the employee regarding his/her job performance.
2. If applicable, suggest that the employee consider utilizing the Employee Assistance Program. If the employee has violated the Drug and Alcohol Free Workplace policy, the District may require use of the EAP as a condition of employment.

Except when the District requires use of the EAP as a condition of employment, the employee may choose to accept or reject the suggestion to use the Employee Assistance Program. If the employee:

Accepts the suggestion:  
- The supervisor will refer the employee to the counselor designated to counsel employees or proper medical or other qualified counseling or diagnostic center.

Rejects the suggestion:  
- If job performance improves, the matter is closed
- If poor job performance continues, the District may impose disciplinary action.

Whether or not the employee takes advantage of the Employee Assistance Program, continued feedback should be given to the employee regarding job performance. If work related problems recur after treatment, the employee may be requested to sign a release of information allowing the Administration to seek information concerning treatment progress.

Treatment
Problems that require medical or psychiatric treatment may be considered as a disability, and the employee shall be granted the same rights as any other employee on medical disability leave.

Record Confidentiality & Retention
Information relating to the recommendation or use of the Employee Assistance Program will remain confidential and will be kept in a sealed file in the Superintendent's office. The confidential nature of the medical treatment of the employee with alcoholism will be maintained in the same manner as all other medical treatment records.

End of McClusky School District #19 Board Reg. DGB-BR........ Approved: February 13, 2018
STAFF WELLNESS PROGRAMS

NOTE: We recommend that this language be contained in the district wellness plan—not a separate policy.

As part of the commitment to provide a healthy atmosphere conducive to learning, the Board will support a wellness program for staff members. Participation will be voluntary but encouraged. The goal of the wellness program will be reduced absenteeism, staff awareness of health and healthy lifestyles, and increased productivity.

The Superintendent shall appoint a wellness task force to plan and implement the wellness program. This task force shall:

1. Conduct an organizational assessment of the staff's current health habits and the school system's health norms.

2. Create a wellness action plan that includes the steps necessary to create a healthy environment, a comprehensive health curriculum, and a wellness program for the staff. The wellness action plan shall be costed and brought to the Board for approval.

3. Identify staff wellness program components.

4. Disseminate information concerning the wellness action plan.

5. Implement the staff wellness program.

The task force may comprise or include a team to attend an annual health promotion conference at district expense.

End of McClusky School District #19 Policy DGC..........................Adopted: February 13, 2018
PROFESSIONAL DEVELOPMENT PLAN

The Board requires all licensed and ancillary personnel to participate in professional development contained in law and required by the district.

Professional Development Plan
The Superintendent shall develop a professional development plan that is based on professional development requirements and a district needs assessment, which will be conducted through methods such as, but not limited to, review of performance evaluations, surveys and/or input from instructional staff. The Superintendent shall establish professional development goals based on the professional development requirements and findings of the needs assessment. Professional development activities will be aligned with these goals and may include in-service workshops, a professional library, short-term professional leave, and assistance from consultants. All professional development activities shall be within district budgetary parameters.

The professional development plan shall be evaluated based on specific plan evaluation criteria developed by the Superintendent. Student achievement and performance shall be one factor used in evaluating the plan.

End of McClusky School District #19 Policy DGGA...........................................Adopted: June 19, 2018

[08/17]
BREAKS

Nonexempt employees are entitled to an unpaid, 30-minute uninterrupted break when there are two or more employees on duty. Full-time exempt employees will be provided with a paid uninterrupted break each day unless a different duration is specified by a negotiated agreement or when the exempt employee works less than a five-hour day.

End of McClusky School District #19 Policy DGH..........................Adopted: February 13, 2018
LACTATION/BREASTFEEDING

Nonexempt Employees
For up to one year after a child’s birth, any nonexempt employee who is breastfeeding her child will be provided reasonable break times as needed to express breast milk. Each school building has designated a private room, other than a restroom, for this purpose. A small refrigerator reserved for the temporary storage of breast milk is available. Additional rules for use of the room and refrigerator storage should be posted in the room. Nonexempt employees who work off-site or in other locations will be accommodated with a private area as necessary.

Breaks for lactation or breastfeeding of more than 20 minutes in length will be unpaid, and the employee must indicate this break period on her time record.

Exempt Employees
In accordance with American’s with Disabilities Act regulations, the District shall provide reasonable accommodations to exempt employees for purposes of expressing breast milk upon their request.

End of McClusky School District #19 Policy DGHA ......................Adopted: February 13, 2018
Licensure

Every licensed employee shall hold a valid license, issued by the Education Standards and Practices Board, or a valid temporary or provisional license.

All licensed personnel shall have their teaching license duly recorded with the Business Manager who will record the number and kind of license and date of expiration in the teacher's individual file.

Renewal

Employees are required to meet licensure renewal requirements, renew before the date of expiration, and file renewal with the Business Manager.

Complementing Documents

- DHA-E, Licensure Record Letter

End of McClusky School District #19 Policy DHA .......................... Adopted: February 13, 2018
NOTICE OF EXPIRED/INVALID LICENSE

[Date]

Dear [Name of Teacher]:

This letter is to inform you that based on the licensure records that you have submitted to our office, you are not currently qualified to teach in McClusky Public Schools. You will also be in breach of item 1 in your teaching contract if you do not obtain licensure by [date]. This letter outlines the options available to you until your licensure is obtained:

☐ You may be employed by the school district at the [paraprofessional] [substitute teacher] rate of pay [list rate] until licensure is obtained, and proof is submitted to the business manager in writing. A qualified substitute teacher will team-teach with you in the classroom until this time.

☐ You may offer to resign from your teaching contract. This offer of resignation must be approved by the Board [and liquidated damages in the amount of {$}] will be assessed to you.]

If you have not obtained licensure by March 1, 2015, you will be recommended for nonrenewal per NDCC Ch. 15.1-15. You must notify the District of which option you have elected by [date and time]. Failure to respond by this deadline shall be deemed a resignation. Your response must be submitted to the superintendent’s office in writing.

Please let me know if you have any questions.

Sincerely,

[Superintendent’s signature]

End of McClusky School District #19 Exhibit DHA-E
TITLE I QUALIFICATIONS NOTIFICATION REQUIREMENT

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

Complementing Documents
• DI, Personnel Records

End of McClusky School District #19 Policy DHAB ....................... Adopted: March 14, 2017
INSTRUCTIONAL STAFF WORK LOAD

Do not adopt any portion of this policy covered in the negotiated agreement.

All teachers other than part time are expected to work a full workday, which includes but is not limited to attendance at parent/teacher conferences, IEP meetings, staff meetings, committee meetings, family nights, PLCs, and PLTs. This may include any combination of classes and study hall or other duty assignments. In addition, staff members may be required to attend other meetings for purposes which include, but are not limited to, IEP planning, curriculum development, or department meetings after school or in the evening.

The Board will be the final authority regarding the equitable distribution of work among the staff. Salary will not be dependent on the workload.

End of McClusky School District #19 Policy DHBB ......................Adopted: February 13, 2018
INSTRUCTIONAL STAFF EXTRA DUTY

Teachers will be expected to assume reasonable duties over and above their regular teaching responsibilities. These will include, but not be limited to, assisting with discipline and supervision within the building and on school grounds and advising school-related organizations and activities.

Activities and services that make minor demands on the teacher's time shall be part of each teacher's basic assignment. Administrators will strive to equalize such duties among teachers.

Extra responsibilities that make major demands on a teacher's time shall be rewarded with extra compensation. The Board shall approve any such positions and their compensation.

End of McClusky School District #19 Policy DHBC ......................Adopted: February 13, 2018
TEACHER PREP TIME

In accordance with the state accreditation standards, McClusky Public Schools shall provide each teacher with preparation (prep) time. Prep time is considered part of teachers’ contracted working hours. As such, teachers shall use prep time to prepare for performing curricular duties. Examples of permissible prep time activities include lesson planning, grading, meeting with individual students, reading professional development literature, meetings as determined by administrators, trainings authorized by district administration, and other curricular-related preparation activities approved by building administration. Prep time shall not be used as a break period, and all applicable policies and rules concerning employee conduct and work-related expectations, including those prohibitions related to leaving the building, apply during prep time.

Complementing Documents
• DE, Staff Conduct

End of McClusky School District #19 Policy DHBE............................Adopted: February 13, 2018
RESEARCH AND PUBLISHING

Staff members are encouraged to contribute professional articles and news items to local, state, and national agencies. As a matter of professional ethics, all professional articles should be cleared through the Superintendent in the event that the McClusky Public School or any of its separate departments is mentioned. Staff members are subject to the requirements and restrictions contained in the district’s copyright policy.

Complementing Documents
• ABCA, Copyrighted Material & Intellectual Property
• ABCA-AR, Computer Software

End of McClusky School District #19 Policy DHC .........................Adopted: February 13, 2018
PERSONNEL RECORDS

The Administration shall keep a personnel folder for each employee, licensed and classified. The folder shall contain such information as is required by law and shall include performance evaluations, the Business Manager's record of the license held for all licensed personnel, an itemized list of all documents in the file, and a record of access including the date of review and identity of persons reviewing the file if they choose to identify themselves.

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

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

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

Pre-Employment Records
Licensed staff will be required to have them available for accreditation purposes as needed.

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

Removal of Material
Removal of material from a teacher’s personnel file will be handled in accordance with state law.
Complementing Documents

- DI-BR, Personnel Records Review Procedure
- DIA, Distribution of Personnel Directory
- DIB, Review of Contested Material in Personnel Files
- DHAB, Title I Qualification Notification Requirements

End of McClusky School District #19 Policy DI ............................ Adopted: March 14, 2017
PERSONNEL RECORDS REVIEW PROCEDURE

Personnel records subject to open records laws shall be available during school hours for review by members of the public under the following procedures:

1. The request to view an employee’s record may be made in writing, in person, or by phone. Written requests shall become a part of the file.

2. The file may be viewed in the administrative office or a copy may be mailed to the person requesting to view the file if that person so chooses. A school district employee other than the employee whose file is being reviewed shall be present during the review of the file to maintain the security of the file’s contents.

3. Copies of any documents in the file will be made upon request and at reasonable charge in accordance with law to the person requesting them. The charge may include the cost of materials, use of equipment, labor for making the copies, and time spent in locating the file. The cost of mailing may also be included in the charge if the copy is to be mailed. This charge shall be applied uniformly and without discrimination.

4. The employee may be notified that the file will be reviewed or has been reviewed.

Review of the superintendent’s folder shall follow the same procedures. The Board President or other board member may serve as the school employee who is present during the viewing of the file.

End of McClusky School District #19 Board Reg. DI-BR .................. Approved: March 14, 2017
# PERSONNEL FILE RECORDS CHECKLIST

## Personnel Files Maintained by Administrators or Human Resources

<table>
<thead>
<tr>
<th>Record</th>
<th>Open, closed, or exempt</th>
<th>Notes</th>
</tr>
</thead>
<tbody>
<tr>
<td>Absence records</td>
<td>Open, NDCC 15.1-07-25 (1)</td>
<td></td>
</tr>
<tr>
<td>Current contact information</td>
<td>Exempt, NDCC 44-04-18.1 (2)</td>
<td>Evidence gathered during an investigation may be retained in a separate file. The investigation outcome letter or a notice of investigation form (KACB-E4) may be placed in the administrator's copy of the personnel file</td>
</tr>
<tr>
<td>Disciplinary notices and documents</td>
<td>Open, During an investigation all evidence gathered is closed for 60 days or until the investigation is complete (whichever is first) NDCC 15.1-07-25 (2)</td>
<td></td>
</tr>
<tr>
<td>Employee bonds</td>
<td>Open, NDCC 15.1-07-25 (1)</td>
<td></td>
</tr>
<tr>
<td>Intent to hire letter, intent to rehire letter, and contracts</td>
<td>Open, NDCC 15.1-07-25 (1)</td>
<td></td>
</tr>
<tr>
<td>Job descriptions</td>
<td>Open, NDCC 15.1-07-25 (1)</td>
<td></td>
</tr>
<tr>
<td>Letters of recognition</td>
<td>Open, NDCC 15.1-07-25 (1)</td>
<td></td>
</tr>
<tr>
<td>Licenses and/or required certifications</td>
<td>Open, NDCC 15.1-07-25 (1)</td>
<td>Driver's license id numbers are exempt, NDCC 44-04-18.1 (2)</td>
</tr>
<tr>
<td>Notice of confidential records on file form (DI-E2)</td>
<td>Open, NDCC 15.1-07-25 (1)</td>
<td></td>
</tr>
<tr>
<td>Observation and evaluations records</td>
<td>Open, NDCC 15.1-07-25 (1)</td>
<td></td>
</tr>
<tr>
<td>Policy acknowledgment and agreement forms (BDA-E)</td>
<td>Open, NDCC 15.1-07-25 (1)</td>
<td></td>
</tr>
<tr>
<td>Records relating to job offers, promotion, demotion, and</td>
<td>Open, NDCC 15.1-07-25 (1)</td>
<td></td>
</tr>
<tr>
<td>Record</td>
<td>Open, closed, or exempt</td>
<td>Notes</td>
</tr>
<tr>
<td>----------------------------------------------------------------------</td>
<td>-------------------------</td>
<td>-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------</td>
</tr>
<tr>
<td>transfers</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Reasonable accommodation requests (AAC-E4)</td>
<td>Closed, NDCC 44-04-18.1</td>
<td></td>
</tr>
<tr>
<td>Termination and resignation records, including nonrenewal or discharge notices for teachers and administrators</td>
<td>Open, NDCC 15.1-07-25 (1)</td>
<td>Nonrenewal and discharge hearing executive session tapes and exhibits are closed record and must be retained in a sealed envelope in a secured area</td>
</tr>
<tr>
<td>Vetran’s Preference verification</td>
<td>Open, NDCC 15.1-07-25 (1)</td>
<td></td>
</tr>
</tbody>
</table>

**Records to be Retained in Payroll Files**

<table>
<thead>
<tr>
<th>Record</th>
<th>Open, closed, or exempt</th>
<th>Notes</th>
</tr>
</thead>
<tbody>
<tr>
<td>Attendance and absence records</td>
<td>Open, NDCC 15.1-07-25 (1)</td>
<td></td>
</tr>
<tr>
<td>Benefit applications and waivers (e.g., health insurance, cafeteria plans, and 403bs)</td>
<td>Open, NDCC 15.1-07-25 (1)</td>
<td>Before providing under an open records request, redact any medical information and account numbers from these forms NDCC 44-04-18.10</td>
</tr>
<tr>
<td>Current contact information</td>
<td>Exempt, NDCC 44-04-18.1 (2)</td>
<td></td>
</tr>
<tr>
<td>Direct deposit forms</td>
<td>Closed, NDCC 44-04-18.9</td>
<td></td>
</tr>
<tr>
<td>I-9 form</td>
<td>Closed, NDCC 44-04-28</td>
<td></td>
</tr>
<tr>
<td>Intent to hire letter, intent to rehire letter, and contracts</td>
<td>Open, NDCC 15.1-07-25 (1)</td>
<td></td>
</tr>
<tr>
<td>Leave request forms, including bereavement, FMLA, personal, and sick</td>
<td>Open, NDCC 15.1-07-25 (1)</td>
<td>Before providing under an open records request, redact any medical information from these forms NDCC 44-04-18.10</td>
</tr>
<tr>
<td>Record</td>
<td>Open, closed, or exempt</td>
<td>Notes</td>
</tr>
<tr>
<td>---------------------------------------------</td>
<td>------------------------------------------</td>
<td>----------------------------------------------------------------------</td>
</tr>
<tr>
<td>Licenses and/or required certifications</td>
<td>Open, NDCC 15.1-07-25 (1)</td>
<td>18.10</td>
</tr>
<tr>
<td>Time sheets</td>
<td>Open, NDCC 15.1-07-25 (1)</td>
<td></td>
</tr>
<tr>
<td>Unemployment claim forms</td>
<td>Open, NDCC 15.1-07-25 (1)</td>
<td></td>
</tr>
<tr>
<td>Union dues withholding form</td>
<td>Open, NDCC 15.1-07-25 (1)</td>
<td></td>
</tr>
<tr>
<td>W-4 form</td>
<td>Closed, NDCC 44-04-28</td>
<td></td>
</tr>
<tr>
<td>Wage garnishment documents</td>
<td>Open, NDCC 15.1-07-25 (1)</td>
<td>Before providing under an open records request, redact exempt and</td>
</tr>
<tr>
<td></td>
<td></td>
<td>confidential information from these documents</td>
</tr>
<tr>
<td>Workforce Safety and Insurance claim forms</td>
<td>Closed, NDCC 65-05-32</td>
<td></td>
</tr>
</tbody>
</table>

**Confidential Records** (Retain in a secured area, place form DI-E2 in personnel file maintained by administrators)

<table>
<thead>
<tr>
<th>Record</th>
<th>Legal Reference</th>
<th>Notes</th>
</tr>
</thead>
<tbody>
<tr>
<td>Criminal history records</td>
<td>NDCC 12-60-24 and NDCC 12-60-16.1 through 12-60-16.10</td>
<td></td>
</tr>
<tr>
<td>Drug testing records</td>
<td>49 CFR 40.321</td>
<td></td>
</tr>
<tr>
<td>Executive session tapes</td>
<td>NDCC 44-04-19.2 (5)</td>
<td></td>
</tr>
<tr>
<td>Medical and treatment records</td>
<td>NDCC 44-04-18.1</td>
<td>Includes records requested for purposes of FMLA and ADA, 29 CFR 825.500</td>
</tr>
</tbody>
</table>

End of McClusky School District #19 Exhibit DI-E
NOTICE OF CONFIDENTIAL RECORD ON FILE

Employee’s name: _________________________________________________

☐ Criminal history record, date: ____________________________________

☐ Drug testing record, date: _________________________________________

☐ Executive Session

On _________________(date) the McClusky Public School Board held an executive session involving _________________________ (employee’s name). The reason for the executive session was (check one):

☐ Motion to suspend during discharge proceedings, NDCC 15.1-15-10

☐ Discussion of confidential medical record, NDCC 44-04-18.1 and NDCC 44-04-19.2 (1)

☐ A contemplated nonrenewal hearing, NDCC 15.1-15-06

☐ A contemplated discharge for cause hearing, NDCC 15.1-15-08

All documents resulting from and recording(s) of this executive session are in a secured file in the business office. These items will be retained and released in accordance with law and board policy.

☐ Medical or treatment record, date: ________________________________

End of McClusky School District #19 Exhibit DI-E2
DISTRIBUTION OF PERSONNEL DIRECTORY

The district personnel directory shall include each employee's name, address, telephone number, and school assignment. The District will honor any request of any employee that does not want personal information published. This includes home address and telephone number.

Dissemination
The directory shall be distributed to all district employees, the members of the Board, and to each school and district office. It shall not be sold and shall not be distributed in any manner that would be detrimental to the District. The Superintendent may make the directory available to colleges and universities desiring to send literature to faculty members concerning summer sessions, evening school courses, and such other information as may be of value to staff members. In making the decision to make the directory available, the Superintendent should be aware of an obligation to protect district employees from harassment.

Complementing Documents
- DI, Personnel Files

End of McClusky School District #19 Policy DIA............................ Adopted: March 14, 2017
RECOMMENDED
Descriptor Code: DIB

REVIEW OF CONTESTED MATERIAL IN PERSONNEL FILES

Teachers have the right to request an administrative review of any material in their files that they consider to be inaccurate or inappropriate, other than performance evaluations.

If the teacher is not satisfied with the administrator's decision, the teacher may request, and must receive, a formal review by the Board. This review shall be at an open public meeting of the Board.

Complementing Documents
- DI, Personnel Files
- DI-BR, Personnel Records Review Procedure

End of McClusky School District #19 Policy DIB......................... Adopted: March 14, 2017
SUBSTITUTE TEACHERS

Definition and Qualifications
Substitute teachers are temporary fill-ins for teachers absent from school. Substitute teachers shall be qualified to teach in North Dakota schools and must possess a valid teacher’s license unless an exception under state law or administrative rules applies. Retired teachers may be employed as substitutes.

The Superintendent shall maintain a list of qualified substitutes and develop a protocol for contacting and securing substitutes’ services.

Pay
The Board shall determine the rate of pay for substitute teachers annually. Substitute teachers will not participate in the health and welfare plans or other fringe benefits of the District except as may be required by law. All legal deductions are made from substitute pay. Substitute teachers may earn up to the maximum amount allowed by FICA in a school year without contributing to the retirement fund. Should they earn more than the maximum allowed, all earnings become subject to retirement fund deductions.*1

Supervision and Evaluation
Substitute teachers shall be evaluated and supervised in accordance with the district’s policy on teacher evaluation and supervision.

Complementing Documents
- DFAA, Teacher Evaluation
- DFAA-AR, Teacher Evaluation Procedure
- DJA-AR, Procedure for Selecting Substitute Teachers

End of McClusky School District #19 Policy DJA..........................Adopted: February 13, 2018

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1 Check with ND Teachers Insurance and Retirement Fund Office for details and current information.
PROCEDURE FOR SELECTING SUBSTITUTE TEACHERS

The Superintendent shall maintain a list of qualified substitute teachers who may be called on to replace regular teachers who are absent. Such a list shall include the qualifications of each substitute as to subjects he/she may teach and shall be filed with the principal of each school. The principal shall, insofar as possible, call teachers for the subjects for which they are listed. If the list does not contain the name of someone qualified to serve in the vacancy at the moment, the principal may use his own discretion in selecting anyone from the list whom he believes capable of doing the work.

End of McClusky School District #19 Administrative Regulation DJA-AR
PART-TIME TEACHERS

NOTE: Do not adopt any portion of this policy covered in your negotiated agreement.

Definitions
These definitions shall apply except when superseded by the negotiated agreement or law. For purposes of this policy:

- **Full time teacher** is a certified staff member working an average of 40 hours per week.

- **Part time teacher** means a certified staff member that does not meet or exceed the hours required to be considered a full-time teacher.

Part time teachers shall be subject to all the district's personnel policies and regulations.

Salaries and Fringe Benefits
Salaries and benefits shall be pro-rated according to the proportion of full-time load.

End of McClusky School District #19 Policy DJB........................................Adopted: June 19, 2018

[01/18]
TEACHERS’ AIDES

Definitions
For the purposes of this policy:

- **Teacher’s aide** means an adult school employee, working under the direction of licensed administrative and teaching staff.

- **Non-instructional duties** include, but are not limited to: performing clerical tasks, attending to physical needs of children, acting as a translator, coordinating parental involvement events, and supervising the playground and/or lunchroom.

Hiring
The Board shall approve all teachers’ aide positions in the District. The Superintendent shall have the authority to hire teachers’ aides for supplementary instructional and non-instructional duties in accordance with applicable district hiring policies.

Qualifications
Teachers’ aides with instructional duties in Title I schools shall meet all educational and other requirements contained in federal laws. The Superintendent shall not hire instructional teachers’ aides who do not meet these standards. These requirements shall not apply to those aides serving in a non-instructional capacity.

The Superintendent shall develop, and each aide shall receive, a job description with duties limited to the scope of the individual’s competencies.

Supervision and Evaluation
Teachers’ aides shall be under the direct supervision of licensed teachers. The Superintendent shall develop and implement procedures for periodic evaluations of teachers’ aides.

Complementing Documents
- DBAA, Recruitment, Hiring, & Background Checks for Classified Personnel

End of McClusky School District #19 Policy DJC..........................Adopted: February 13, 2018
STUDENT TEACHERS

A student teacher is defined as a teacher trainee who is enrolled in a bona-fide teacher-training program, graduation from which the student will be eligible for licensure under Education Standards and Practices Board regulations.

Program Development & Implementation
The Board authorizes the Superintendent to develop and enter into agreements necessary to provide a student teacher program. The Superintendent shall approve all arrangements for cooperative training. Cooperative arrangements for student teaching shall be on the basis of a written contract between the Board and the appropriate officials of the college/university.

Fees
Fees paid by the college in connection with the program shall be paid directly to the McClusky Public School. The fees received shall be paid to cooperating public school teachers after they have submitted their evaluations.

Student Teacher Requirements
Student teachers shall become acquainted with the district’s policies, procedures, school community, teaching methods, and curriculum areas to which they are assigned. The student teacher will be governed by the same policies that govern the regular staff, including the policy on absences and workload.

The student teacher will be directly responsible to the cooperating teacher to whom he/she has been assigned. School administration shall devise procedures for evaluating the performance of student teachers that meet requirements of the sending institution and fit with the district’s policies.

Participating Teacher Requirements
The Superintendent shall develop criteria for selecting district teachers to participate in the student teacher program. Participation by teachers in the student teacher program shall be strictly voluntary; however, teachers must recognize that active and willing participation in the training and development of qualified teachers is a basic professional responsibility.

The administration shall be responsible for ensuring that cooperating teachers fulfill all the duties expected of them by the college or university and the District.

Complementing Documents
• DHBB, Instructional Staff Workload

End of McClusky School District #19 Policy DJD.........................Adopted: February 13, 2018
BUS DRIVERS

All school bus drivers shall meet the qualifications established by law. Drivers are subject to the authority of the Superintendent and of the principal(s) of the school(s) to which they transport children.

Drivers are charged with maintaining discipline on the bus. They are to report unruly behavior to the principal of the student's school.

Complementing Documents
• FFC, Bus Conduct

End of McClusky School District #19 Policy DJE..........................Adopted: February 13, 2018
RECOMMENDED

REDUCTION-IN-FORCE POLICY

The Board shall have the sole right to determine the necessity for and scope of a reduction in force for reasons including, but not limited to, lack of funds, uncertainty of funds, declining enrollment, or other reasons of necessity.

Teaching staff on leave for any purpose remain subject to the district’s reduction-in-force policy.

Criteria
The Superintendent shall recommend teacher(s) for reduction in force in accordance with the following criteria:
1. Attrition, including retirements and resignations.
2. When attrition is not sufficient to alleviate the necessity for reduction in force, the Board shall retain teachers with the greatest adaptability to meet present and future district staffing and educational needs, both curricular and extracurricular.
3. When teachers within the same area of licensure are deemed to be of equal adaptability, the Board shall retain the teacher with superior academic and professional preparation beyond minimum licensure requirements in his/her teaching field.
4. When teachers are deemed to be of equal adaptability and have equal academic and professional preparation within their teaching fields, the Board shall retain the teacher who has taught in the District for the greater period of time.

If a reduction in force is necessary, only teachers directly impacted (e.g., those employed under a Title program) will be considered for reduction in force based on the criteria for RIF above.

Notices & Hearing
If a decision is made to reduce the teaching staff, any teacher affected thereby shall be given such notice and hearing as may be required by law.

Recall Rights
Any teacher who is nonrenewed under the provisions of this policy may request and shall be given consideration for teaching vacancies for which said teacher is qualified and which occur within twelve months after receipt of written notice of the nonrenewal decision. It shall be the sole responsibility of said teacher to provide the District with a current address. Any teacher who is offered re-employment hereunder and fails to accept the same within fifteen (15) days after it is offered shall be deemed to have rejected said offer and shall forfeit all future recall rights if an offer of equal employment is rejected.

Complementing Documents
• DKA-E, Reduction in Force Rubric

End of McClusky School District #19 Policy DKA...........................................Adopted: July 30, 2018
SEPARATION OF AT-WILL EMPLOYEES

Whenever possible, support personnel are requested to give notice of intention to terminate employment two weeks prior to resignation. Written notice of resignation should be addressed to the Superintendent and presented to the employee’s immediate supervisor.

The Superintendent is authorized to discharge ancillary employees. The employee may be suspended during any investigation of which the employee is the subject. The Board shall be notified of any suspension and/or discharge.

The Superintendent may terminate at-will employees at any time, with or without cause.

End of McClusky School District #19 Policy DKBA ......................Adopted: February 13, 2018
CONTRACTED STAFF RESIGNATIONS & REQUEST FOR RELEASE FROM CONTRACT

All staff under contract with the District are expected to fulfill the entire term of the contract.

Request for Release from Contract
When a member of the staff requests a release from contract, the Board may exercise one of three options:
1. Grant an unconditional release from contract.
2. Deny temporarily or table the request with the understanding that the administration will be directed to facilitate the granting of the request by seeking an adequately qualified replacement.
3. Deny the request.

The Board shall develop regulations containing conditions under which it may grant a release from contract for staff.

No release from contract shall be deemed granted until the Board has unconditionally approved it.

Liquidated Damages and Breaches
Any release from contract or breach of contract is subject to a payment of liquidated damages of $1000 to the District unless waived by the Board.

Any teacher or administrator who has not been granted a release by the Board and who fails to fulfill a teaching or administrative contract with the District will be reported to the Education Standards and Practices Board.

Resignation
Contracted staff members who decide to leave the employment of the District at the end of their current contract are requested to submit a written resignation to the Superintendent immediately upon making the decision. The resignation shall indicate clearly the date upon which it is intended to be effective. No resignation shall be deemed effective until the Board has approved it except as follows. District staff subject to continuing contract law who fail to return their contracts within the statutory timeframe shall be deemed to have resigned. Board approval of such resignations is unnecessary.

While this policy requests that contracted personnel submit notice of resignation, it in no way requires the Board to renew contracts for positions not covered by continuing contract law (e.g., coaching).

Complementing Documents
• DKBB-BR, Granting a Release from Contract

End of McClusky School District #19 Policy DKBB ..................................Adopted: July 30, 2018
GRANTING A RELEASE FROM CONTRACT

The Board may grant a release from contract for the following reasons:
1. Reasons of personal health where a physician's statement supports the request.
2. Serious illness or death in the immediate family that requires the contracted staff member's absence for an extended period of time.
3. The Board may, in its sole discretion, grant release from contract for other reasons.

End of McClusky School District #19 Board Reg. DKBB-BR .... Approved: February 13, 2018
TEACHER DISCHARGE FOR CAUSE

Definitions
For the purposes of this policy, teacher includes the following positions in the District: teacher, principal, and assistant or associate superintendent.

Substantiating the Need for Discharge
If a principal or individual responsible for teacher supervision has reasonable cause that a teacher has exhibited or engaged in actions that the supervisor believes are consistent with a criterion or criteria for discharge contained in NDCC 15.1-15-07, s/he shall contact and consult with the Superintendent. The Superintendent is authorized to consult with the district’s legal counsel on how to proceed and shall advise the principal/supervisor on how to respond to the teacher’s actions.

When the Superintendent, in consultation with the district’s attorney, believes that the District has the documentation necessary to pursue contemplated discharge for cause, the Superintendent shall schedule and properly notice a board meeting.

Meeting to Contemplate Discharge
At the board meeting, the Board will vote on a motion to contemplate discharge. This motion must be made in an open meeting, and in order to guard against a final determination prior to the hearing with the teacher, the Board must limit discussion to the single issue of whether or not the causes for discharge given by the Superintendent conform to NDCC 15.1-15-07. Questions or discussion of the substance or substantiation of the stated causes for discharge must be reserved for the actual discharge hearing.

If properly noticed, the Board may also vote on whether or not to suspend the teacher during the period in which the discharge for cause is pursued. The Board shall not agree to hold discussion of teacher suspension in an open meeting. In order to guard against a final determination prior to the hearing with the teacher, the Board must limit discussion of teacher suspension to the single issue of whether or not to suspend the teacher with or without pay. The motion to suspend must be passed unanimously by the Board.

Prehearing and Hearing Procedure
If voting to contemplate discharge, the Board shall then comply with the Office of Administrative Hearings Guidelines for Prehearings and Hearing Procedures (DKDB-E). During the pre-hearing process, the district’s legal counsel and, if deemed appropriate by district legal counsel, the Superintendent shall represent the District. In order to guard against a final determination prior to the hearing with the teacher, board members shall not be involved in the prehearing procedure. The Board should instruct its legal counsel that it shall not agree to hold the discharge hearing in an open meeting.

At the hearing, board members shall only ask questions based on the evidence presented at the hearing. Board members shall not ask questions about outside evidence that is not part of the official hearing record. While board members may ask questions during the hearing, they shall reserve all comments for the
deliberations portion of the hearing and shall base such comments on only evidence presented during the hearing—not outside information.

Complementing Documents
- BCAA, Board Meeting Agenda & Pre-Meeting Preparation
- BCAB, Board Meeting Procedures
- BCAD, Executive Sessions
- BDBB, Retaining an Attorney
- DKBD-E, OAH Guidelines for Prehearing and Hearing Procedure Discharge for Cause Hearings NDCC 15.1-15-08

End of McClusky School District #19 Policy DKBD .................Adopted: February 13, 2018
OFFICE OF ADMINISTRATIVE HEARINGS (OAH)
GUIDELINES FOR PREHEARING
AND HEARING PROCEDURE DISCHARGE FOR CAUSE HEARINGS
NDCC 15.1-15-08

1. A school board or counsel for a school board will make a written request to OAH for the appointment (designation) of an administrative law judge (ALJ) from OAH to preside as hearing officer at a pending discharge for cause hearing.

2. The day the request is received, or within a day or two after receiving the request, an ALJ will be appointed by the director of OAH. (OAH will make every effort to get these matters assigned as soon as possible.)

3. On the day appointed, or within a day or two of being appointed, the ALJ will schedule a prehearing conference. (The appointed ALJ will make every effort to get a prehearing conference scheduled as soon as possible.)
   a. Present at the conference will be the parties, and/or their counsel, and the ALJ. The school board may have a representative present at the conference, if it chooses, either the school board president or the president's designee. If the school board chooses not to have a representative present, counsel for the school board must assure the ALJ that the school board has been or will be consulted about scheduling the hearing. Participants in the prehearing conference will be notified in writing about the conference (likely notices will be faxed or emailed).
   b. The purpose of the prehearing conference is for the ALJ to discuss with the conference participants discovery, the filing of the statement of charges, anticipated witnesses (including any anticipated minor witnesses and the swearing in of witnesses if there are a large number of witnesses), anticipated invitees, documentary evidence, anticipated motions, any due process concerns, anticipated requests for a continuance, scheduling the hearing, closing the hearing (i.e. oral closing argument or briefs) whether the hearing shall remain closed to the public except for those allowed under N.D.C.C. § 15.1-15-08 (3), and any other preliminary matters necessary for the conduct of the hearing.
   c. The ALJ will set the time and place for the hearing. See N.D.C.C. § 15.1-15-08 (1). At the prehearing conference, the participants and the ALJ will discuss the scheduling of the hearing. If the parties or their counsel and the ALJ agree, the ALJ will schedule the hearing according to the agreement. If there is not an agreement, the ALJ will schedule the hearing giving consideration to the requirements of the statute and the convenience of the parties and their counsel, the school board, and the ALJ. Generally, the hearing will be scheduled to be held on weekdays during the hours of 4:00 pm and 12 midnight, and the hearing may be scheduled for more than one day, if necessary. The scheduled hearing may include a Saturday hearing day upon agreement of all the participants. Parties may be asked to prepare to complete the hearing on the scheduled day(s), i.e. both
parties presenting their cases on the scheduled day(s). A second day of hearing will not necessarily be scheduled to accommodate a contemplated request for a continuance.

4. Either at or shortly after the prehearing conference, the ALJ will direct the school board to publish notice of the hearing and provide to the individual being discharged a list of charges at least five days before the hearing. See N.D.C.C. § 15.1-15-08 (1).

5. A continuance may be requested by the individual subject to discharge, or that person’s counsel, either prior to the scheduled hearing or during the scheduled hearing. The request must be made in writing or at the prehearing conference, if made prior to the scheduled hearing. The request must be specific about the number of days requested (not to exceed seven days). If a request for a continuance longer than seven days is made, a showing of good cause for a longer continuance must be made. See N.D.C.C. § 15.1-15-08 (4).

6. Near the beginning of the hearing, after appearances are made, the ALJ will detail hearing procedure and instructions for participation by school board members. School board members may ask questions about hearing procedure and the instructions given by the ALJ. The parties or their counsel may ask questions about hearing procedure. The ALJ will also inform school board members (if the ALJ has not already done so at the prehearing conference by advising a school board representative) that the ALJ may not advise the school board about any substantive matters, decision making, or writing or issuing a decision, only about hearing procedure. The ALJ will also inform school board members (if the ALJ has not already done so at the prehearing conference by advising a school board representative) that at the conclusion of the hearing, after providing all of the evidence presented at the hearing to the school board and closing the hearing, the ALI’s participation in the hearing is ended. See N.D.C.C. § 15.1-15-08 (6). The hearing will close following oral argument given by the parties or their counsel, or the setting of a schedule to file briefs.

7. Near the beginning of the hearing, after appearances are made, before the ALJ details hearing procedure and instructions for participation by school board members, the ALJ will confirm the intent of the school board and the individual subject to discharge about whether the hearing shall be closed or open, and advise those present at the hearing accordingly, in conformance with N.D.C.C. § 15.1-15-08 (3).

8. If a party is calling numerous witnesses, the ALJ may swear that party’s witnesses en masse. This may be discussed at the prehearing conference.

End of McClusky School District #19 Exhibit DKBD-E
RETIREMENT/RECOGNITION

The Board shall recognize service to the District when an employee desires to retire. The Board will only give this recognition to employees who are actually retiring from active employment and not to those who are resigning for other purposes.

Recognition may take the form of continuing privileges as may be legally provided to retired employees and may include, but not be limited to, the following:
1. Regular issues of news bulletins of the school system.
2. Selected special reports.
3. Complimentary passes to athletic and other school activities.
4. Personal invitations to special public functions of the District.
5. A social function in honor of the retiree.
6. A plaque or other suitable memento.

End of McClusky School District #19 Policy DKDC ....................Adopted: February 13, 2018