

PHILOSOPHY OF PUBLIC SCHOOLS

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

We Believe:

1. The purpose of education is to equip students with the knowledge and skills necessary to become active, informed, and productive members of society. Our public schools have a responsibility to foster the growth of intelligent and informed citizens.
2. All individuals are entitled to equal rights, freedoms, and opportunities regardless of economic, cultural, or intellectual differences. The District is committed to creating and preserving a learning and working environment that promotes tolerance and is free from discrimination and harassment.
3. Only through the study of basic subject matter, history, culture and fine arts will students be prepared for both the practical tasks and complexities of the world. The District will provide all students with opportunities to participate in varied curricular offerings.
4. Education should aid in the development of good character, self-respect and self-worth, and offer opportunities to form satisfying and responsible relationships with other people. The District will offer programs that allow students to practice the skills of family and community living and that promote an appreciation for health and safety.
5. Education must look to the future. The District will offer programs to help equip students with skills that may be demanded by our future society, that help students select appropriate occupations, and that provide opportunities to develop worthwhile leisure time activities. The District will also offer programs that teach money, property, and resource management techniques and conservation practices in order to assist students with planning for the future.
6. Educational experiences should be timed in accordance with students' readiness for them. All district programs will take into account factors such as age, maturity, and readiness.
7. Appropriate discipline helps ensure that the educational program operates efficiently and helps mold students into upstanding citizens. The Board shall develop policies in accordance with law to ensure administrators are equipped to appropriately respond to disciplinary issues.
8. Parents and the community should serve as partners with schools. It takes the combined effort of all members of the community to develop and maintain an educational program that meets the objectives delineated above. District schools will embrace the support and reflect the expectations of the community.

End of McClusky School District #19 Policy AAAAdopted: June 20, 2017

DISTRICT GOALS & OBJECTIVES

The District shall comply with approval requirements in state law and shall strive to provide schools that meet the criteria for accreditation from the Department of Public Instruction as defined in federal law.

In addition to meeting these approval and accreditation requirements/standards, the Board has established the following goals and objectives:

- Reading: All staff will use diversified resources and instructional strategies and methods to increase student reading scores on standardized testing by 3 percent per individual student.
- Math: All staff will use diversified resources and instructional strategies and methods to increase student math scores on standardized testing by 3 percent per individual student.
- Writing: All staff will use diversified resources and instructional strategies and methods to increase student writing scores on standardized testing by 3 percent per individual student.

End of McClusky School District #19 Policy AAB Adopted: May 9, 2017

NONDISCRIMINATION AND ANTI-HARASSMENT POLICY**General Prohibitions**

The McClusky School District is committed to maintaining a learning and working environment free from discrimination and harassment in all employment and educational programs, activities, and facilities. The District prohibits discrimination and harassment based on a student's, parent's, guardian's, or employee's race, color, religion, sex, gender identity, national origin, ancestry, disability, age, or other status protected by law.

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

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

Definitions

- *Complainant* is the individual filing the complaint. If the complainant is not the victim of the alleged discrimination and/or harassment, the victim must be afforded the same rights as the complainant under this policy and regulation AAC-BR.
- *Disability* is defined in accordance with NDCC 14-02.4-02 (5).
- *Discrimination* means failure to treat an individual, equally due to a protected status. Protected status is defined in applicable state (NDCC 14-02.4-02 (6)) and federal laws.
- *Employee* is defined in accordance with NDCC 14-02.4-02 (7).

- *Harassment* is a specific type of discrimination based on a protected status. It occurs under the following conditions:
 - a. For employees: When enduring the offensive conduct becomes a condition of continued employment, or the conduct is severe or pervasive enough to create a work environment that a reasonable individual would consider intimidating, hostile, or abusive
 - b. For students: When the conduct is sufficiently severe, persistent, or pervasive so as to limit the student's ability to participate in or benefit from the education program or to create a hostile or abusive education environment.

- *Section 504* (Section 504 of the Rehabilitation Act of 1973, as amended, 29 U.S.C. § 794) is a federal law designed to protect the rights of individuals with disabilities in programs and activities that receive federal financial assistance from the U.S. Department of Education.

- *Sexual harassment* is a form of harassment based on sex or gender identity. It is defined as unwelcome sexual advances, requests for sexual favors, and/or other verbal, written, or physical conduct or communication of a sexual nature when:
 - a. It is quid pro quo, meaning submission to such conduct or communication is made a term or condition, either explicitly or implicitly, of the basis for employment decisions or educational decisions or benefits for students (e.g., receiving a grade).
 - b. It creates a hostile environment, meaning unwelcome sexual conduct or communication that is sufficiently serious to deny or limit a student's ability to participate in or benefit from the school's program(s). For employees, a hostile environment is created when submission to unwelcome sexual conduct is made, either explicitly or implicitly, a term or condition of an individual's employment.

- *Sexual harassment examples* include:
 - a. Sexual or "dirty" jokes;
 - b. Sexual advances;
 - c. Pressure for sexual favors;
 - d. Unwelcome touching, such as patting, pinching, or constant brushing against another's body;
 - e. Displaying or distributing of sexually explicit drawings, pictures, and written materials;
 - f. Graffiti of a sexual nature;
 - g. Sexual gestures;
 - h. Touching oneself sexually or talking about one's sexual activity in front of others;
 - i. Spreading rumors about or rating other's sexual activity or performance;
 - j. Remarks about an individual's sexual orientation; and
 - k. Sexual violence, including rape, sexual battery, sexual abuse, and sexual coercion;

- *Title II* of the Americans with Disabilities Act extends the prohibition on discrimination established by Section 504 to all services, programs, and activities of State and local government entities.
- *Title IX* is a federal law that protects people from discrimination, based on sex, in education programs or activities that receive federal financial assistance.

Complaint Filing Procedure

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

Confidentiality

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

Complaint Recipients

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

Policy Training and Dissemination

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

Grievance Coordinators

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

designates Dale Ekstrom, Superintendent, or designee, as the Title IX Coordinator. He/She may be contacted at: McClusky Public School, PO Box 499, McClusky, ND 58463, Dale.Ekstrom@k12.nd.us, or 701-363-2470.

The 504/Title II Coordinator's responsibilities include overseeing the District's response to disability discrimination reports and complaints. The 504/Title II Coordinator must have knowledge of the requirements of Section 504 and Title II, of the district's policies and procedures on disability discrimination, and of all complaints raising Section 504/Title II issues throughout the District. To accomplish this, the 504/Title II Coordinator must be informed of any report or complaint raising Section 504/Title II issues, even if the report or complaint was initially filed with another individual or office or if the investigation will be conducted by another individual or office. The Board designates Dale Ekstrom, Superintendent, or designee, as the 504/Title II Coordinator. He/She may be contacted at: McClusky Public School, PO Box 499, McClusky, ND 58463, Dale.Ekstrom@k12.nd.us, or 701-363-2470.

The Nondiscrimination Coordinator's core responsibilities include overseeing the District's response to discrimination and harassment reports and complaints that do not include sex or disability, but instead the other protected statuses. The Board designates Dale Ekstrom, Superintendent, or designee, as the Nondiscrimination Coordinator. He/She may be contacted at: McClusky Public School, PO Box 499, McClusky, ND 58463, Dale.Ekstrom@k12.nd.us, or 701-363-2470.

The Title IX, 504/Title II, and Nondiscrimination Coordinators, and any other school official responsible for the investigation of discrimination complaints, shall receive training. This training must include (1) the definition of discrimination, harassment, and retaliation; (2) the handling of complaints under the Discrimination and Harassment Grievance Procedure (AAC-BR); and (3) the applicability of confidentiality requirements.

Complementing Documents

- AAC-BR, Discrimination and Harassment Grievance Procedure
- AAC-E, Filing a State or Federal Discrimination and/or Harassment Complaint
- AAC-E2, Discrimination and/or Harassment Complaint Confidentiality Assessment
- AAC-E3, Discrimination and/or Harassment Training Requirements for Students and Employees
- AAC-E4, Reasonable Accommodation Request Physician Form
- FGDB, Student Handbooks

End of McClusky School District #19 Policy AACAdopted: December 12, 2017

01/17

DISCRIMINATION AND HARASSMENT GRIEVANCE PROCEDURE

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

Retaliation Prohibited

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

Complaint Filing Format and Deadlines

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

With Whom Complaints May be Filed

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

Initiating Complaint Resolution Procedure

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

Prohibition on Meeting with the Accused

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

Third-Party Assistance

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

Investigation Timeframes

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

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

Interim Measures

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

Informal Resolution Procedure

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

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

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

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

Formal Resolution Procedure

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

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

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

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

Investigation Report:

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

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

The investigation report must indicate if any measures are to be instituted to protect the complainant. Such measures may include extending any interim protection measures taken during the investigation. The report must also inform

the complainant of support services available, which at a minimum must include offering school counseling services if the complainant is a student. The investigation report must contain a monitoring plan to evaluate the effectiveness of the resolution and help prevent recurrence.

Disciplinary Action

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

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

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

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

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

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

Notice of Outcome

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

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

Investigation Materials

Investigation materials must be retained by the appropriate grievance coordinator (Title IX, 504/Title II, or Nondiscrimination) for at least six years.

End of McClusky School District #19 Board Reg. AAC-BR Approved: December 12, 2017

[01/17]

**FILING A STATE OR FEDERAL
DISCRIMINATION AND/OR HARASSMENT COMPLAINT**

Most employment-related discrimination or harassment complaints:

- Statute of limitations is 300 days (NDCC 14-02.4-19)
- Complaints should be filed with:
North Dakota Department of Labor
Human Rights Division
600 East Boulevard Ave, Dept. 406
Bismarck, ND 58505-0340
Phone: (701) 328-2660 or 1-800-582-8032

Employee, student, or other person claiming to be aggrieved by a discriminatory practice with regard to public services or public accommodations:

- Statute of limitations is 180 days (NDCC 14-02.4-19)
- Complaints should be filed with:
North Dakota Department of Labor
Human Rights Division
600 East Boulevard Ave, Dept. 406
Bismarck, ND 58505-0340
Phone: (701) 328-2660 or 1-800-582-8032

Student discrimination and/or harassment complaints related to programs and activities that receive federal financial assistance:

- Statute of limitations is 180 days for most claims (28 CFR 35.170 and 34 CFR 100.7). There may be an exception for Section 504 claims.
- Complaints should be filed with:
Chicago Office for Civil Rights
U.S. Department of Education
Citigroup Center
500 W. Madison Street, Suite 1475
Chicago, IL 60661

End of McClusky School District #19 Exhibit AAC-E1[01/17]

**DISCRIMINATION AND/OR HARASSMENT COMPLAINT
CONFIDENTIALITY ASSESSMENT**

Date of complaint: _____

Summary of complaint: _____

When one or more of the following conditions exists, the District may be unable to honor a complainant's request for confidentiality. Check all that apply:

- The complaint alleges acts of child abuse/neglect or criminal acts
- There have been other complaints or reports of harassment against the alleged harasser
- The accused has a right to receive information about the accuser and the allegations due to an investigator's recommendations that a formal proceeding commence (e.g., expulsion or discharge hearing)
- There is an increased risk of the alleged perpetrator committing additional acts of discrimination and/or harassment or other violence (e.g., the alleged perpetrator has a history of arrests or records from a prior school indicating a history of violence, the alleged perpetrator threatened further acts of discrimination and/or harassment or other violence against the student or others, and/or the discrimination and/or harassment was committed by multiple perpetrators)
- The alleged act was perpetrated with a weapon
- The age, language barriers, or disabled status of the individual subjected to the discrimination and/or harassment made him/her more susceptible to alleged incident(s)/act(s), considering factors such as the degree to which s/he was able to recognize that discriminatory and/or harassing conduct is conduct to which they can or should reasonably object and the degree to which they can articulate an objection
- The school possesses no other means to obtain relevant evidence (e.g., security cameras or personnel, physical evidence)

NOTES: _____

If the District is unable to honor a complainant's request for confidentiality, the appropriate grievance coordinator (Title IX, 504/Title II, or Nondiscrimination) shall notify the complainant and provide him/her an opportunity to respond before proceeding with an investigation.

**DISCRIMINATION AND HARRASSMENT TRAINING REQUIREMENTS
FOREMPLOYEES**

All District employees shall receive discrimination and harassment training. Employees should receive training in the following areas:

- Receiving and reporting discrimination and/or harassment complaints, including when to report (knew or should have known standard).
- Information about how to prevent and identify discrimination and harassment, including sexual violence and same-sex sexual violence
- The behaviors that may lead to and result in sexual violence
- The attitudes of bystanders that may allow discriminatory and/or harassing conduct to continue
- The potential for re-victimization by responders and its effect on students
- The appropriate methods for responding to a student who may have experienced discrimination and/or harassment, including sexual violence. Training should include the use of nonjudgmental language
- The impact of trauma on victims; and, as applicable, the person(s) to whom such misconduct must be reported
- The importance of informing complainants of the reporting obligations of responsible employees
- Complainants' option to request confidentiality
- Available confidential advocacy, counseling, or other support services
- Complainants' right to file a Title IX complaint with the school and to report a crime to local law enforcement.

End of McClusky School District #19 Exhibit AAC-E3 [01/17]

REASONABLE ACCOMMODATION REQUEST PHYSICIAN FORM

Dear Physician:

A request for a reasonable accommodation has been made by our employee, **[Employee’s Name]**. To determine whether or not this request should be granted and how best to respond to this request, the McClusky Public School is requesting that you complete the following form.

ADA Qualifying Disability

An employee has a disability if s/he has an impairment that substantially limits one or more major life activities or a record of such impairment.

- Does the employee have a physical or mental impairment? (Includes any physiological disorder or condition, cosmetic disfigurement, or anatomical loss affecting one or more of the following body systems: neurological; musculoskeletal; special sense organs; respiratory, including speech organs; cardiovascular; reproductive, digestive, genito-urinary; hemic and lymphatic; skin; and endocrine; or any mental or psychological disorder, such as mental retardation, organic brain syndrome, emotional or mental illness, and specific learning disabilities.)
 Yes No

If yes, specify the impairment:

- Does the impairment substantially limit one or more major life activities or bodily functions?
 Yes No

Check all that apply:

<input type="checkbox"/> Caring for oneself	<input type="checkbox"/> Performing manual tasks	<input type="checkbox"/> Hearing
<input type="checkbox"/> Seeing ¹	<input type="checkbox"/> Eating	<input type="checkbox"/> Sleeping
<input type="checkbox"/> Walking	<input type="checkbox"/> Standing	<input type="checkbox"/> Lifting
<input type="checkbox"/> Bending	<input type="checkbox"/> Speaking	<input type="checkbox"/> Breathing
<input type="checkbox"/> Learning	<input type="checkbox"/> Reading	<input type="checkbox"/> Concentrating
<input type="checkbox"/> Communicating	<input type="checkbox"/> Working	<input type="checkbox"/> Operation of a major bodily function ²

Thinking Other: _____

Describe how the major life activity or operation of major bodily function is affected (do not take into account mitigating measures such as medication):

¹ Do not check if this can be corrected through eye glasses or contact lenses
² Includes, but is not limited to, functions of the immune system, normal cell growth, digestive, bowel, bladder, neurological, brain, respiratory, circulatory, endocrine, and reproductive functions

Determination of Reasonable Accommodation *(Answer only if the employee has a disability meeting the definition above)*

1. Please review the attached job description. Is the employee able to perform the essential job functions of this position with or without reasonable accommodation?

Yes No

If yes, please continue to next question. If no, please list which job functions s/he is unable to perform and how long the employee will be unable to perform these job duties.

Functions unable to perform:

____ # of weeks ____ # of months ____ permanently

2. What adjustments to the work environment or position responsibilities would enable the employee to perform the essential functions of that position?
3. The employee's typical schedule is **[list days and hours]**. What, if any, adjustments need to be made to the employee's work schedule to enable the employee to perform the essential job functions?
4. How would your suggestions improve the employee's job performance?
5. How long will the employee need the reasonable accommodation? If unable to provide a date, when will he or she be medically reevaluated?

Any additional comments or suggestions:

Physician Name (Please Print)

Signature of physician completing form

Date

End of McClusky School District #19 Exhibit AAC-E4

SECTION 504 DISPUTE RESOLUTION POLICY

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

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

Complementing Documents

- AAC, Nondiscrimination & Anti-Harassment Policy
- AAC-BR, Discrimination & Harassment Grievance Procedure
- AACA-E, School District's Duty Under Section 504
- AACA-E2, Section 504 Notice & Procedural Safeguard Guidelines
- FDE, Education of Special Education/Disabled Students

End of McClusky School District #19 Policy AACA Adopted: October 11, 2016

SCHOOL DISTRICT'S DUTY UNDER SECTION 504

The McClusky Public School shall provide a free appropriate public education to each qualified handicapped person in the district's jurisdiction, regardless of the nature or severity of the person's handicap.

The provision of an appropriate education is the provision of regular or special education and related aids and services that:

1. Are designed to meet individual educational needs of handicapped persons as adequately as the needs of non-handicapped persons are met; and
2. Are based upon adherence to procedures that satisfy the requirements of a free education, educational setting, and evaluation and placement as detailed below.

The District may place a handicapped person or refer such a person for aid, benefits, or services other than those that the District operates or provides as its means of carrying out the requirements of this law. If so, the District remains responsible for ensuring that the requirements contained in law are met with respect to any handicapped person so placed or referred.

Free Education

The provision of a free education is the provision of educational and related services without cost to the handicapped person or to his or her parents or guardian, except for those fees that are imposed on non-handicapped persons or their parents or guardian. It may consist either of the provision of free services or, if the District places a handicapped person or refers such person for aid, benefits, or services not operated or provided by the District, payment for the costs of the aid, benefits, or services.

Transportation: If the District places a handicapped person or refers such person for aid, benefits, or services not operated or provided by the District, the District shall ensure that adequate transportation to and from the aid, benefits, or services is provided at no greater cost than would be incurred by the person or his or her parents or guardian if the person were placed in the aid, benefits, or services operated by the District.

Residential placement: If a public or private residential placement is necessary to provide a free appropriate public education to a handicapped person because of his or her handicap, the placement, including non-medical care and room and board, shall be provided at no cost to the person or his or her parents or guardian.

Placement of handicapped persons by parents: If the District has made available, in conformance with the requirements under law, a free appropriate public education to a handicapped person and the person's parents or guardian choose to place the person in a private school, the District is not required to pay for the person's education in the private school. Disagreements between a parent or guardian and the District regarding whether the District has made a free

appropriate public education available or otherwise regarding the question of financial responsibility are subject to the due process procedures of 34 C.F.R. 104.36.

Educational Setting

Academic setting: The District shall educate, or shall provide for the education of, each qualified handicapped person in its jurisdiction with persons who are not handicapped to the maximum extent appropriate to the needs of the handicapped person. The District shall place a handicapped person in the regular educational environment unless it is demonstrated by the District that the education of the person in the regular environment with the use of supplementary aids and services cannot be achieved satisfactorily. Whenever the District places a person in a setting other than the regular educational environment, it shall take into account the proximity of the alternate setting to the person's home.

Nonacademic settings: In providing or arranging for the provision of nonacademic and extracurricular services and activities, including meals, recess periods, and the services and activities, the District shall ensure that handicapped persons participate with non-handicapped persons in such activities and services to the maximum extent appropriate to the needs of the handicapped person in question.

Comparable Facilities

If the District operates a facility that is identifiable as being for handicapped persons, the District shall ensure that the facility and the services and activities provided therein are comparable to the other facilities, services, and activities of the District.

Evaluation and Placement

Pre-placement evaluation: The District shall conduct an evaluation of any person who, because of handicap, needs or is believed to need special education or related services before taking any action with respect to the initial placement of the person in regular or special education and any subsequent significant change in placement.

Evaluation procedures: The District shall establish standards and procedures for the evaluation and placement of persons who, because of handicap, need or are believed to need special education or related services, which ensure that:

1. Tests and other evaluation materials have been validated for the specific purpose for which they are used and are administered by trained personnel in conformance with the instructions provided by their producer;
2. Tests and other evaluation materials include those tailored to assess specific areas of educational need and not merely those which are designed to provide a single general intelligence quotient; and
3. Tests are selected and administered so as best to ensure that, when a test is administered to a student with impaired sensory, manual, or speaking skills, the test results accurately reflect the student's aptitude or achievement level or whatever other factor the test purports to measure, rather than reflecting the student's impaired sensory, manual, or speaking skills (except where those skills are the factors that the test purports to measure).

Placement procedures: In interpreting evaluation data and in making placement decisions, the District shall:

1. Draw upon information from a variety of sources, including aptitude and achievement tests, teacher recommendations, physical condition, social or cultural background, and adaptive behavior;
2. Establish procedures to ensure that information obtained from all such sources is documented and carefully considered;
3. Ensure that the placement decision is made by a group of persons, including persons knowledgeable about the child, the meaning of the evaluation data, and the placement options, and
4. Ensure that the placement decision is made in compliance with educational setting requirements.

Reevaluation: The District shall establish procedures, in accordance with evaluation procedures above, for periodic reevaluation of students who have been provided special education and related services.

Procedural Safeguards

The District shall establish and implement, with respect to actions regarding the identification, evaluation, or educational placement of persons who, because of handicap, need or are believed to need special instruction or related services, a system of procedural safeguards that includes notice, an opportunity for the parents or guardian of the person to examine relevant records, an impartial hearing with opportunity for participation by the person's parents or guardian and representation by counsel, and a review procedure.

Nonacademic Services

The District shall provide non-academic and extracurricular services and activities in such manner as is necessary to afford handicapped students an equal opportunity for participation in such services and activities.

Nonacademic and extracurricular services and activities may include counseling services, physical recreational athletics, transportation, health services, recreational activities, special interest groups or clubs sponsored by the District, referrals to agencies which provide assistance to handicapped persons, and employment of students, including both employment by the District and assistance in making available outside employment.

1. Counseling services: If the District provides personal, academic, or vocational counseling, guidance, or placement services to its students, it shall provide these services without discrimination on the basis of handicap. The District shall ensure that qualified handicapped students are not counseled toward more restrictive career objectives than are non-handicapped students with similar interests and abilities.
2. Physical education and athletics: In providing physical education courses and athletics and similar aid, benefits, or services to any of its students, the District may not discriminate on the basis of handicap. If the District offers physical education courses or operates or sponsors interscholastic, club, or intramural athletics, it shall provide to qualified handicapped students an equal opportunity for participation.

The District may offer to handicapped students physical education and athletic activities that are separate or different from those offered to non-handicapped students only if separation or differentiation is consistent with the educational setting requirements (see p. 2) and only if no qualified handicapped student is denied the opportunity to compete for teams or to participate in courses that are not separate or different.

End of McClusky School District #19 Exhibit AACA-E

SECTION 504 NOTICE & PROCEDURAL SAFEGUARDS GUIDELINES

If the school suspects a student has a disability, then parental notice is given and an individual evaluation is conducted. The following are some considerations for meeting 504 evaluation requirements:

1. The evaluation team must be knowledgeable about the student and the disability and be familiar with the evaluation data and placement options.
2. Each evaluation should be tailored to the specific needs of the student.
3. The parents need to be notified and provide written consent before the evaluation is conducted.
4. Tests and other evaluation materials should be validated for the specific purpose for which they are used and administered by trained personnel in conformance with the instructions provided by their producer.
5. Tests and other evaluation materials include those tailored to assess specific areas of educational need.
6. Tests are selected to ensure that when a test is administered to a student with impaired sensory, manual, or speaking skills, the results accurately reflect whatever the test is designed to measure.
7. In interpreting evaluation data and in making placement or accommodation decisions, a school should draw on information from a variety of sources, including aptitude and achievement tests, interest inventories, teacher recommendations, physical condition, social or cultural background, and adaptive behavior.
8. A reevaluation should be conducted before making any significant change in placement. A reevaluation procedure consistent with the Individuals with Disabilities Education Act is one means of meeting this requirement.

NOTE: The District may refuse to conduct an evaluation, but it has the obligation to inform the parents of the reasons for the refusal and their right to file a grievance, contact the Office for Civil Rights, or request a due process hearing.

End of McClusky School District #19 Exhibit AACA E2

RECOMMENDED

Descriptor Code: ABAA

SCHOOL DISTRICT ORGANIZATION PLAN

In accordance with the Department of Public Instruction administrative rules, schools shall be classified as elementary or secondary/high school. The McClusky Public School shall be organized on a 7-6 plan of instructional organization. Elementary schools shall provide for grades K through 6 and high school shall encompass grades 7-12.

Kindergarten shall be conducted on a full year, full day schedule.

End of McClusky School District #19 Policy ABAAAdopted: June 20, 2017

SCHOOL YEAR & CALENDAR

A school calendar for the ensuing school year shall be prepared by the Superintendent and presented to the Board each year by a date designated by the Board. The Board may receive input from teachers, students, and the community before final adoption of the calendar. Any changes in the calendar after adoption shall be subject to board approval.

The school calendar shall:

1. List the opening and closing dates of the school year. A school year shall consist of the minimum number of days required by state law.
2. List professional development days for teachers and administrators. The Board shall schedule professional development days in accordance with law.
3. List the start and end of the fiscal year, which shall commence July 1 and end June 30.
4. Set forth days of attendance for students, holiday and vacation periods, parent-teacher conference days, and other schedules of importance to the staff and public.
5. List days that may be used for the rescheduling of instructional time lost as a result of severe weather or other emergency conditions in accordance with 15.1-27-23

Upon approval of the calendar by the Board, the Superintendent will distribute copies of the calendar to staff, news media, and district patrons, including parents¹.

Complementing Documents

- ABAB-AR, Wednesday Family Night Scheduling
- GACD, Summer School

End of McClusky School District #19 Policy ABABAdopted: June 20, 2017

¹ Law requires notice of kindergarten assessment dates/times to parents of incoming kindergarten students.

EXTRACURRICULAR SCHEDULING REGULATION

The Business Manager keeps a master calendar and facilities schedule. The principal, activities director, or Business Manager needs to be consulted well in advance in order to schedule an activity or event.

The Administrators and Business Manager shall not permit groups to schedule any school activities after 6:00 p.m. on Wednesday evenings. All students must be out of the building, and school doors must be closed by 6:00 p.m. on Wednesdays. The time after 6:00 p.m. on Wednesday is considered family time and must remain free from school activity interference.

End of McClusky School District #19 Administrative Regulation ABAB-AR

RELIGIOUS OBSERVANCES

The District encourages all students and staff to respect each other's religious views. To promote tolerance and respect, the Board may prepare the district's calendar in a manner meant to minimize conflicts with religious holidays of all faiths. School shall be dismissed for holidays when required by state law and may be dismissed for holidays for operational reasons, such as, but not limited to, when large numbers of students are likely to be absent.

District schools may recognize holidays that are of a secular or a religious and secular nature. Observation of holidays that are religious and secular shall be done in an objective manner, without sectarian indoctrination, and in accordance with the district's policies on teaching about religion and religious displays.

Complementing Documents

- ABAB, School Year & Calendar
- ABBE, Displays of Religious Objects or Documents
- GBAA, Teaching about Religion
- GBAA-E, Teaching about Religion Checklist

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

NORTH DAKOTA'S COMPREHENSIVE MODEL SCHOOL POLICY FOR TOBACCO USE

Definitions

For purposes of this policy:

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

Rationale for Regulating Possession & Use

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

1. Reduce the high incidence of tobacco use in North Dakota.
2. Protect the health and safety of all students, employees, and the general public.
3. Set a non-tobacco-use example by adults.

4. Assist in complying with smoking restrictions in state and federal law (NDCC 23-12-10 and 20 U.S.C. 7973).

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

Use & Possession Prohibitions

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

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

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

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

Communicating to Students, Staff, & Public

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

Responsibility for Violations

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

Tobacco Cessation Services

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

Complementing NDSBA Templates (may contain items not adopted by the Board)

- DEAA, Drug & Alcohol Free Workplace
- FF, Student Conduct & Discipline
- FFE, Extracurricular Participation Requirements
- FGDE, Student Distribution & Posting of Non-curricular Material

RECOMMENDED

Descriptor Code: ABBA

- HDD, Gifts & Bequests
- KAAA, Visitors in Schools
- KAAA-AR, Visitors in Schools Regulations
- KAAD, Distribution of Non-curricular Material in Schools

End of McClusky School District #19 Policy ABBAAdopted: December 13, 2018

[08/18]

**TOBACCO-FREE SCHOOLS & WORKPLACES
VIOLATIONS BY THE PUBLIC**

Members of the public who violate the district's anti-tobacco policy and/or regulations shall be informed that their actions are in violation of district policy. Repeat violations may result in the building principal or designee requiring such individuals to leave school property. Repeat violations may also result in the building principal recommending to the Superintendent that the individual be prohibited from entering district property. If enacted, such prohibitions shall not violate law and may be limited to a specific period of time as determined by the Superintendent. The Superintendent may grant exceptions to such prohibitions for reasons such as, but not limited to, granting a parent violator the ability to pick up and drop off his/her child from school.

End of McClusky School District #19 Board Reg. ABBA-BR Approved: May 9, 2017

NON-CURRICULAR USE OF DISTRICT PROPERTY

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

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

Before the District grants use of school facilities, each of the groups listed above shall complete and submit a Facility Use/Rental form to the Superintendent for approval and must agree to facility use regulations before rental/use. The District shall check with its insurance carrier to ensure coverage and, if available, obtain written confirmation of this coverage prior to granting a facility use request OR the party using property shall agree to pay all damages resulting from rental and/or use.

The Superintendent shall develop facility use regulations. They shall be nondiscriminatory in content, applied uniformly, shall contain conditions for approval and disapproval of facility use requests, contain terms of use and supervision requirements, and terms under which community groups must pay short-term rental fees.

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

End of McClusky School District #19 Policy ABBBAdopted: June 20, 2017

NONCURRICULAR USE OF DISTRICT EQUIPMENT

Equipment and Material

School-owned equipment and materials are intended for educational use and district operations.

However, when equipment is not being used for these purposes, district students, employees, district patrons, and nonprofit organizations may request to use district equipment when use/rental will have a public benefit. The requesting party shall agree to pay all damages resulting from rental and/or use.

Requestors shall complete and submit an Equipment Use/Rental form to the Superintendent for approval and must agree to equipment use regulations before rental/use. The Superintendent shall develop these regulations. The regulations shall outline the conditions under which equipment may be rented/used and shall contain terms of use, which at least prohibit use/rental for personal financial gain.

End of McClusky School District #19 Policy ABBC Adopted: May 9, 2017

COMMERCIAL AND POLITICAL USE OF SCHOOLS

District schools shall not endorse or be identified with any political party. Except as the district's advertising and corporate sponsorship policies allow otherwise, district schools shall not be identified with any commercial enterprise.

End of McClusky School District #19 Policy ABBD Adopted: May 9, 2017

POLITICAL ACTIVITIES

Definition

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

Rights and Restrictions

The District recognizes that district employees, students, volunteers, and board members have certain civic rights (e.g., the right to be an active member of a political party of choice; the right to seek, campaign for, and serve in public office; the right to vote). However, in accordance with law, the District prohibits the use of school property, school time, and school services for political purposes except as authorized by law and board approval. Use of the school delivery system for political purposes is also prohibited. Employees shall not use on-duty hours for political purposes and shall observe state law prohibiting political activities by public employees. No district employee or volunteer shall exploit students for political purposes.

Nothing in this policy shall prevent:

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

Complementing Documents

- GBA, Academic Freedom

End of McClusky School District #19 Policy ABBDA..... Adopted: May 9, 2017

DISPLAYS OF RELIGIOUS OBJECTS OR DOCUMENTS

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

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

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

When a request to display a religious object/document/decoration is denied by administration, the requestor may file an appeal with a board-appointed review committee. The committee shall review the administrator's decision, take into account the above criteria, and issue recommendations to the Board as soon as practicable.

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

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

Complementing Documents

- DEAC, Staff Dress Code
- FFH, Student Dress Code
- GBAA, Teaching about Religion
- GBAA-E, teaching about Religion Checklist

End of McClusky School District #19 Policy ABBE..... Adopted: March 14, 2017

TICKET SALES FOR ACCESSIBLE SEATING

The District shall comply with the Americans with Disabilities Act regulations concerning ticket sales for accessible seating whenever the District sells tickets for seating at district-sponsored programs and/or events.

Complementing Documents

- ABBF-E, Americans with Disabilities Act Regulations: Ticket Sales for Accessible Seating

End of McClusky School District #19 Policy ABBF Adopted: May 9, 2017

**AMERICANS WITH DISABILITIES ACT REGULATIONS
TICKET SALES FOR ACCESSIBLE SEATING
28 C.F.R. 35.138**

Definition

Accessible seating is defined as wheelchair spaces and companion seats that comply with sections 221 and 802 of the [2010 ADA Accessible Design Standards](#) along with any other seats required to be offered for sale to the individual with a disability pursuant to the “purchasing multiple tickets” paragraph below.

Ticket Sales

A public entity that sells tickets for a single event or series of events shall modify its policies, practices, or procedures to ensure that individuals with disabilities have an equal opportunity to purchase tickets for accessible seating:

1. During the same hours;
2. During the same stages of ticket sales, including, but not limited to, pre-sales, promotions, lotteries, wait lists, and general sales;
3. Through the same methods of distribution;
4. In the same types and numbers of ticketing sales outlets, including telephone service, in-person ticket sales at the facility, or third-party ticketing services, as other patrons; and
5. Under the same terms and conditions as other tickets sold for the same event or series of events.

Identification of Available Accessible Seating

A public entity that sells or distributes tickets for a single event or series of events shall, upon inquiry:

1. Inform individuals with disabilities, their companions, and third parties purchasing tickets for accessible seating on behalf of individuals with disabilities of the locations of all unsold or otherwise available accessible seating for any ticketed event or events at the facility.
2. Identify and describe the features of available accessible seating in enough detail to reasonably permit an individual with a disability to assess independently whether a given accessible seating location meets his or her accessibility needs.
3. Provide materials, such as seating maps, plans, brochures, pricing charts, or other information, that identify accessible seating and information relevant thereto with the same text or visual representations as other seats, if such materials are provided to the general public.

Ticket Prices

The price of tickets for accessible seating for a single event or series of events shall not be set higher than the price for other tickets in the same seating section for the same event or series of events. Tickets for accessible seating must be made available at all price levels for every event or series of events. If tickets for accessible seating at a particular price level are not available because of inaccessible features, then the percentage of tickets for accessible seating that should have been available at that price level (determined by the ratio of the total number of tickets at that price level to the total number of tickets in the assembly

area) shall be offered for purchase, at that price level, in a nearby or similar accessible location.

Purchasing Multiple Tickets

For each ticket for a wheelchair space purchased by an individual with a disability or a third-party purchasing such a ticket at his or her request, a public entity shall make available for purchase three additional tickets for seats in the same row that are contiguous with the wheelchair space, provided that at the time of purchase there are three such seats available. A public entity is not required to provide more than three contiguous seats for each wheelchair space. Such seats may include wheelchair spaces.

If patrons are allowed to purchase at least four tickets, and there are fewer than three such additional contiguous seat tickets available for purchase, a public entity shall offer the next highest number of such seat tickets available for purchase and shall make up the difference by offering tickets for sale for seats that are as close as possible to the accessible seats.

Sales Limited to Less than Four Tickets

If a public entity limits sales of tickets to fewer than four seats per patron, then the public entity is only obligated to offer as many seats to patrons with disabilities, including the ticket for the wheelchair space, as it would offer to patrons without disabilities.

Maximum Number of Tickets Patrons may Purchase Exceeds Four

If patrons are allowed to purchase more than four tickets, a public entity shall allow patrons with disabilities to purchase up to the same number of tickets, including the ticket for the wheelchair space.

Group Sales

If a group includes one or more individuals who need to use accessible seating because of a mobility disability or because their disability requires the use of the accessible features that are provided in accessible seating, the group shall be placed in a seating area with accessible seating so that, if possible, the group can sit together. If it is necessary to divide the group, it should be divided so that the individuals in the group who use wheelchairs are not isolated from their group.

Hold-and-Release of Tickets for Accessible Seating

Tickets for accessible seating may be released for sale in certain limited circumstances. A public entity may release unsold tickets for accessible seating for sale to individuals without disabilities for their own use for a single event or series of events only under the following circumstances:

1. When all non-accessible tickets (excluding luxury boxes, club boxes, or suites) have been sold;
2. When all non-accessible tickets in a designated seating area have been sold and the tickets for accessible seating are being released in the same designated area; or
3. When all non-accessible tickets in a designated price category have been sold and the tickets for accessible seating are being released within the same designated price category.

Nothing in this paragraph requires a facility to release tickets for accessible seating to individuals without disabilities for their own use.

Ticket Transfer

Individuals with disabilities who hold tickets for accessible seating shall be permitted to transfer tickets to third parties under the same terms and conditions and to the same extent as other spectators holding the same type of tickets, whether they are for a single event or series of events.

Prevention of Fraud in Purchase of Tickets for Accessible Seating

A public entity may not require proof of disability, including, for example, a doctor's note, before selling tickets for accessible seating.

1. **Single-event tickets:** For the sale of single-event tickets, it is permissible to inquire whether the individual purchasing the tickets for accessible seating has a mobility disability or a disability that requires the use of the accessible features that are provided in accessible seating, or is purchasing the tickets for an individual who has a mobility disability or a disability that requires the use of the accessible features that are provided in the accessible seating.
2. **Series-of-events tickets:** For series-of-events tickets, it is permissible to ask the individual purchasing the tickets for accessible seating to attest in writing that the accessible seating is for a person who has a mobility disability or a disability that requires the use of the accessible features that are provided in the accessible seating.

A public entity may investigate the potential misuse of accessible seating where there is good cause to believe that such seating has been purchased fraudulently.

NOTE: This exhibit does not include regulatory language on year-to-year sale of season-long seats or language on secondary ticket markets. This information is available in 28 C.F.R. 35.138.

End of McClusky School District #19 Exhibit ABBF-E

COPYRIGHTED MATERIAL & INTELLECTUAL PROPERTY

Copyright Prohibitions

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

Compliance

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

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

Intellectual Property

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

The Board authorizes the Superintendent to sell “work made for hire” products to other school systems, organizations, or commercial firms in accordance with the district’s sale of school property policy.

Violations

Administration shall investigate all complaints of alleged copyright violations.

Students and employees who willfully disregard the district’s copyright position are in violation of board policy and shall be subject to disciplinary consequences in accordance with applicable policies and law. In addition, employees who willfully disregard this policy do so at their own risk and assume all liability. The District may also deem employees who willfully violate copyright laws to be acting outside the scope of employment.

Complementing Documents

- ACDA, Acceptable Use

End of McClusky School District #19 Policy ABCA Adopted: March 14, 2017

COMPUTER SOFTWARE

In an effort to discourage violation of software copyright laws and to prevent piracy activities, the District shall implement the following safeguards:

1. The ethical and practical problems caused by software piracy will be taught in all schools.
2. Only the Superintendent or designee is permitted to make an archival copy of software in accordance with section 117 of the Copyright Act.
3. When software is to be used on a disk sharing system, efforts will be made to secure this software from copying.
4. Illegal copies of copyright programs may not be made or used on school equipment.
5. Only administration or a designee shall install software on school computers and complete software license agreements.
6. The principal of each school is responsible for establishing practices that will enforce this policy at the school level.

End of McClusky School District #19 Administrative Regulation ABCA-AR

SPORTSMANSHIP

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

Rules of Conduct

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

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

Complementing Documents

- ABCB-AR, Sportsmanship Regulations
- KAAA, Visitors in Schools
- KAAA-AR, Visitors in Schools Regulations

End of McClusky School District #19 Policy ABCB Adopted: May 9, 2017

WELLNESS POLICY

District Wellness Committee

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

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

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

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

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

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

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

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

Physical Activity

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

¹ <https://www.nd.gov/dpi/SchoolStaff/SafeHealthy/HealthEducation/>

The goals of physical activity programs must be to:

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

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

The District has implemented regulation ABCC-AR2, which contains additional programs and guidelines the District uses to promote physical activity.

Nutrition Education and Promotion

The District shall teach, model, and support healthy eating in grades K-12 through the curriculum and through other promotional methods². The District should strive to:

1. Educate teachers and other staff members responsible for nutrition education (e.g., provide training regarding the [Dietary Guidelines for Americans](#) and how to teach them);
2. Identify and implement methods to educate family members about district nutrition standards and goals as well as involve them in program development and implementation.
3. Integrate nutrition education into core curricula that is aligned with state standards and requirements;
4. Include developmentally appropriate, culturally relevant and participatory activities in the nutrition curriculum;
5. Emphasize caloric balance between food intake and physical activity
6. Provide students with the knowledge and skills necessary to promote and protect their health;
7. Promote fruits, vegetables, whole-grain products, low-fat dairy products, healthy food preparation methods, and accurate portion sizes; and
8. Promote healthy food and beverage choices for all students as well as encourage participation in school meal programs.

Nutrition promotion must be implemented through the use of evidence-based healthy food promotion techniques (e.g. Smarter Lunchroom techniques³). All foods and beverages offered to students during the school day must meet or exceed the [USDA Smart Snacks in Schools](#) nutrition standards.

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

² <https://www.healthiergeneration.org/programs/>

³ <http://smarterlunchrooms.org/ideas>

Other School-Sponsored Activities

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

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

Nutrition Standards

The District shall comply with applicable nutrition standards established in federal regulations for all reimbursable meals, e.g., the National School Breakfast and Lunch program. The District shall comply with the [USDA Smart Snacks in School](#) nutrition standards for all competitive foods and beverages sold on school grounds during the school day to students, including those foods and beverages provided at celebrations and parties and classroom snacks brought by staff or family members. The district shall not allow foods and beverages at a free or discounted price if those foods do not meet the [USDA's Smarter Snacks in Schools](#) nutrition standards. Non-food celebrations and rewards shall be promoted and a list of ideas made available to staff and family members.

Foods purchased to raise funds must meet the [USDA's Smart Snacks in Schools](#) nutrition standards⁴. The district may also encourage fundraising ideas that are non-food related.

Exception to Competitive Food and Beverage Sales

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

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

Hydration Standards

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

Marketing

The District permits the marketing of food items that meet or exceed the [USDA's Smart Snacks in School](#) nutrition standards. All advertising and promotions of food items, must

⁴ <http://www.actionforhealthykids.org/storage/documents/parent-toolkit/fundraisers-family-health-f1.pdf>

REQUIRED

Descriptor Code: ABCC

be approved by the Superintendent, or an individual that has been appointed by the Superintendent to make such decisions. These standards do not apply to foods and beverages sold off school grounds.

Qualifications and Training

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

Complementing NDSBA Templates (may contain items not adopted by the Board)

- ABCC-AR, Building-Level Wellness Policy Coordinators
- ABCC-AR2, Physical Activity and Recess Regulations
- ABCC-E, Hiring & Training Requirements for Food Services Staff
- BBBB, School Board Committees
- BDA, Procedure for Adopting Board Policy
- BDBC, Citizens' Advisory Committees
- FGDB, Student Handbooks
- IB, Food Service Program
- IB-E2, DPI Requirements & Guidelines for Adult Meals
- IB-E3, Foods of Minimal Nutritional Value

End of McClusky School District #19 Policy ABCCAdopted: June 19, 2018

[12/17]

PHYSICAL ACTIVITY AND RECESS REGULATIONS

Physical Activity

The Centers for Disease Control and Prevention recommends that young people ages 6–17 years participate in at least 60 minutes of physical activity daily.

To help achieve this standard, the District has taken the following steps:

1. Classroom health education will complement physical education by reinforcing the knowledge and self-management skills needed to maintain a physically-active lifestyle and to reduce time spent on sedentary activities, such as media time.
2. Opportunities for physical activity will be encouraged as a part of other subject lessons.
3. Classroom teachers are encouraged to provide short (10-15 minute) physical activity breaks between lessons or classes, as appropriate.
4. When activities, such as mandatory school-wide testing make it necessary for students to remain indoors for long periods of time, schools should give students several breaks during which they are encouraged to move and be moderately active.
5. The physical education program will comply with standards in NDCC 15.1-21-01 and 02 and North Dakota Physical Education Content Standards, engage students in moderate to vigorous activity during at least 50 percent of physical education class time, and evaluate using both formative and summative assessments to improve growth.

Recess

Elementary schools should provide recess for students that:

1. Is at least 20 minutes a day
2. Is preferably outdoors except when the wind chill is below -15, weather conditions otherwise prohibit productive outdoor activity, or at the discretion of the person on recess duty
3. Encourages moderate to vigorous physical activity verbally and through the provision of space and equipment
4. Discourages extended periods of inactivity (i.e., periods of two or more hours of inactivity).

End of McClusky School District #19 Administrative Regulation ABCC-AR2

Board motion to accompany ABCC-AR2

The school board believes that regular physical activity has several positive benefits, including, but not limited to, reducing the risk of developing obesity and chronic disease; reducing feelings of depression and anxiety; and improving academic performance. In addition, the school board believes in the value of a comprehensive school activity program, which is built on quality physical education as a foundation, promotes physical activity before, during, and after school, and involves multiple stakeholders including school staff, families, and the community. Therefore, the board strongly encourages administrators to implement regulation ABCC-AR2: Physical Activity and Recess Regulation.

HIRING & TRAINING REQUIREMENTS FOR FOOD SERVICES STAFF

The following requirements are applicable beginning July 1, 2015:

Hiring Requirements

(For Food Services Directors Hired on or after July 1, 2015)

SUMMARY OF SCHOOL NUTRITION PROGRAM DIRECTOR PROFESSIONAL STANDARDS BY LOCAL EDUCATIONAL AGENCY SIZE

Minimum requirements for directors	Student enrollment 2,499 or less	Student enrollment 2,500–9,999	Student enrollment 10,000 or more
Minimum Education Standards (required) <i>(new directors only)</i> .	Bachelor's degree, or equivalent educational experience, with academic major or concentration in food and nutrition, food service management, dietetics, family and consumer sciences, nutrition education, culinary arts, business, or a related field. OR Bachelor's degree, or equivalent educational experience, with any academic major or area of concentration, <i>and</i> either a State-recognized certificate for school nutrition directors or at least 1 year of relevant school nutrition program experience; OR	Bachelor's degree, or equivalent educational experience, with academic major or concentration in food and nutrition, food service management, dietetics, family and consumer sciences, nutrition education, culinary arts, business, or a related field; OR Bachelor's degree, or equivalent educational experience, with any academic major or area of concentration, <i>and</i> a State-recognized certificate for school nutrition directors; OR	Bachelor's degree, or equivalent educational experience, with academic major or concentration in food and nutrition, food service management, dietetics, family and consumer sciences, nutrition education, culinary arts, business, or a related field; OR Bachelor's degree, or equivalent educational experience, with any academic major or area of concentration, <i>and</i> a State-recognized certificate for school nutrition directors; OR
Minimum Education Standards (preferred) <i>(new directors only)</i> .	Associate's degree, or equivalent educational experience, with academic major or concentration in food and nutrition, food service management, dietetics, family and consumer sciences, nutrition education, culinary arts, business, or a related field; <i>and</i> at least 1 year of relevant school nutrition program experience; OR High school diploma (or GED) <i>and</i> 3 years of relevant school nutrition program experience.	Bachelor's degree in any academic major <i>and</i> at least 2 years of relevant school nutrition program experience. OR Associate's degree, or equivalent educational experience, with academic major or concentration in food and nutrition, food service management, dietetics, family and consumer sciences, nutrition education, culinary arts, business, or a related field; <i>and</i> at least 2 years of relevant school nutrition program experience.	Bachelor's degree in any major <i>and</i> at least 2 years of experience in management of school nutrition programs.
Minimum Prior Training Standards (required) <i>(new directors only)</i> .	Directors hired without an associate's degree are strongly encouraged to work toward attaining associate's degree upon hiring.		
	Directors hired without a bachelor's degree strongly encouraged to work toward attaining bachelor's degree upon hiring.		
	Master's degree, or willingness to work toward master's degree, preferred.		
	At least 1 year of management experience, preferably in school nutrition, strongly recommended.		
	At least 3 credit hours at the university level in food service management plus at least 3 credit hours in nutritional sciences at time of hiring strongly preferred.		
	At least 8 hours of food safety training is required either not more than 5 years prior to their starting date or completed within 30 calendar days of employee's starting date.		

Training Requirements (Beginning on July 1, 2015)

Summary of Required Minimum Continuing Education/Training Standards, for All Local Educational Agency Sizes	
New and Current Directors	<p>Each year, at least 12 hours of annual continuing education/training.</p> <p>Includes topics such as:</p> <ul style="list-style-type: none"> • Administrative practices (including training in application, certification, verification, meal counting, and meal claiming procedures). • Any specific topics required by FNS, as needed, to address Program integrity or other critical issues. <p>This required continuing education/training is in addition to the food safety training required in the first year of employment, or for all school nutrition program directors if determined by the State agency.</p>
New and Current Managers	<p>Each year, at least 10 hours of annual continuing education/training.</p> <p>Includes topics such as:</p> <ul style="list-style-type: none"> • Administrative practices (including training in application, certification, verification, meal counting, and meal claiming procedures). • The identification of reimbursable meals at the point of service. • Nutrition, health and safety standards. • Any specific topics required by FNS, as needed, to address Program integrity or other critical issues.
New and Current Staff (other than the director and managers) that work an average of at least 20 hours per week	<p>Each year, at least 6 hours of annual continuing education/training.</p> <p>Includes topics such as:</p> <ul style="list-style-type: none"> • Free and reduced price eligibility. • Application, certification, and verification procedures. • The identification of reimbursable meals at the point of service. • Nutrition, health and safety standards. • Any specific topics required by FNS, as needed, to address Program integrity or other critical issues.

End of McClusky School District #19 Exhibit ABCC-E

RECORDS RETENTION

Definitions

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

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

Development of a District Records Retention Schedule

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

Role of Record Administrator

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

Records Hold

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

Below are indicators that a records hold is required:

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

The Business Manager shall determine the duration of records hold. S/he shall consult the district's attorney for retention recommendations on items retained under a litigation hold.

Complementing Documents

- ABCD-E, ND School District Records Retention Schedule

End of McClusky School District #19 Policy ABCD Adopted: May 9, 2017

BOARD DOCUMENTS RETENTION SCHEDULE

Description of Record	Retention Deadline	Destruction Method	Record Administrator
1099s	13 yrs after CFY	Shred	Business Manager
Annexation, Reorganization, and Dissolution Committee Material	Permanently	n/a; file copy with state archives	Business Manager
Annexation, Reorganization, and Dissolution Plans/Agreements	Permanently	n/a; file copy with state archives	Business Manager
Board correspondence	3 yrs after CFY	Recycle	Business Manager
Board Election Ballots (including absentee)	Retain one copy permanently; ballots completed by voters retain 22 months	Shred	Business Manager
Board Election Notices	45 days after election	Recycle	Business Manager
Board minutes	Permanently	n/a	Business Manager
Budgets	10 yrs from date of approval	Recycle	Business Manager
Certificate of election	Retain for 10 yrs after CFY	Send to state archives	Business Manager
Committee Meeting Minutes	Retain for 10 yrs after CFY	Send to state archives	Business Manager
Election Official Oaths	45 days after election	Recycle	Business Manager
Executive Session Tapes	Minimum of 6 months; 6 yrs if the executive session was related to contract negotiations, nonrenewal, discharge, or expulsion	Destroy	Business Manager
Joint Powers Agreements	Permanently	n/a	Business Manager
Meeting Agendas	Retain for 10 yrs after CFY	Send to state archives	Business Manager
Meeting Packets	Retain for 10 yrs after CFY	Send to state archives	Business Manager
New Board Member Training Verification	Term of office +6 yrs	Recycle	Business Manager
Oath of Office	Retain for entire term of office + 6yrs	Send to state archives	Business Manager
Petitions: Recall and Election	10 yrs from date approved	Send to state archives	Business Manager
Policies related to board operations	Retain for life of policy plus 6 yrs once amended or rescinded	Recycle	Business Manager

The retention deadlines in this document shall be suspended in the event of a records hold. If you are uncertain of whether or not current records holds are in place or have reason to believe that the District should institute a records hold, please contact the appropriate records administrator listed in this document.

Description of Record	Retention Deadline	Destruction Method	Record Administrator
Poll books	10 yrs from date of election	Send to state archives	Business Manager
Poll tallies	10 yrs from date of election	Send to state archives	Business Manager
Statement of Interest (SFN 10172)	10 yrs after CFY	Recycle	Business Manager
Travel Reimbursement Log/Reports	CFY +4 yrs	Shred	Business Manager

HR RECORDS RETENTION SCHEDULE

Description of Record	Retention Deadline	Destruction Method	Record Administrator
1099s	13 yrs after CFY	Shred	Business Manager
403 B Annuity Billings/ Payment Confirmation	5 yrs after separation	Shred	Business Manager
941 Federal Tax Form/EFTPS	5 yrs after separation of all employees on report	Shred	Business Manager
Absence Log	5 yrs after separation	Shred	Business Manager
Academic Records/ Transcripts	Until updated; destroy upon separation	Shred	Business Manager or HR Director
Annual Payroll Report (for Annual Financial Report)	5 yrs from date created	n/a	Business Manager
Awards/Honors records	6 yrs after separation	Shred	Business Manager
Benefits Bills (e.g., BCBS bill, AFLAC bill)	6 yrs after plan yr	Shred	Business Manager
Certificate of Fitness for Duty (Bus Drivers)	Until new certificate is received; upon separation retain final certificate for 6 yrs	Shred	HR Director, Facilities Manager, or Business Manager
Certificates of Insurance	6 yrs after final action	Shred	Business Manager
Check Register	6 yrs after created	n/a	Business Manager

The retention deadlines in this document shall be suspended in the event of a records hold. If you are uncertain of whether or not current records holds are in place or have reason to believe that the District should institute a records hold, please contact the appropriate records administrator listed in this document.

Description of Record	Retention Deadline	Destruction Method	Record Administrator
Child Support Enforcement Reporting	5 yrs after separation	Shred	Business Manager
Classroom Observation Notes	2 school yrs; if used for purposes of nonrenewal, retain 6 yrs after separation	Recycle	Employee's supervisor (principal or supt.)
COBRA Forms	6 yrs after final action	Shred	Business Manager
COBRA payments	6 yrs after final action	Shred	Business Manager
Cover Letters	6 yrs after hiring decision	Recycle or shred (if contains ss#)	HR Director or Business Manager
Credit Checks	2 yrs after selection process	Shred	Superintendent
Criminal History Records	6 yrs after hiring decision (if not hired); 6 yrs after separation if hired	Shred	Record Adjudicator
Deductions Register (by Deduction and by Employee)	5 yrs after separation	Shred	Business Manager
Direct Deposit Information and Authorization Forms	Duration of employment or until new authorization forms are provided	Shred	Business Manager
Direct Deposit Register	CFY +4 yrs	Shred	Business Manager
Driver's License Copy	1 yr after date of termination	Shred	Business Manager
Driving Record Check	Until updated or 6 yrs	Shred	Business Manager
Drug Testing	7 yrs after separation	Shred	HR Director or building administrator
Early Retirement Agreement	6 yrs after final payment made under agreement	Shred	Business Manager
Employee Contact Information Form	Duration of recall rights (for RIF'd teacher); 1 yr after updated or separation	Shred	HR Director or Business Manager
Employee Lifetime Wages Report	6 yrs after separation	n/a	Business Manager
Employee Work Agreement	6 yrs after separation	Shred	HR Director or Superintendent
Employment Contracts	6 yrs after separation	Shred	Business Manager

The retention deadlines in this document shall be suspended in the event of a records hold. If you are uncertain of whether or not current records holds are in place or have reason to believe that the District should institute a records hold, please contact the appropriate records administrator listed in this document.

Description of Record	Retention Deadline	Destruction Method	Record Administrator
Employment History Records (dates of employment, pay changes, dates of actions taken such as transfers, promotions, disciplinary measures)	50 yrs after separation	Shred	HR Director or Business Manager
Evaluations	6 yrs after separation	n/a	HR Director or Business Manager
Exit Checklist	6 yrs after separation	Shred	HR Director
Exit Interview Form	6 yrs after separation	Shred	HR Director
Flex Benefit/125/ Cafeteria Plan Application Form	5 yrs after separation	Shred	Business Manager
Flex Benefit/125/ Cafeteria Plan Billings	6 yrs after plan's termination	Shred	Business Manager
FMLA Forms	5 yrs after separation	Shred	Business Manager or HR Director
Garnishments	5 yrs after separation	Shred	Business Manager
Handbook Receipt Verification	6 yrs after separation	Recycle	Business Manager or HR Director
I-9	4 yrs after CFY or 3 yrs after separation (whichever is longer)	Shred	Business Manager
Improvement Plans	6 yrs after separation	Shred	HR Director
Insurance Applications (Medical, Vision, Aflac, Dental, Etc.)	5 yrs after separation	Shred	HR Director or Business Manager
Insurance Monthly Statements	6 yrs from date paid	Shred	HR Director or Business Manager
Interview Notes	6 yrs after hiring decision	Shred	HR Director
Interview Questions	6 yrs after hiring decision	Recycle	HR Director
Job Advertisement	6 yrs after hiring decision	Recycle	HR Director, Superintendent, or Business Manager
Job Application	6 yrs after hiring decision	Shred	HR Director or Business Manager
Job Description	6 yrs after separation	Recycle	HR Director

The retention deadlines in this document shall be suspended in the event of a records hold. If you are uncertain of whether or not current records holds are in place or have reason to believe that the District should institute a records hold, please contact the appropriate records administrator listed in this document.

EXHIBIT

Descriptor Code: ABCD-E

Description of Record	Retention Deadline	Destruction Method	Record Administrator
Job Service New Hire Report	1 yr after submission	Shred	HR Director/ Business Manager
Leave Balance Reports	3 yrs from date of creation	Shred	Business Manager or HR Director
Leave Request Forms (other than FMLA) (includes sick bank)	5 yrs after separation	Shred	Business Manager
Letter of Resignation	6 yrs after separation	Shred	Superintendent Secretary
Medical Records	6 yrs after separation	Shred	Hr. Director or Business Manager
Medical Release to Return to Work	6 yrs after separation	Shred	HR Director or Business Manager
Negotiated Agreements (including Salary Schedules)	6 yrs after separation of last employee covered by the agreement (e.g., last teacher hired in 1980 retires in 2015; retain 1980 negotiated agreement until 2021)	Recycle	Business Manager
Nonrenewal Notices	6 yrs after separation	Recycle	Business Manager or HR Director
Offer of Employment Letter	6 yrs after separation	Shred	Business Manager or HR Director
Orientation Checklist	6 yrs after separation	Recycle	HR Director, Business Manager, or Principal
Pay Period Entries for Taxable Reimbursement	5 yrs from date created	Shred	Business Manager
Payout of Remaining Leave upon Separation	5 yrs after separation	Recycle	Business Manager
Payroll Register Totals	5 yrs after created	n/a	Business Manager
Payroll Registers	5 yrs after all employees listed have separated employment	n/a	Business Manager

The retention deadlines in this document shall be suspended in the event of a records hold. If you are uncertain of whether or not current records holds are in place or have reason to believe that the District should institute a records hold, please contact the appropriate records administrator listed in this document.

Description of Record	Retention Deadline	Destruction Method	Record Administrator
Payroll Schedules	5 yrs after separation of last employee covered by the schedule (e.g., last employee hired in 1980 retires in 2015; retain 1980 payroll schedule until 2020)	n/a	Business Manager
PERS Defined Benefit Retirement Membership Application (SFN 2561)	1 year after separation	Contact PERS to ensure info is on file, then shred	Business Manager
PERS Designation of Beneficiary for Group Retirement Plan (SFN 25060)	1 year after separation	Contact PERS to ensure info is on file, then shred	HR Director
PERS Monthly Report of Contributions	1 year after separation	Shred	Business Manager
Physical Exam Records	Until updated or 6 yrs after separation	Shred	HR Director
Policies Governing Personnel	6 yrs after separation of last employee covered by the policy (e.g., last employee hired in 1980 retires in 2015; retain 1980 policies until 2021)	Recycle	Superintendent
Pre-Observation Teacher Form	2 school yrs; if used for purposes of nonrenewal, retain 6 yrs after separation	Shred	Principal or supervisor
Reference Check Information/ Notes (e.g., Verification of Employment)	6 yrs after decision to hire	Shred	Business Manager
Reference Letters/Checks	6 yrs after decision to hire	Shred	Business Manager
Rejection Letter (Employment)	6 yrs after issuing	Recycle	HR Director, Business Manager, or Superintendent
Resumes	6 yrs after decision to hire	Shred	HR Director, Business Manager or Superintendent
Social Security Card (copy)	1 year after separation	Shred	Business Manager
Social Security Verification	6 yrs after separation	Shred	Business Manager
State Income Tax Quarterly Reports	13 yrs after CFY	Shred	Recycle
Tax Deduction Register	13 yrs after CFY	Shred	Shred
Teacher License (Copy)	Until updated and 1 yr after separation	Shred	Business Manager or HR Director

The retention deadlines in this document shall be suspended in the event of a records hold. If you are uncertain of whether or not current records holds are in place or have reason to believe that the District should institute a records hold, please contact the appropriate records administrator listed in this document.

Description of Record	Retention Deadline	Destruction Method	Record Administrator
TFFR Member Action Form (SFN 5098)	1 year after separation	Contact TFFR to ensure info is on file, then shred	Business Manager
TFFR Member Certification (SFN 11732)	1 year after CFY	Shred	Business Manager
TFFR Monthly Report of Contributions	5 yrs after created	Contact TFFR to ensure info is on file, then shred	Business Manager
TFFR Notice of Termination (SFN 17144)	5 yrs after separation	Contact TFFR to ensure info is on file, then shred	Business Manager
TFFR Salary Verification— Pending Retiree (SFN 59158)	1 yr after separation	Contact TFFR to ensure info is on file, then shred	Business Manager
Timecard Reports	5 yrs after created	Shred	Business Manager
Timecards	6 yrs after separation	Recycle	Business Manager or HR Director
Training Records	6 yrs after separation	Shred	HR Director or Business Manager
Travel Reimbursement Log/Reports	CFY +4 yrs	Shred	Business Manager
U.S. Department of Labor Monthly Report	1 yr after created	Shred	Business Manager
Unemployment Quarterly Reports	5 yrs from date created	Shred	Business Manager
Union Dues List	5 yrs from date created	Shred if contains confidential info; otherwise recycle	Business Manager
Verification of Professional Development	6 yrs after separation	Shred	Superintendent
Verification of Wages to Employees	6 yrs after separation	Shred	Business Manager
Voluntary Salary Deduction/ Reduction Agreements	5 yrs after separation	Shred	Business Manager

The retention deadlines in this document shall be suspended in the event of a records hold. If you are uncertain of whether or not current records holds are in place or have reason to believe that the District should institute a records hold, please contact the appropriate records administrator listed in this document.

Description of Record	Retention Deadline	Destruction Method	Record Administrator
W-2 Forms	13 yrs after CFY	Shred	Business Manager
W-4 Forms	13 yrs after CFY	Shred	Business Manager
W-9 forms	13 yrs after CFY	Shred	Business Manager
Wage and Batch Totals Listing Deductions	CFY +4 yrs	Shred	Business Manager
Waiver of Insurance	5 yrs after separation	Shred	Business Manager
Warnings/Write Ups	6 yrs after separation	Shred	HR Director or employee's supervisor
WSI Annual Report	CFY +2 yrs	Shred	Business Manager
WSI Claims	4 yrs after final action	Shred	Business Manager

The retention deadlines in this document shall be suspended in the event of a records hold. If you are uncertain of whether or not current records holds are in place or have reason to believe that the District should institute a records hold, please contact the appropriate records administrator listed in this document.

PROHIBITION ON AIDING SEXUAL ABUSE

Definitions

For the purpose of this policy:

- *Assisting* means to recommend, facilitate, aid, ease, expedite, promote, encourage, advance, stimulate, or accelerate.
- *Sexual misconduct* may include, but is not limited to the following:
 - a. Insults, disparaging remarks/names, and/or sarcasm, used to force compliance with a school employee's, contractor's, or agents' requirements or expectations.
 - b. Any conduct that would amount to sexual harassment, discrimination, or retaliation under Title IX of federal education amendments.
 - c. Any activity that may lead to a sexual relationship such as dating, sending intimate correspondence, and/or engaging in sexualized dialogue.
 - d. Any sexual relationship between a school employee, contractor or agent and a current student, regardless of their age, or a former student under the age of 18.
 - e. Any conduct by a school employee, contractor or agent that would constitute a sexual offense, sexual act, or sexual contact involving a minor or a student as defined in state law.
- *School property* is defined in NDCC 15.1-19-10(6)(b) as all land within the perimeter of the school site and all school buildings, structures, facilities, and school vehicles, whether owned or leased by a school district, and the site of any school-sponsored event or activity.

Prohibited Action

The District prohibits any employee, contractor, or agent from assisting a school employee, contractor or agent in obtaining a new job if the individual or district knows or has probable cause to believe that such school employee, contractor or agent engaged in sexual misconduct regarding a minor or a student in violation of the law.

For the purposes of this policy, it shall not be deemed assisting in obtaining a new job to participate in routine procedures pertaining to the transmission of administrative and personnel files in accordance with law or to confirm dates of employment.

This prohibition does not apply under certain conditions specified by the Every Student Succeeds Act (ESSA) such as:

1. The matter has been reported to law enforcement authorities and it has been officially closed or the school officials have been notified by the prosecutor or police after an investigation that there is insufficient information to establish probable cause,

- 2. The individual has been acquitted or otherwise cleared of the alleged misconduct, or;
- 3. The case remains open without charges for more than 4 years after the information was reported to a law enforcement agency.

Reporting and Investigation

An individual who has reason to believe that this policy may have been violated is required to report the alleged violation to a building administrator or the Superintendent as soon as possible. All reported prohibited behavior shall be investigated 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.

Violation

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 law and/or reporting such activity to appropriate state licensing and law enforcement officials.

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 NDSBA Templates (may contain items not adopted by the Board)

- ACCA, Sexual Offenders on School Property
- BA, School Board Ethics
- DBAA, Recruitment, Hiring, & Background Checks for New Classified Personnel
- DBAC, Recruiting & Hiring Teachers
- DE, Staff Code of Conduct
- DEBD, Staff-Student Relations (Non-Fraternization Policy)

End of McClusky School District #19 Policy ABCE.....Adopted: December 13, 2018

[09/18]

ACCESSIBILITY POLICY

The McClusky School District is committed to ensuring accessibility of its website for students with disabilities, parents with disabilities, and members of the public with disabilities. All pages on the District’s website will conform to the W3C WAI’s Web Content Accessibility Guidelines (WCAG) 2.0, Level AA conformance, or updated equivalents of these guidelines.

The Superintendent is directed to establish procedures whereby students, parents, and members of the public may present a complaint regarding a violation of the Americans with Disabilities Act (ADA), Section 504 and Title II related to the accessibility of any official District web presence that is developed by, maintained by, or offered through the District or third-party vendors and open sources.

Complementing Documents

- ABDA-BR1, Website Accessibility
- ABDA-BR2, Website Accessibility Concerns, Complaints and Grievances
- ABDA-E1, Website Accessibility Complaint and Grievance Form
- ABDA-E2, Website Accessibility Statement

End of McClusky School District #19 Policy ABDAAdopted: December 12, 2017

[01/17]

WEBSITE ACCESSIBILITY

With regard to the District website and any official District web presence that is developed by, maintained by, or offered through third party vendors and open sources, the District is committed to compliance with the provisions of the Americans with Disabilities Act (ADA), Section 504 and Title II, so that students with disabilities, parents with disabilities, and members of the public with disabilities are able to independently acquire the same information, engage in the same interactions, and enjoy the same benefits and services within the same timeframe as those without disabilities, with substantially equivalent ease of use; and that they are not excluded from participation in, denied the benefits of, or otherwise subjected to discrimination in any District programs, services, and activities delivered online.

All existing web content produced by the District and new, updated, and existing web content provided by third-party developers, must conform to Web Content Accessibility Guidelines (WCAG) 2.0, Level AA conformance, or updated equivalents, by no later than date January 31, 2018. This Regulation applies to all new, updated, and existing web pages, as well as all web content produced or updated by the District or provided by third-party developers.

The District's Technology Director is responsible for periodically reviewing and evaluating new material that is published by District staff and uploaded to the website for accessibility. Only District staff who have received training on website accessibility may upload material to the website. The Technology Director shall assist any staff with publishing or uploading accessible material should assistance be needed.

The Technology Director is responsible for reviewing all areas of the District's website and evaluating its accessibility on a periodic basis, and at least once per quarter. Any department or staff page with non-conforming webpages will be asked to correct the problem in a timely manner.

End of McClusky School District #19 Policy ABDA-BR1Adopted: December 12, 2017

[01/17]

WEBSITE ACCESSIBILITY CONCERNS, COMPLAINTS AND GRIEVANCES

A student, parent or member of the public who wishes to submit a complaint or grievance regarding a violation of the Americans with Disabilities Act (ADA), Section 504 or Title II related to the accessibility of any official District web presence that is developed by, maintained by, or offered through the District, third party vendors and/or open sources may complain directly to a school administrator. The initial complaint or grievance should be made using Exhibit ABDA-E1, however, a verbal complaint or grievance may be made. When a school administrator receives the information, they shall immediately inform the Technology Director.

Whether or not a formal complaint or grievance is made, once the District has been notified of inaccessible content, effective communication shall be provided as soon as possible to the reporting party to provide access to the information. The complainant should not have to wait for the investigation of the complaint to be concluded before receiving the information that he/she was unsuccessful in accessing.

Complaints or grievances should be submitted in writing, via email, or by completing Exhibit ABDA-E1. To file a complaint or grievance regarding the inaccessibility of the District's public website content, the complainant should submit a description of the problem, including:

1. Complainant's Name;
2. Complainant's Address;
3. Date of the complaint;
4. Description of the problem encountered;
5. Web address or location of the problem page;
6. Solution desired; and
7. Contact information in case more details are needed (email and phone number.)

The complaint or grievance must be investigated by the District's Technology Director or another individual designated by the Superintendent. The complainant must be contacted no later than five (5) working days following the date the website accessibility compliance coordinator receives the information. The procedures to be followed are:

1. An investigation of the complaint must be completed within fifteen (15) working days. Extension of the time line may be approved only by the Superintendent.
2. The investigator shall prepare a written report of the findings and conclusions within five (5) working days of the completion of the investigation.

3. The investigator shall contact the complainant upon conclusion of the investigation to discuss the findings and conclusions and actions to be taken as a result of the investigation.
4. A record of each complaint and grievance made pursuant to Board Policy ABDA must be maintained by the District office. The record shall include a copy of the complaint or grievance filed, report of findings from the investigation, and the disposition of the matter.

End of McClusky School District #19 Board Reg. ABDA-BR2 Approved: December 12, 2017

[01/17]

WEBSITE ACCESSIBILITY COMPLAINT AND GRIEVANCE FORM

Date of Complaint/Grievance: _____

Complainant Name: _____

Address: _____

Email: _____

Phone: _____

Website address (or location) of accessibility problem: _____

Description of the problem encountered: _____

Solution desired: _____

Thank you for bringing this matter to the District's attention. You may be contacted if more information is needed to process your complaint/grievance. The investigation process is typically completed within fifteen (15) working days from the date it was received.

Signature: _____

WEBSITE ACCESSIBILITY STATEMENT

If you cannot fully access the information on any web page of this site, please let us know the accessibility issue you are having by contacting Andrea Lauer, Technology Coordinator at 701-363-2470 or at Andrea.Lauer@k12.nd.us. We will try to provide the information to you in an alternate format and/or make the necessary improvements to make the information accessible. If you would like to file a formal grievance under Section 504 of the Rehabilitation Act, you may contact our Section 504 coordinator, Dale Ekstrom, Superintendent, or designee, at McClusky Public School, PO Box 499, McClusky, ND 58463, 701-363-2470, or Dale.Ekstrom@k12.nd.us.

End of McClusky School District #19 Exhibit ABDA-E2 [01/17]

EMERGENCY CLOSINGS

The Board authorizes the Superintendent to delay the opening of, dismiss early, or close district schools in the event of hazardous weather, an epidemic, or other emergencies that threaten the health and/or safety of students and employees. The Superintendent’s rationale for exercising this authority shall not be arbitrary, capricious, or based merely on convenience.

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

1. Actual occurrence or imminent possibility of any emergency condition that would make operation of school difficult or dangerous.
2. Ability of students and staff to safely report to school. The Superintendent may consider items such as, but not limited to, weather and road conditions.
3. Whether or not conditions pose a threat to one or all district schools. If conditions only affect certain schools, only the affected schools shall be closed.

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

Notification

The Superintendent shall develop procedures for notifying students, parents, and staff of emergency closings, which should be published in district handbooks and disseminated annually.

Compliance

Staff shall comply with the superintendent’s work reporting instructions during an emergency closing unless emergency conditions make this impossible. Staff that do not comply and/or do not have good cause for noncompliance may be subject to disciplinary consequences in accordance with policy, law, and, when applicable, the negotiated agreement.

Complementing Documents

- FGDB, Student Handbooks

End of McClusky School District #19 Policy ACAA Adopted: May 9, 2017

EMERGENCY & DISASTER PLANS & DRILLS

Emergency Plans

The goal of an emergency/disaster response plan is to ensure an organized, efficient, and effective response to life-threatening occurrences. The Superintendent in conjunction with principals, relevant staff members, and emergency response personnel shall develop an emergency/disaster response plan based on a district-wide threat assessment. The plan shall contain procedures for responding to threats; medical emergencies; natural disasters; and manmade disasters, including, but not limited to, nuclear attacks, terrorism, and other acts of violence.

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

Dissemination

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

Emergency Drills

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

End of McClusky School District #19 Policy ACABAdopted: June 19, 2018

[03/18]

ACCIDENT REPORTING

All staff shall receive training in accident prevention and awareness. Staff shall be required to immediately report accidents to the building principal. All administrators shall receive training in accident report filing requirements to ensure compliance with insurance deadlines.

End of McClusky School District #19 Policy ACAC Adopted: May 9, 2017

AUTOMATED EXTERNAL DEFIBRILLATORS (AED)

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

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

Training

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

Complementing Documents

- ACAB, Emergency & Disaster Plans & Drills

End of McClusky School District #19 Policy ACBA Adopted: May 9, 2017

SIGNIFICANT CONTAGIOUS DISEASES

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

Definitions

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

Universal Precautions

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

Nondiscrimination & Anti-Harassment

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

Confidentiality

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

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

Spokesperson

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

Reasonable Accommodations & Public Health Threats

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

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

Education

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

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

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

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

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

3. **Independent Contractors:** All independent contractors performing services for the District will receive a brochure concerning significant

contagious diseases upon entering into a contract with the District. The brochure shall contain information regarding the transmission of significant contagious diseases in an institutional setting, the means of protecting against contracting the diseases in an institutional setting, and the use of universal precautions.

Complementing Documents

- AAC, Nondiscrimination & Anti-Harassment Policy
- AAC-BR, Discrimination & Harassment Grievance Procedure
- AAC-E, Filing a State or Federal Discrimination & Harassment Complaint
- ACBB-E, Universal Precautions & Sanitary Clean Up
- ACBB-E2, Laws on Communicable Diseases, Immunization Requirements, Reportable Diseases, and Significant Contagious Disease
- ACBB-AR, Procedures for Responding to Potential Health Threats
- KBA, Relations with the News Media

End of McClusky School District #19 Policy ACBB Adopted: May 9, 2017

RESPONDING TO POTENTIAL HEALTH THREATS

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

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

If a teacher believes that a student may have a communicable, reportable, and/or significant contagious disease, s/he shall inform the building principal. Failure by a teacher to report this information may result in disciplinary action. The building principal shall contact the Superintendent to inform him/her of the student's suspected condition. Either the building principal or Superintendent should contact local public health or the ND Department of Health to assist in classifying the condition.

Once the illness is classified, the building principal or Superintendent shall comply with any applicable reporting and/or referral requirements contained in state law or administrative code (See NDCC 23-07-02 and ND Administrative Code 33-06-02-01). The District will comply with and implement all applicable provisions in the district's significant contagious disease policy (ACBB) if the illness is classified as such.

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

When a building principal or Superintendent suspects the presence of a communicable disease or other public health threat in a school or other district facility, the Superintendent should request the ND Department of Health's assistance with the following:

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

Excluding Students from School Due to a Potential Health Threat

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

1. The student's parent/guardian failed to provide, at the time of admission, either proof of all required immunizations or valid immunization exemption documentation (NDCC 23-07-17.1). The District shall inform parents who fail to submit this required documentation of compulsory attendance requirements and law enforcement referral procedures. Students who are homeless must be admitted to schools regardless of whether or not they

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

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

Educational Services for Students Excluded Due to a Potential Health Threat

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

The District may provide educational services, to the extent possible, to all other students who are currently enrolled in a district school but are barred from attending due to a potential health threat.

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

Excluding Staff from District Facilities Due to a Potential Health Threat

In the event of a potential health threat, the Superintendent shall work with the ND Department of Health to identify employees who must be excluded from school. Reasons for exclusion may be related to an employee's current or past health conditions, non-immunized status, and/or inability to verify immunizations or medical documentation recommended for review by public health officials. Employees excluded from school during a potential health threat shall be placed on paid administrative leave and shall not return to work until a public health

officer deems their return safe. The District shall pay costs associated with employees obtaining any medical records requested by the District.

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

Confidentiality of Medical Records

All medical records, including immunization records, obtained by the District are confidential. The District shall not release such records except under a valid exception in state or federal law.

End of McClusky School District #19 Administrative Regulation ACBB-AR

UNIVERSAL PRECAUTIONS & SANITARY CLEANUP

School personnel should practice hygienic procedures when disposing of all human secretions and excretions since they may contain infectious agents capable of spreading disease and since carriers of infectious or contagious diseases are often unknown.

The steps listed below should be followed in all such clean-up situations. The procedures are not intended to replace basic common sense principles of health and hygiene.

Attending to the Victim

1. Wear disposable gloves when cleaning up all secretions and excretions.
2. Have the victim apply a barrier to the affected area if possible. Any secretions/excretions should be removed with disposable paper towels, gauze, or rags.
3. Secure all cleansing materials, gloves, and other soiled items (e.g., diapers) in plastic bags. Tie bags and dispose in a sanitary disposal site.
4. Bag and send home soiled clothing and/or other personal items. Do not clean or rinse these items at school.

Cleaning & Disinfecting Environment

1. Wear disposable gloves when cleaning up the affected area.
2. Sprinkle the affected area with tuberculocidal agent, absorbent chlorine powder, or disinfectant appropriate to the surface as soon as possible.
3. Clean affected area with disposable paper towels, rags, or with a scoop and brush. Scoops or implements to be reused should be washed and sprayed with disinfectant.
4. Secure gloves and all waste in a plastic bag. Tie bag and dispose in a sanitary disposal site.

Cleanup for Attending Employee

Using the following procedures, wash hands immediately after completing the cleaning and disinfecting process:

1. Wet hands and apply antiseptic soap.
2. Rub hands together vigorously for at least 15-30 seconds, paying particular attention to fingertips, nails, and jewelry.
3. Clean any exposed skin with an appropriate antiseptic (e.g., alcohol, iodine, etc.) and apply a leak proof dressing if appropriate.

End of McClusky School District #19 Exhibit ACBB-E

LAWS ON IMMUNIZATIONS, CONTAGIOUS DISEASE, REPORTABLE DISEASE, AND SIGNIFICANTLY CONTAGIOUS DISEASE

Definitions

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

Confidentiality Requirements

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

From Joint Guidance on Application of FERPA and HIPAA:
<http://www.hhs.gov/ocr/privacy/hipaa/understanding/coveredentities/hipaafERPajointguide.pdf>

3. Significant contagious disease

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

Disease Reporting Requirements

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

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

- a. Health care institutions, including hospitals, medical centers, clinics, long-term care facilities, assisted living facilities, or other institutional facilities;
- b. Medical or diagnostic laboratories;
- c. Blood bank collection or storage centers;
- d. Public and private elementary and secondary schools;
- e. Public and private universities and colleges;
- f. Health or correctional institutions operated or regulated by municipal, county or multicounty, state, or federal governments;

- g. Funeral establishments and mortuaries; and
- h. Child care facilities or camps.

Immunization Requirements

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

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

See ND Department of Health immunization chart:

<http://www.ndhealth.gov/immunize/schools-childcare/>

Immunization Exemptions

1. NDCC 23-07-17.1 (2-3)

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

2. ND Administrative Code 33-06-05-01 (4)

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

Non-Discrimination Protections for Affected Individuals

- 1. **Disabled students and employees:** See Nondiscrimination and Anti-harassment Policy (AAC) and Education of Special Education/Disabled Students (FDE)
- 2. **Significant Contagious Disease**
 - a. Employees (ND Administrative Code 33-06-05.3-01): No employee or potential employee may be terminated or prevented from

becoming employed at the institution solely because they have or they are perceived to have a significant contagious disease. If the employee is well enough to perform their job and does not constitute a public health threat to others, as determined by a personal physician, the employee must be permitted to perform the duties.

- b. Independent Contractors (ND Administrative Code 33-06-05.4-01): No independent contractor may be terminated or prohibited from contracting with the institution solely because they have or they are perceived to have a significant contagious disease. If the independent contractor is capable of performing the work, or reasonable accommodations can be made to allow the independent contractor to perform the work, and the independent contractor does not constitute a public health threat to others, as determined by a personal physician, the independent contractor must be permitted to contract with the institution.
- c. Students (ND Administrative Code 33-06-05.2-01): No student may be prohibited from attending the institution solely because they have, or they are perceived to have, a significant contagious disease. If the student is well enough to attend the institution, and does not constitute a public health threat, as determined by the decision-maker, the student must be permitted to attend the institution. If the student is unable to attend regular class instruction or requires special consideration, then special provisions or individualized education programs must be provided for the student.

Recordkeeping Requirements and State Reports

1. ND Administrative Code 33-06-05-01 (5)

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

- e. The school or early childhood facility immunization summary report must be submitted to the state department of health by November first of each year

2. ND Administrative Code 33-06-05-01 (6)

Appointment of an institutional authority.

- a. An institutional authority shall be appointed for each institution by its governing board or authorized personnel. The authority must be an employee of such institution.
- b. The name of the designated institutional authority, the institution, address, and telephone number shall be submitted to the appropriate governing state department by July first of each year.

Student Exclusion from School Due to a Health Threat

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

their children are excluded from school during an epidemic as determined by the state department of health.

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

End of McClusky School District #19 Exhibit ACBB-E2

USE OF ANIMALS IN DISTRICT SCHOOLS & IN CURRICULAR PROGRAMS

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

Definitions

For purposes of this policy:

- *Disability* is defined in 28 CFR Part 35.108 with respect to an individual, as a physical or mental impairment that substantially limits one or more of the major life activities of such individual; a record of such an impairment; or being regarded as having such an impairment.
- *Service animal* is defined in [NDCC 25-13-01.1](#) as any guide dog, signal dog, or other animal trained to do work, perform tasks, or provide assistance for the benefit of an individual with a disability. The term includes an animal trained to provide assistance or protection services to an individual with a disability, pull a wheelchair, lend balance support, retrieve dropped objects, or provide assistance in a medical crisis.
- *School property* means all land within the perimeter of the school site and all school buildings, structures, facilities, and school vehicles, whether owned or leased by a school district, and the site of any school-sponsored event or activity.

Use of Animals for Educational Purposes

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

Use of Service Animals by the Disabled

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

Would the presence of the service animal:

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

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

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

Revocation of Animal Use

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

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

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

Animal Related Injuries

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

Complementing Documents

- ACBC-AR, Use of Animals in Curricular Programs Regulations

End of McClusky School District #19 Policy ACBC Adopted: March 13, 2018

[03/17]

USE OF ANIMALS IN CURRICULAR PROGRAMS REGULATIONS

Procedure for Requesting Interaction with or Use of an Animal

1. Teachers must submit such request to the building principal at least 15 days prior to the activity or event;
2. The written request must include a description of the activity, type of animal, educational purpose/benefit, length of the activity/event, and, if applicable, a plan for care of the animal.

If the building principal approves the activity/event, parents/guardians shall be notified in a timely manner of the activity/event and given an opportunity to opt their child out. Such students will be assigned an alternative activity and shall be treated in a nondiscriminatory manner with regard to grading.

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

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

End of McClusky School District #19 Administrative Regulation ACBC-AR

SCHOOL MEDICATION PROGRAM

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

Qualifications for Eligible School Medication Providers

In order to be eligible to provide medication under this policy, an individual must meet the following criteria and receive approval from the Administration.

1. Received education and training in medication administration, including the following topics:
 - a. Individual's authority and role in providing medication;
 - b. Proper medication storage, inventory, and disposal;
 - c. Proper techniques for providing medication including, but not limited to, understanding pharmacy labels, standard precautions for infection control (e.g., hand washing), six rights of medication administration, and measuring and dispensing protocols;
 - d. Appropriate documentation of all medication provided and confidentiality requirements;
 - e. Basic medical terminology related to providing medication;
 - f. Appropriate action if unusual circumstances occur (e.g., medication error, adverse reactions, student refusal) and how and when to seek medical consultation or assistance;
2. Provided the Administration with verification that the above training and education is complete;
3. Undergone a criminal history record check through the District and received satisfactory adjudication;
4. Agreed to perform the duty of providing medication for at least the duration of the school year;
5. Received written consent of the student's parent or guardian;
6. Agreed to comply with this policy and any additional district rules on providing medication.

The District shall pay the cost of all district-authorized education and training for school medication providers.

Requirements and Prohibitions for All School Personnel

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

All school employees and volunteers are required, as soon as possible, to report to building administration or his/her designee any observed or reported sign or

symptom that a student may be having an adverse medication reaction or allergic reaction.

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

Types of Medication Provided

The District may provide both prescription and over-the-counter medication to students covered by this policy so long as they are legal under state law and:

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

The District may consult a qualified healthcare provider (e.g., pharmacist) to determine if the above, applicable criteria have been met. The District shall maintain the student's confidentiality when making such an inquiry unless the student's parent/guardian has waived confidentiality rights.

The District and all school employees and volunteers are prohibited from purchasing over-the-counter medications to provide to students.

Routes of Medication Provided

Eligible school medication providers may provide oral and non-oral, noninvasive medication (i.e., medication provided by non-parenteral routes) to students covered by this policy.

Except for students covered by an Individual Education Program (IEP) or 504 Plan, if a student's medication requires administration through the parenteral route, the District may deny a parent's/guardian's request to provide such medication or may require the parents/guardians to reimburse the District for the expense of hiring a healthcare provider who has authority under state law to administer such medication, if the District does not have a medically qualified and eligible school medication provider on staff who is willing to administer the medication. Eligible school medication providers shall not provide medication through parenteral routes unless they have the proper authority under state law, including certification or licensure, to perform such functions. The District shall retain verification of such authorization, certification, or licensure.

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

Students Eligible for Participation

The following students are eligible for participation in the medication program established by this policy:

1. Students who qualify for this service under their IEP or 504 Plan. The District shall pay the cost of these services.¹
2. Students who are not covered by the Individuals with Disabilities Education Act (IDEA) or 504 but who require medication when under the direct supervision of the school and whose parents/guardians are unable to make arrangements to provide medication themselves. An exception to such a student's participation in the medication program may apply if the student requires medication through a parenteral route (see section on routes of medication provided).
3. Students who require emergency epinephrine treatment in accordance with ND Administrative Code Ch. 33-37-01 and/or students who require emergency medication under NDCC 15.1-19-16. This policy, ACBD, shall not supersede NDCC 15.1-19-16, which contains criteria for a school to authorize student self-administration of emergency medication.

The Administration is authorized to approve other circumstances under which a student is eligible to participate in the school's medication program. This administrator should contact legal counsel and should request permission from the student's parent/guardian to consult with the student's healthcare provider (to better understand the implications and scope of the request) before acting on such requests.

First Dose of Medication

Whenever possible, the first dose of medication should be given to a student at home.

Requirements for Parents/Guardians Prior to District Providing Medication

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

1. **For over-the-counter medication:** Must include instructions from the parent/guardian on how, when, and how long to provide medication. Requests to provide a dosage other than as recommended by the manufacturer shall require approval from an appropriate healthcare provider.
2. **For prescription drugs:** Requires written authorization and instructions from an appropriate healthcare provider on how, when, and how long to provide medication.
3. **For more than one medication (prescriptions, over-the-counter medications, or both):** Must include information from a healthcare provider certifying that the drugs are not known to adversely interact or information on how to avoid any known adverse drug interactions.

¹ If a physician's services are required, the District may not be responsible for paying this cost.

4. **For students with allergies:** If a student has any known allergies, the parent/guardian shall provide this list of allergies to the school with all medication requests and include certification from a healthcare provider that the student is not known to be allergic to medication that the school is requested to provide. This list must be accompanied with certification that the student has knowledge of all of his/her known allergies and has received education and training on signs and symptoms of allergic reactions and how to prevent them.
5. **For all requests for the school to provide medication:**
 - a. Contact numbers for the student's parents/guardians and healthcare provider(s).
 - b. Waiver of confidentiality allowing administration or the eligible school medication provider to contact the student's healthcare provider(s) with questions or concerns and allowing the District to share information about the student's health condition and/or medication regimen with any school employee/volunteer with a legitimate need to know.
 - c. Information on possible adverse reactions and side effects associated with each medication that the parent/guardian is requesting the school to provide and certification that students have been educated in possible side effects.

Medication Check-In Requirements When District is Providing Medication

When sending medication to school, parents/guardians must comply with the following requirements:

1. If the over-the-counter medication is supplied by the student's parent or guardian, it must be supplied in the original manufacturer's container, and the container must list the ingredients, recommended dosage, expiration date, administration instructions, and storage instructions (if any) in a legible format. The container must be labeled with the student's name, date of birth, and, if unsealed, the number or amount of medication in the container.
2. Prescription medications must be supplied in the original pharmacy-labeled container and include the name and phone number of the pharmacy. The container must list, in a legible format, the name of the student, student's date of birth, name of the prescription medication, dose, expiration date, storage instructions (if any), administration directions, number or amount of medication included, and the container must list or be accompanied by active ingredients in a legible format. If any prescription medication is given to a student prior to sending the prescription to school, the parent/guardian must indicate how much medication remains in the container.
3. If dispensing equipment is required (e.g., measuring cups, droppers), it must be provided by the parent/guardian. The equipment must be clean, operable, and labeled with the student's name and date of birth. Any special medical equipment storage instructions must be provided to the school by the parent/guardian or student's healthcare provider.

All medication must be hand delivered by a parent/guardian to the designated district official. This official shall ensure that the appropriate authorization form(s)

is/are complete, that the medication has not expired, that the medication is appropriately labeled in accordance with above requirements, and that parents/guardians have complied with all other applicable provisions of this policy before accepting the medication from the parent/guardian.

Student Self-Administration Requirements²

A parent/guardian must sign a written form permitting his/her student to self-administer medication in school prior to the District authorizing this action. A new authorization form is required anytime the student has a change in his/her medication regimen, when a new medication is to be provided, and at the beginning of each school year. This form must include the following:

1. **For prescription medication:**
 - a. Authorization to self-administer medication from the student's healthcare provider. This authorization must indicate whether or not the student is authorized only to self-administer the medication or is authorized to carry and self-administer the medication.
 - b. Instructions from an appropriate healthcare provider on how, when, and how long the student will need to self-administer medication.
 - c. Certification from the healthcare provider that the student has received instruction in and is capable of self-administering the medication in a responsible and secure manner.
2. **For over-the-counter medication:**
 - a. Instructions from the parent/guardian on how, when, and how long the student will self-administer medication. If the student will take a dosage other than as recommended by the manufacturer, the District requires approval from an appropriate healthcare provider prior to authorizing the student to self-administer.
 - b. Certification from the parent/guardian that the student has received instruction in and is capable of self-administering the medication in a responsible and secure manner. This certification must indicate whether or not the student has parental consent only to self-administer the medication or has parental consent to carry and self-administer the medication.
3. **For more than one medication (prescriptions, over-the-counter medications, or both):** Must include all applicable information above and information from a healthcare provider certifying that the drugs are not known to adversely interact or information on how to avoid any known adverse drug interactions and certification from the student's parent/guardian that the student has been educated and trained in such preventative measures.
4. **For students with allergies:** If a student has any known allergies, the parent/guardian shall provide this list of allergies to the school with all medication requests and include certification from a healthcare provider that the student is not known to be allergic to medication that the student will self-administer. This list must be accompanied with certification that the student has knowledge of all of his/her known allergies and has

² NOTE: These requirements are not applicable to emergency medication governed by NDCC 15.1-19-16. See form ACBD-E4.

received education and training on signs and symptoms of allergic reactions and how to prevent them.

5. **All student self-administration of medication requests must include:**
 - a. Contact numbers for the student's parents/guardians and healthcare provider(s).
 - b. Waiver of confidentiality allowing administration or an eligible school medication provider to contact the student's healthcare provider(s) with questions or concerns and allowing the District to share information about the student's health condition and/or medication regimen with any school employee/volunteer with a legitimate need to know.
 - c. Information on possible adverse reactions and side effects associated with each medication that student will self-administer and certification that the student has received education on these reactions and side effects.

Students will be prohibited from carrying medication that has special storage requirements such as, but not limited to, medication that requires refrigeration. The District may require the student to comply with additional medication storage requirements for safety reasons. These requirements will be developed on a case-by-case basis.

Self-Administration Check-In Requirements³

Before a student self-administers medication in schools, the following check-in procedures are required:

1. Over-the-counter medication must be in the original manufacturer's container, and the container must list the ingredients, recommended dosage, expiration date, administration instructions, and storage instructions (if any) in a legible format. The container must be labeled with the student's name, date of birth, and, if unsealed, the number or amount of medication in the container.
2. Prescription medications must be in the original pharmacy-labeled container and include the name and phone number of the pharmacy. The container must list, in a legible format, the name of the student, student's date of birth, name of the prescription medication, dose, expiration date, storage instructions (if any), administration directions, number or amount of medication included, and the container must list or be accompanied by active ingredients in a legible format. If any prescription medication is given to a student prior to sending the prescription to school, the parent/guardian must indicate how much medication remains in the container.
3. If dispensing or other medical equipment is required for a student to self-administer medication (e.g., measuring cups, droppers), it must be provided by the parent/guardian. The equipment must be clean, operable, and labeled with the student's name and date of birth. Any special medical equipment storage instructions must be provided to the school.

³ NOTE: These requirements are not applicable to emergency medication governed by NDCC 15.1-19-16. See form ACBD-E4.

Prior to a student self-administering medication, the medication must be hand delivered by a parent/guardian to the designated district official. This official shall ensure that the appropriate authorization form(s) is/are complete, that the medication has not expired, that the medication is appropriately labeled in accordance with above requirements, and that the parent/guardian and student has complied with all other applicable provisions of this policy before authorizing a student to self-administer the medication.

The student shall be issued a medication self-administration pass, which, at a minimum, must contain all information listed in ACBD-E5, including an authorization expiration date. This pass shall serve as verification that a student has received permission to self-administer medication. Students shall be required to return this pass to the school office once the pass expires. Failure to return the pass or continued self-administration of medication after the pass expires may result in disciplinary action.

Additional Prohibitions, Restrictions, and Requirements for Students

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

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

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

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

Medication Off-Campus When Student is Under District Supervision

Parents/guardians must make arrangements with the building principal for students who will require medication off-campus while under the district's supervision prior to the activity or event (e.g., students who participate in extracurricular events or field trips). At a minimum, parents/guardians making such a request shall be required to comply with the applicable authorization requirements contained in this policy. The District shall develop, on a case-by-case basis, check-in and storage requirements for all medication provided or self-

administered in this context. The District may consult the student's healthcare provider(s) when developing these rules.

Liability Disclaimer

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

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

Complementing Documents

- ACBD-AR, School Medication Program Regulations
- ACBD-E1, School Medication Provider Opt-Out or Opt-In and Verification of Eligibility Form
- ACBD-E2, Authorization/Parent Consent for School to Provide Medication or Student to Self-administer Medication
- ACBD-E3, Medication Check-in Form
- ACBD-E4, Emergency Medication Check-in Form
- ACBD-E5, Medication Pass
- ACBD-E6, Medication Pass Log
- ACBD-E7, Record of Medication
- ACBD-E8, Controlled Medication Log
- ACBD-E9, Medication Incident Report
- ACBD-E10, Medication Pickup Notice
- ACBD-E11, Medication Disposal/Destruction Log
- DEAA, Drug & Alcohol Free-Workplace
- FFA, Student Alcohol & Other Drug Use/Abuse
- FGA, Student Education Records

End of McClusky School District #19 Policy ACBD Adopted: May 9, 2017

SCHOOL MEDICATION PROGRAM REGULATIONS**Authorizing Participation**

The District shall designate at least one eligible school medication provider to receive all requests to participate in the school medication program. This individual(s) shall be responsible for ensuring that parents/guardians and students are in compliance with all applicable components of the district's policy and law on the school medication program before authorizing participation. This includes, but is not limited to:

1. Completion by the parent/guardian, healthcare provider (if applicable), and student of the Authorization/Parental Consent for School to Provide Medication or Student to Self-Administer Medication form (ACBD-E2).
2. Verification that parent/guardian has satisfied all check-in requirements (ACBD-E3).
3. Compliance with NDCC 15.1-19-16, if the student will self-administer emergency medication covered by this law (ACBD-E4).

The authorizing school medication provider(s) may defer any request to provide medication should such request be incomplete or otherwise noncompliant with district policy or law. The authorizing school medication provider(s) may deny a request to provide medication prohibited by district policy. The authorizing school medication provider(s) may also deny a request to provide medication through a parenteral route except when:

1. The student is required to receive the medication under an IEP or 504 Plan;
2. The school has a medically qualified and eligible medication provider who has agreed to provide the medication; or
3. The parents/guardian has agreed to reimburse the school for the cost of a qualified healthcare provider administering the medication.

The authorizing school medication provider(s) shall consult with administration prior to acting on any request to provide medication through a parenteral route.

The authorizing school medication provider(s) is responsible for fully completing and issuing medication passes to any student authorized to self-administer medication (ACBD-E5) and documenting issuance of the pass on the Medication Pass Issuance Log (ACBD-E6).

Requirements for Providing Medication

All school medication providers are required to provide medication in good faith consistent with medication training and education received, including compliance with all training and education in medication safety, handling and dispensing, student identification, documentation, and sanitation protocols. All school medication providers are required to document all medication provided on the Record of Medication form (ACBD-E7). Failure to complete this documentation may result in the District revoking medication responsibilities.

Medication Incidents or Errors

Medication providers are required to complete a Medication Incident Report (ACBD-E9) for any medication incident or error, including but not limited to:

1. Forgot to document the medication by the end of school day on which the medication was provided;
2. Forgot to give a dose of medication;
3. Gave the medication at the wrong time;
4. Gave the medication by the wrong route;
5. Gave the wrong dose of the medication;
6. Gave the wrong medication;
7. Gave the medication to the wrong child;
8. Student refused a dose of medication.

The form is to be completed as soon as possible after the incident occurred and appropriate response actions/interventions were taken. It must be filed with the building principal. Failure to complete this documentation may result in the District revoking medication responsibilities.

Medication Storage and Disposal

Medication will be stored in the following manner:

1. Inaccessible to students.
2. Separate from staff medication.
3. Protected from sources of contamination.
4. Away from heat, light, and sources of moisture (e.g., not in the kitchen or bathroom).
5. At temperature specified on the label (refrigerated if required).
6. So that internal (oral) and external (topical) medications are separated.
7. Separate from food.
8. In a sanitary and orderly manner.
9. Controlled substances susceptible to theft (e.g., Ritalin) will be stored in a locked container, which shall be stored in accordance with label storage instructions. Administration may consult a pharmacist for a list of such substances.

Administration shall maintain a storage log of all controlled substances kept in locked containers. Administration may also maintain a storage log for all other medication. Administrators shall not delegate maintenance of such storage logs to school medication providers.

Medications that are out-of-date or for which parental/medical authorization has expired must be picked up by the parent/legal guardian. A designated school medication provider is responsible for sending such notice to parents/guardians. The notice should contain a reasonable deadline for the parent/guardian to pick up the medication and notification that failure to pick up medication by the deadline or failure to make arrangements to pick up the medication on an alternate date after the deadline will result in the school destroying the medication. Under no circumstances will medication be released to students except medication that a student is authorized to carry. When medications are not picked up by the parent/guardian, they must be destroyed in accordance with government recommendations¹ and that process should be witnessed and documented by the building principal or designee (who shall not be a school medication provider).

¹<http://www.fda.gov/drugs/resourcesforyou/consumers/buyingusingmedicinesafely/ensuringsafeuseofmedicine/safedisposalofmedicines/ucm186187.htm>

Needles and syringes must be disposed of in a manner consistent with appropriate Occupational Safety & Health Administration (OSHA) guidelines.²

Failure of a school medication provider to comply with the above storage and disposal requirements may result in the District revoking medication responsibilities and/or disciplinary action.

Program Review

The District may require medication providers to undergo additional training as needed and may hire a qualified consultant to audit the school medication program periodically.

End of McClusky School District #19 Administrative Regulation ACBD-AR

² https://www.osha.gov/pls/oshaweb/owadisp.show_document?p_table=STANDARDS&p_id=10051

**SCHOOL MEDICATION PROVIDER OPT-OUT OR OPT-IN AND
VERIFICATION OF ELIGIBILITY FORM**

INSTRUCTIONS: *Initial the option that applies.*

OPTION ONE: OPT-OUT

I choose to opt-out of providing medication to students for the 20__ - __ school year. I understand that I am prohibited from providing students any type of medication, whether prescription or over-the-counter, whenever serving in my official capacity for the school, and I may be subject to disciplinary action for violating this prohibition. I also understand that if I wish to retract this opt-out request, I must first meet the district's qualification standards for eligible medication providers, which include education and training in providing medication, receive authorization from my Administration, and receive parental consent. _____ (initials)

OPTION TWO: OPT-IN AND VERIFICATION OF ELIGIBILITY

I agree to serve as a school medication provider for the McClusky Public School for the duration of the school year. I have completed the required education and training to perform this responsibility (attach proof of completion), including education and training in the following areas:

- a. The scope of my authority and my role in providing medication.
- b. Proper medication storage, inventory, and disposal.
- c. Proper techniques for providing medication including, but not limited to, understanding pharmacy labels, standard precautions for infection control (e.g., hand washing), six rights of medication administration, and measuring and dispensing protocols.
- d. Appropriate documentation of all medication provided and confidentiality requirements.
- e. Basic medical terminology related to providing medication.
- f. Appropriate action if unusual circumstances occur (e.g., medication error, adverse reactions, student refusal) and how and when to seek medical consultation or assistance.

I agree to provide medication in accordance with district policy and regulations only after I have received authorization from my Administration and parental consent. _____ (initials)

Employee/volunteer's name

Employee/volunteer's signature

Date

TO BE COMPLETED BY SCHOOL ADMINISTRATION

Date form received by Administrator: _____

Date of last criminal history record check: _____

Employee/volunteer received satisfactory adjudication on criminal history record check for purposes of providing medication? Yes No

Employee/volunteer eligible to serve as school medication provider: Yes No

Signature of Administrator

Date

End of McClusky School District #19 Exhibit ACBD-E1

**AUTHORIZATION/PARENTAL CONSENT
FOR SCHOOL TO PROVIDE MEDICATION OR
STUDENT TO SELF-ADMINISTER MEDICATION**

NOTE: Use a separate authorization form for each medication. Provide the school with a new form each school year, each time the student has a new medication, when the District assigns a new medication provider to the student, and each time there is a change in the student's current medication regimen.

Student's last name: _____

Student's first name: _____

Gender: _____ Grade: _____

Date of birth: ____/____/____

NOTE: Attach a copy of a current photo of the student. This will be used to properly identify the student before providing medication.

EMERGENCY CONTACT INFORMATION

Parent/guardian's emergency contact name and number: _____
 _____ Home Work Cell

Parent/guardian's emergency email address:

Alternate family member's emergency contact name and number: _____
 _____ Home Work Cell

Relationship to student: _____

Primary healthcare provider's name and phone number:

Secondary healthcare provider's name and phone number (if applicable):

Student's pharmacy name and phone number: _____

STUDENT HEALTH INFORMATION

Does the student have any known allergies? Yes No

If yes, attach a list of known allergies to this form and certification from a healthcare provider that the student is not known to be allergic to any medication the school is requested to provide or any medication that the student will self-administer.

The student has knowledge of his/her known allergies and has been educated on the signs and symptoms of allergic reactions and how to prevent them.

Yes No

Will the student be taking more than one medication at school or while otherwise under the school's supervision? Yes No

If yes, attach certification from a healthcare provider that the medications are not known to adversely interact or information on how to avoid any known adverse interactions.

MEDICATION AUTHORIZATION

*NOTE: Fields marked with an * must be completed by a healthcare provider for prescription medication.*

*Medication's name: _____

*Relevant diagnosis: _____

Dates medication must be provided at school:

Short term, list dates to be given: _____

Every day at school until:

Medication is gone End of the school year Other: _____

Episodic/Emergency Events ONLY (explain): _____

*Dosage (amount) _____ *Route _____ *Form _____

NOTE: Requests to provide more than the recommended dosage for over-the-counter medications must be accompanied by a healthcare provider's authorization.

Time(s) of day*: _____

NOTE: If request is to provide medication after school hours when the student is under district supervision, the parent/guardian must work with the building administrator to develop a plan for coordinating this request.

*Serious reactions/adverse side effects from this medication may occur:

Yes No

*If yes, describe: _____

*Action/treatment for reactions:

*Special handling instructions: Refrigeration Keep out of sunlight

Other: _____

*Is any dispensing equipment or other medical equipment required in order for the student to receive medication?

Yes No

*If yes, describe equipment and any special storage instructions: _____

STUDENT SELF-ADMINISTRATION

*NOTE: Fields marked with an * must be completed by a healthcare provider for prescription medication.*

*This student has received instruction in self-administering this medication in a secure manner. In addition, the student has received education on any side effects or adverse interactions associated with the medication and how to prevent them:

Yes No

*The student is capable of self-administering this medication in a secure manner.

No

Yes--Supervised

Yes--Unsupervised

This student may carry this medication:

No

Yes

HEALTHCARE PROVIDER'S AUTHORIZATION

NOTE: This consent is only required for:

A. Prescription medication

B. Over-the-counter medication if it is to be provided in a manner inconsistent with manufacturer's recommendation.

*I certify that the information contained on this form is accurate and complete to the best of my knowledge.

Healthcare provider's name (print)

Healthcare provider's signature

Date

CONFIDENTIALITY WAIVER

NOTE: Completion of this section by a parent/guardian authorizes the disclosure and/or use of your child's individually identifiable health information consistent with law (including HIPAA).

I _____ (parent/guardian's name) authorize (name of agency and/or health care providers): _____ to provide health information from _____ (student's name) medical record to: _____ (name of school).

The disclosure of health information is required for the school to provide medication and/or oversee my child's self-administration of medication.

Requested information shall be limited to the following: All minimum necessary health information; or Disease/condition-specific information as described:

This authorization shall become effective immediately and shall remain in effect until _____ (enter date) or for the remainder of the school year from the date of signature (if no date entered).

Law prohibits the school from making further disclosure of my child's health information unless the school obtains another authorization form from me or unless such disclosure is specifically required or permitted by law. I understand that I may revoke this authorization at any time. My revocation must be in writing, signed by me, and delivered to the healthcare agencies/persons and school listed above. My revocation will be effective upon receipt but will not be effective to the extent that the school or others have acted in reliance of this authorization.

I understand that the school will protect this information as prescribed by the Family Educational Rights and Privacy Act (FERPA) and that the information becomes part of the student's educational record. The information will be shared with individuals working at or with the school for the purpose of providing safe, appropriate, and least-restrictive educational settings and school health services and programs.

I have a right to receive a copy of this authorization. Signing this authorization is required in order for my child to obtain medication services in the educational setting.

Parent/guardian's signature

Date

NOTE: A copy of this confidentiality waiver must be sent to the student's healthcare provider upon completion.

PARENTAL CONSENT

I am the parent or guardian of _____. I give my permission for him/her to take the following medication while in _____ School. I authorize the following individuals to provide medication to my child:

_____ (Eligible school medication provider)

I acknowledge that I have read, understand, and agree to comply with the school district's medication program policy. I certify that the information included on this form is accurate to the best of my knowledge. I hereby release _____ School District and its employees from any claims or liability connected with its reliance on this permission and agree to indemnify, defend, and hold them harmless from any claim or liability connected with such reliance.

Parent/Guardian Signature

Date

STUDENT CONSENT

I acknowledge that I have read, understand, and agree to comply with the school district's medication program policy. I also acknowledge and agree to comply with the district's drug and alcohol free schools policy, which contains restrictions related to medication, including rules prohibiting me from giving medication (prescription and over-the-counter) to other students.

Anytime I believe that I am having a reaction to my medication, I will report this information to my teacher or another school employee.

If I have received permission to carry medication, I agree that I will not leave the medication unattended or unsecured and accessible to other students.

Student's signature

Date

End of McClusky School District #19 Exhibit ACBD-E2

MEDICATION CHECK-IN FORM

NOTE: To be completed by an eligible school medication provider prior to accepting medication from parent/guardian or authorizing a student to self-administer. If the answer to any question is "no," the district may defer the medication request until the parent/guardian provides the required information. If medication being checked in is emergency medication under NDCC 15.1-19-16, use form ACBD-E4 instead of this form.

Medication was hand delivered by parent/guardian: Yes No

If no, collect medication, store as directed, and contact parent/guardian to come to school as soon as possible to verify medication request.

Parent submitted **fully** completed authorization form: Yes No

- Appropriate documentation attached to form for students with allergies:

Yes No N/a

- If more than one medication is to be provided/authorized, information from healthcare provider on known interactions is included:

Yes No N/a

- If request is to provide/authorize over-the-counter medication in manner other than recommended by manufacturer, authorization from healthcare provider is included:

Yes No N/a

- Includes healthcare provider's signature for prescription medication:

Yes No N/a

Name of medication: _____

Prescription Over-the-counter

Who is requested to provide medication?

School personnel Student under supervision

Student without supervision

Check here if request is for student to carry the medication.

NOTE: Student must be issued a medication pass if s/he is to self-administer and/or carry medication.

Route by which medication must be given:

Mouth Eyes Ear Nose Topical (e.g., skin ointment)

Other: _____

NOTE: If other, check with school administrator to determine if school is obligated/willing and has qualified personnel to provide medication. This provision is not applicable if request is for student to self-administer.

Medication expiration date: _____

Was this listed on the medication container? Yes No

Amount of medication in container: _____

If parents provided medication at home, list amount given at home: _____

For over-the-counter medication:

- Medication in original manufacturer's container Yes No
- Container lists medication's name Yes No
- Container lists ingredients Yes No
- Container lists recommended dosage Yes No
- Container lists administration instructions Yes No
- Container lists storage instructions Yes No
- Container is labeled with student's name and date of birth Yes No

If container is unsealed, it is labeled with amount of medication contained in it Yes No

For prescription medication:

- Medication in original pharmacy container Yes No
- Container lists pharmacy name and phone number Yes No
- Container or attached documentation lists active ingredients Yes No
- Container lists dosage Yes No
- Container lists storage instructions Yes No
- Container is labeled with student's name and date of birth Yes No
- Container lists amount of medication dispensed Yes No
- Container lists administration instructions Yes No

If dispensing equipment is required:

- Did parent/guardian provide necessary equipment? Yes No
- Is the dispensing equipment clean and in good working order? Yes No
- Is the equipment labeled with the student's name and date of birth? Yes No

List any storage instructions for dispensing equipment: _____

Name of School Medication Provider (Printed)

Signature of School Medication Provider

Date

End of McClusky School District #19 Exhibit ACBD-E3

EMERGENCY MEDICATION CHECK-IN FORM

NOTE: To be completed by an eligible school medication provider prior to authorizing a student to self-administer emergency medication under NDCC 15.1-19-16. If all check-in requirements are satisfied, issue the student a medication pass (ACBD-E5). If check-in requirements are not satisfied, require student to receive parental supervised alternative education until parent/guardian provides required documentation for emergency medication.

Student's name: _____
 Date of birth: _____
 Grade level: _____
 Today's date: _____

Definition of Emergency Medication

Emergency medication includes a prescription drug delivered by inhalation to alleviate asthmatic symptoms and an epinephrine auto-injectable pen.

Authorization Requirements

A student who has been diagnosed with asthma or anaphylaxis may possess and self-administer emergency medication for the treatment of such conditions provided the student's parent/guardian files with the school a document that meets all of the following requirements:

- Indicates that the student has been instructed in the self-administration of emergency medication for the treatment of asthma or anaphylaxis.
Documentation received by school: Yes No
- Lists the name, dosage, and frequency of all medication prescribed to the student for use in the treatment of the student's asthma or anaphylaxis.
Documentation received by school: Yes No
- Includes guidelines for the treatment of the student in the case of an asthmatic episode or anaphylaxis.
Documentation received by school: Yes No
- Signed by the student's health care provider.
Documentation received by school: Yes No

To be completed by the student's parent/guardian:

I understand the school, school district, and any employee or volunteer of the District is not liable for civil damages incurred by:

- a. A student who administers emergency medication to himself or herself.
- b. An individual because a student was permitted to possess emergency medication.

 Parent/guardian's name (Printed)

 Parent/guardian's signature

 Date

To be completed by an authorized school medication provider:

I certify that the student's parent/guardian has submitted all documentation required for the student to self-administer emergency medication, and the student has been issued a medication pass (ACBD-E5).

Name of school medication provider (Printed)

Signature of School Medication Provider

Date

End of McClusky School District #19 Exhibit ACBD-E4

MEDICATION PASS

Student _____

Date Pass Issued _____

Expiration Date _____

Name of Medication _____
 Prescription Over-the-Counter

Amount of Medication Checked In _____

Dosage _____
 Daily Episodic/Emergency Only
 Other: _____

Student is authorized to:
 Self-administer, supervised: Yes No
 Self-administer, unsupervised: Yes No
 Carry medication: Yes No

Signature of issuing school official _____

This pass contains confidential information. You should not share it with classmates. You must have this pass with you anytime you are carrying or receiving medication. Never leave medication unattended/accessible to other students.

MEDICATION PASS

McClusky Public School

STUDENT'S
PICTURE



EMERGENCY CONTACT INFORMATION

_____ (Parent)

_____ (Healthcare Provider)

ISSUED TO STUDENTS AUTHORIZED TO SELF-ADMINISTER MEDICATION ONLY

MEDICATION PASS

Student _____

Date Pass Issued _____

Expiration Date _____

Name of Medication _____
 Prescription Over-the-Counter

Amount of Medication Checked In _____

Dosage _____
 Daily Episodic/Emergency Only
 Other: _____

Student is authorized to:
 Self-administer, supervised: Yes No
 Self-administer, unsupervised: Yes No
 Carry medication: Yes No

Signature of issuing school official _____

This pass contains confidential information. You should not share it with classmates. You must have this pass with you anytime you are carrying or receiving medication. Never leave medication unattended/accessible to other students.

MEDICATION PASS

McClusky Public School

STUDENT'S
PICTURE



EMERGENCY CONTACT INFORMATION

_____ (Parent)

_____ (Healthcare Provider)

ISSUED TO STUDENTS AUTHORIZED TO SELF-ADMINISTER MEDICATION ONLY

End of McClusky School District #19 Exhibit ACBD-E5

MEDICATION PASS LOG

INSTRUCTIONS: Use this form to document each medication pass issued.

Student's Name	Date Pass Issued	Expiration Date of Pass	Name of Medication	Amount of Medication Checked In	Dosage	Student is authorized to:	Signature of issuing school official
			<input type="checkbox"/> Prescription <input type="checkbox"/> Over-the-Counter		<input type="checkbox"/> Daily <input type="checkbox"/> Episodic/Emergency Only <input type="checkbox"/> Other:	<input type="checkbox"/> Self-administer, supervised <input type="checkbox"/> Self-administer, unsupervised <input type="checkbox"/> Carry medication	
			<input type="checkbox"/> Prescription <input type="checkbox"/> Over-the-Counter		<input type="checkbox"/> Daily <input type="checkbox"/> Episodic/Emergency Only <input type="checkbox"/> Other:	<input type="checkbox"/> Self-administer, supervised <input type="checkbox"/> Self-administer, unsupervised <input type="checkbox"/> Carry medication	
			<input type="checkbox"/> Prescription <input type="checkbox"/> Over-the-Counter		<input type="checkbox"/> Daily <input type="checkbox"/> Episodic/Emergency Only <input type="checkbox"/> Other:	<input type="checkbox"/> Self-administer, supervised <input type="checkbox"/> Self-administer, unsupervised <input type="checkbox"/> Carry medication	
			<input type="checkbox"/> Prescription <input type="checkbox"/> Over-the-Counter		<input type="checkbox"/> Daily <input type="checkbox"/> Episodic/Emergency Only <input type="checkbox"/> Other:	<input type="checkbox"/> Self-administer, supervised <input type="checkbox"/> Self-administer, unsupervised <input type="checkbox"/> Carry medication	
			<input type="checkbox"/> Prescription <input type="checkbox"/> Over-the-Counter		<input type="checkbox"/> Daily <input type="checkbox"/> Episodic/Emergency Only <input type="checkbox"/> Other:	<input type="checkbox"/> Self-administer, supervised <input type="checkbox"/> Self-administer, unsupervised <input type="checkbox"/> Carry medication	
			<input type="checkbox"/> Prescription <input type="checkbox"/> Over-the-Counter		<input type="checkbox"/> Daily <input type="checkbox"/> Episodic/Emergency Only <input type="checkbox"/> Other:	<input type="checkbox"/> Self-administer, supervised <input type="checkbox"/> Self-administer, unsupervised <input type="checkbox"/> Carry medication	
			<input type="checkbox"/> Prescription <input type="checkbox"/> Over-the-Counter		<input type="checkbox"/> Daily <input type="checkbox"/> Episodic/Emergency Only <input type="checkbox"/> Other:	<input type="checkbox"/> Self-administer, supervised <input type="checkbox"/> Self-administer, unsupervised <input type="checkbox"/> Carry medication	
			<input type="checkbox"/> Prescription <input type="checkbox"/> Over-the-Counter		<input type="checkbox"/> Daily <input type="checkbox"/> Episodic/Emergency Only <input type="checkbox"/> Other:	<input type="checkbox"/> Self-administer, supervised <input type="checkbox"/> Self-administer, unsupervised <input type="checkbox"/> Carry medication	

RECORD OF MEDICATION
USE A SEPARATE FORM FOR EACH MEDICATION

STUDENT'S PICTURE	STUDENT'S NAME					
	DATE OF BIRTH					
	SEX	<input type="checkbox"/> Male	<input type="checkbox"/> Female	<input type="checkbox"/> Transgender		
	GRADE					
	NAMES AND LOCATION OF STUDENT'S TEACHERS BY PERIOD	1st		5th		
2nd			6th			
3rd			7th			
4th			8th			
HEALTHCARE PROVIDER PHONE NUMBER(S)	Name:			Name:		
	Name of Practice:			Name of Practice:		
PARENT/GUARDIAN EMERGENCY CONTACT NUMBER	Phone Number:			Phone Number:		
	Name:			Alternative contact:		
LIST ALL KNOWN ALLERGIES	Relationship to student:			Relationship to student:		
	Phone number:			Phone number:		
NAME OF MEDICATION PROVIDED AND POSSIBLE SIDE EFFECTS (Use a separate form for each medication)	Name of Medication:					
	Side effects:					
IS DISPENSING EQUIPMENT REQUIRED?	<input type="checkbox"/> Yes (If yes, please list below with any storage instructions)				<input type="checkbox"/> No	
IS STUDENT TAKING MEDICATIONS OTHER THAN LISTED ABOVE?	<input type="checkbox"/> Yes (If yes, please list names, side effects, and steps to avoid negative interactions between medications) <input type="checkbox"/> No					
	1. Name of medication		3. Name of medication			
	Side effects:		Side effects:			
	Steps to avoid negative interactions:		Steps to avoid negative interactions:			
2. Name of medication		4. Name of medication				
Side effects:		Side effects:				
Steps to avoid negative interactions:		Steps to avoid negative interactions:				

MEDICATION INCIDENT REPORT

Instructions: *To be completed as soon as possible after the incident occurred and appropriate response actions/interventions were taken. File form with the building principal.*

Date of Report: _____
 Name of person completing this report: _____
 Student's name: _____
 Date of birth: _____ Grade: _____
 Date incident occurred: _____ Time: _____ am pm
 Person providing medication: _____
 Name of medication: _____
 Regular dose: _____ Regularly scheduled time: _____

TYPE OF INCIDENT

- Forgot to document the medication by the end of school day on which the medication was provided
- Forgot to give a dose of medication
- Gave the medication at the wrong time
- Gave the medication by the wrong route
- Gave the wrong dose of the medication
- Gave the wrong medication
- Gave the medication to the wrong child
- Student refused a dose of medication
- Other: _____

Provide a summary of the incident and describe how it occurred: _____

ACTION TAKEN/INTERVENTION

School nurse notified: Yes, Date: _____ Time: _____ No N/a
 Parent/Guardian notified: Yes, Date: _____ Time: _____ No
 If yes, name of the parent/guardian who was notified: _____
 Student's emergency contact alternate notified: Yes, Date: _____ Time: _____ No

911 Called: Yes No
 Student's healthcare provider contacted: Yes, Date: _____ Time: _____ No
 If yes, student healthcare provider's name: _____

Describe interventions taken and outcome: _____

FOLLOW-UP AND PREVENTION (To be completed by building principal)

List any follow-up information related to the incident and prevention measures enacted to prevent similar incidents in the future: _____

Building administrator's signature: _____

Date: _____

End of McClusky School District #19 Exhibit ACBD-E9

MEDICATION PICKUP NOTICE

Student Name: _____

DOB: _____

Grade: _____

Date of Notice: _____

IT IS TIME TO PICK UP YOUR CHILD'S MEDICATIONS:

Dear Parent/Guardian,

School administrative rules state that "medications that are out of date or for which parental/medical authorization has expired must be picked up by the parent/legal guardian. Under no circumstances will medication be released to students except medication that a student is authorized to carry. When medications are not picked up by the parent/guardian, they must be destroyed."

Please pick up your child's medication/s by the date specified below.

- 1. Name of medication: _____
- 2. Name of medication: _____
- 3. Name of medication: _____
- 4. Name of medication: _____
- 5. Name of medication: _____

The medication(s) listed above will be destroyed if not picked up by: _____ (date, time) at _____ (pick-up location). If you are unable to pick up medication by this date, you must make arrangements by this deadline to pick up the medication on an alternate date or your child's medication will be destroyed.

Please call me to make arrangements for picking up the medications. I can be reached at:

Thank you,

Print name and title

Signature, title

End of McClusky School District #19 Exhibit ACBD-E10

MEDICATION DISPOSAL/DESTRUCTION LOG

INSTRUCTIONS: To be completed by authorized school personnel only. The building principal or designee (who shall not be a school medication provider) must serve as a witness when medication is disposed of/destroyed. This form should be provided to the Superintendent upon request and at the end of each school year.

Name of School: _____

STUDENT NAME	MEDICATION NAME	DATE RECEIVED BY SCHOOL	DATE OF PICK-UP NOTIFICATION TO PARENTS	QUANTITY REMAINING	METHOD OF DISPOSAL/DESTRUCTION	DATE OF DISPOSAL/DESTRUCTION	INITIALS OF INDIVIDUAL DISPOSING DRUG	INITIALS OF WITNESS

End of McClusky School District #19 Exhibit ACBD-E11

NALOXONE (NARCAN) ADMINISTRATION

As a means of enhancing the health and safety of its students, staff and visitors, the district may obtain, maintain, and administer doses of an opioid antagonist, specifically Naloxone, for emergency use to assist a student, staff member, or visitor believed or suspected to be experiencing an opioid overdose while on school property. The District shall store Naloxone at all schools.

Definitions

For purposes of this policy:

- *Drug overdose* means an acute medical condition, including, but not limited to, severe physical illness, coma, mania, hysteria or death, which is the result of consumption or use of one or more controlled substances causing an adverse reaction. The signs of opioid overdose include unresponsiveness; nonconsciousness; shallow breathing with rate less than 10 breaths per minute or not breathing at all; blue or gray face, especially fingernails and lips; and loud, uneven snoring or gurgling noises.
- *Opioids* are illegal drugs such as heroin, as well as prescription medications used to treat pain such as morphine, codeine, methadone, oxycodone (OxyContin, Percodan, Percocet), hydrocodone (Vicodin), fentanyl, hydromorphone (Dilaudid), and buprenorphine.
- *Opioid antagonist* is defined in NDCC 23-01-42(1)(b) as a drug:
 1. That is approved by the United States food and drug administration for the treatment of a drug overdose and is recognized by the state department of health for the treatment of a drug overdose; and
 2. That when administered negates or neutralizes, in whole or in part, the pharmacological effects of an opioid in the body.
- *Naloxone (Narcan)* is an opioid antagonist and prescription medication that can temporarily reverse an overdose caused by an opioid drug.
- *School property* is defined in NDCC 15.1-19-10 (6)(b) as all land within the perimeter of the school site and all school buildings, structures, facilities, and school vehicles, whether owned or leased by a school district, and the site of any school-sponsored event or activity.

Delegation of Responsibility

The Superintendent or designee shall establish appropriate internal procedures in accordance with the North Dakota Department of Health protocols for the acquisition, storing, and administration of Naloxone and related emergency response procedures.

The Superintendent may designate one individual per school building to provide oversight to monitor these internal procedures. The name of each coordinator must be listed in administrative regulations (see ACBE-AR).

The Superintendent may authorize district employees to be trained annually in the administration of Naloxone by a licensed or certified health care professional. Only trained personnel shall administer the Naloxone.

Administration of Naloxone shall not be required in circumstances or unavailability of Naloxone, unavailability of a trained Naloxone employee, and/or uncertainty as to whether an opioid overdose is occurring, among other reasons. This policy shall not create a duty on the part of the District and/or its personnel to administer Naloxone.

Education

The District shall develop a plan for annually informing all parents/guardians, students, and staff about this policy and specifically:

1. The availability of Naloxone to treat opioid drug overdoses and what it does;
2. The symptoms of opioid drug overdoses;
3. How students and staff should report suspected overdoses;
4. The protection from criminal prosecution provided by law for persons who report a suspected overdose using their real name and remain with the overdosing person until emergency medical services (EMS) or law enforcement arrive, as well as for the person whose overdose they report; and
5. The protection from civil liability provided by law for persons who report overdoses or administer Naloxone in overdose emergencies.

The District shall pay the cost of all district-authorized education and training for school medication providers.

Parental Notification and Referral

The Superintendent or designee shall notify the parent/guardian as soon as practicable when a student is involved in an incident using a controlled substance.

The District shall provide substance abuse prevention resources to any student or employee using a controlled substance and shall take disciplinary action for district policy violation.

Immunity from Liability

An individual who receives, possesses, or administers an opioid antagonist in accordance with law is immune from civil and criminal liability for such action. Immunity from liability or discipline does not apply if the individual's actions constitute recklessness, gross negligence, or intentional misconduct.

Indemnification

The District shall indemnify and hold harmless any employee who administers Naloxone pursuant to this policy, in accordance with law, and in good faith to

another individual experiencing a suspected drug overdose, if all of these conditions apply:

1. The employee did not act with the intent to harm or with reckless indifference to a substantial risk of harm in administering Naloxone to that individual;
2. The employee successfully completed the training contemplated by this policy;
3. The employee promptly sought additional medical assistance before or immediately after administering Naloxone; and,
4. The employee is administering Naloxone pursuant to this policy.

Complementing Documents

- ACBE-BR, Naloxone (Narcan) Procedures
- ACBE-AR, Building Level Naloxone (Narcan) Policy Coordinator
- ACBD-E9, Medication Incident Report
- DEAA, Drug & Alcohol-Free Workplace
- FF, Student Conduct & Discipline
- FFA, Student Alcohol & Other Drug Use/Abuse
- FFE, Extracurricular Participation Requirements

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

[04/18]

BUILDING-LEVEL NALOXONE (NARCAN) POLICY COORDINATORS

The Superintendent has designated the following individuals (one per school building) to monitor and enforce building-level compliance with the Naloxone (Narcana) policy.

Andrea Lauer, Business Manager, McClusky High School

Jeremy Lauer, Elementary Teacher, McClusky Elementary School

End of McClusky School District #19 Administrative Regulation ACBE-AR

[04/18]

NALOXONE (NARCAN) PROCEDURES

Training

Authorized district employees will be required to complete annual training to ensure they understand Naloxone, including its uses and side-effects, recognizing opioid related overdoses, proper administration of the opioid antagonist, and promptly activating district emergency medical protocols. Only trained personnel may administer an opioid antagonist to a patient (student, staff member or visitor) when the administering individual suspects the patient is at risk of experiencing an opioid overdose. Only trained personnel shall administer the Naloxone.

A list of school district employees who successfully complete such training shall be maintained, updated and kept in the administrative office.

Acquisition, Storage and Disposal

The Superintendent or designee shall be responsible for the procurement of Naloxone.

Naloxone shall be clearly marked and stored in a secure and accessible location designated by the building administrator, and in accordance with the drug manufacturer's instructions. The building administrator will ensure that all authorized district employees are aware of the naloxone storage location.

The building administrator shall regularly inspect the Naloxone to check the expiration date on the box or vial, check the condition of the mucosal atomization devices, and shall properly dispose of used or defective Naloxone in accordance with the drug manufacturer's instructions.

The building administrator shall regularly inventory and refresh Naloxone stocks, and maintain records thereof.

Administration of Naloxone

When responding to a suspected opioid overdose, trained staff shall follow the protocols outlined in the naloxone training and the instructions in the naloxone kit. Staff must activate district emergency medical protocol procedures and promptly or as soon as reasonably possible dial 911.

Each incident will be recorded on an incident report (ACBE-E1). The report should include the dose, route of administration, date and time of delivery, as well as the patient presentation and response to Naloxone.

This information shall be shared with the building administrator and Superintendent and maintained in the Superintendent's office. Copies of the incident report shall be kept in each location where Naloxone is stored.

End of McClusky School District #19 Board Reg. ACBE-BR.....Approved: July 30, 2018

[04/18]

NALOXONE (NARCAN) INCIDENT REPORT

Instructions: *To be completed as soon as possible after the incident occurred and appropriate response actions/interventions were taken. File form with the building principal.*

Date of report: _____

Name of person completing this report: _____

Patient name: _____

Date of birth: _____ Grade: _____

Date incident occurred: _____ Time: _____ am pm

Person providing medication: _____

Dose: _____

SUMMARY OF INCIDENT

Provide a summary of the incident and describe how it occurred: _____

ACTION TAKEN/INTERVENTION

911 Called: Yes No

School nurse notified: Yes, Date: _____ Time: _____ No N/A

Parent/Guardian notified: Yes, Date: _____ Time: _____ No N/A

If yes, name of the parent/guardian who was notified: _____

Describe interventions taken and outcome: _____

FOLLOW-UP AND PREVENTION (To be completed by building principal)

List any follow-up information related to the incident and prevention measures enacted to prevent similar incidents in the future: _____

Building administrator's signature: _____

Date: _____

End of McClusky School District #19 Exhibit ACBE-E

[04/18]

MEDICAL MARIJUANA**Definitions**

This policy defines the following:

- *Cannabinoid concentrate* means a concentrate or extract obtained by separating cannabinoids from marijuana by a mechanical, chemical, or other process.
- *Cardholder* means a qualifying patient, designated caregiver, or compassion center agent who has been issued and possesses a valid registry identification card.
- *Debilitating medical condition* means one of the following:
 - a. Cancer;
 - b. Positive status for human immunodeficiency virus;
 - c. Acquired Immune Deficiency Syndrome (AIDS);
 - d. Decompensated cirrhosis caused by hepatitis C;
 - e. Amyotrophic lateral sclerosis;
 - f. Post-traumatic stress disorder;
 - g. Agitation of Alzheimer's disease or related dementia;
 - h. Crohn's disease;
 - i. Fibromyalgia;
 - j. Spinal stenosis or chronic back pain, including neuropathy or damage to the nervous tissue of the spinal cord with objective neurological indication of intractable spasticity;
 - k. Glaucoma;
 - l. Epilepsy;
 - m. A terminal illness; and
 - n. A chronic or debilitating disease or medical condition or treatment for such disease or medical condition that produces one or more of the following:
 - i. Cachexia or wasting syndrome;
 - ii. Severe debilitating pain that has not responded to previously prescribed medication or surgical measures for more than three months or for which other treatment options produced serious side effects;
 - iii. Intractable nausea;
 - iv. Seizures; or
 - v. Severe and persistent muscle spasms, including those characteristic of multiple sclerosis.
- *Designated caregiver* means an individual who agrees to manage the well-being of a registered qualifying patient with respect to the qualifying patient's medical use of marijuana.
- *Medical cannabinoid product* is as defined in NDCC 19-24.1-01(24).

- *Medical marijuana product* means a cannabinoid concentrate or a medical cannabinoid product.
- *Minor* means an individual under the age of nineteen.
- *Pediatric medical marijuana* means a medical marijuana product containing cannabidiol which may not contain a maximum concentration or amount of tetrahydrocannabinol of more than six percent.
- *Possession* means:
 - a. Actual physical possession of the alcohol or drug while on school property;
 - b. Use or consumption of the alcohol or drug while on school property; or
 - c. In the student's locker, car, handbag, backpack, or other belongings while on school property.
- *Qualifying patient* means an individual who has been diagnosed by a health care provider as having a debilitating medical condition.
- *School property* is defined in NDCC 15.1-19-10(6)(b) as all land within the perimeter of the school site and all school buildings, structures, facilities, and school vehicles, whether owned or leased by a school district, and the site of any school-sponsored event or activity.
- *Use* means that a student or employee is reasonably known to have ingested, inhaled or otherwise taken into the body a prohibited substance, or is reasonably found to be under the influence of such a substance while on school property.

Prohibitions

Although possession and use of marijuana for certain debilitating medical conditions is permitted in North Dakota, the McClusky School Board recognizes that the possession and use of marijuana remains illegal under federal law. In an effort to maintain a drug-free workplace and compliance with state and federal laws, the Board prohibits the administration and use of medical marijuana while on school property. Administration of all other prescription and nonprescription medications to students shall be in accordance with applicable law and district policy concerning the administration of medications to students (see Policy ACBD, School Medication Program).

The District shall not refuse to enroll or discriminate against any student solely on the basis of such student's status as a qualifying patient.

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

Disciplinary Consequences

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

The employee must notify their supervisor of their conviction under any criminal drug statute for a violation occurring on school property or while performing work for the district, no later than five calendar days after such a conviction. The district will inform the federal granting agency within ten days of such conviction, regardless of the source of the information.

The protections provided to qualifying patients, both adult and minors, utilizing medical marijuana prescribed in state statute, do not apply if the qualifying patient uses or possesses marijuana while on school property.

Confidentiality

Cardholder status for a student or employee is confidential and may not be requested or required by the district. Only upon a cardholder's written request to the Department of Health may the Department confirm the cardholder's status as a registered qualifying patient or registered designated caregiver to a school. 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 NDSBA Templates (may contain items not adopted by the Board)

- ACBD, School Medication Program
- DEAA, Drug & Alcohol-Free Workplace
- DEAA-AR, Procedure if Harmful Chemical Use is Suspected
- DEAA-E, Record of Observable Behavior
- DBBA, Drug & Alcohol Testing Program for Employees (relates to employee/position subject to Omnibus Transportation Employee Testing Act)
- DBBA-AR, Drug & Alcohol Testing Procedures
- DBBA-E, Drug & Alcohol Testing Notification Requirements for Employees
- FFA, Student Alcohol & Other Drug Use/Abuse
- FFA-AR, Alcohol & Other Drug Intervention Procedure

End of McClusky School District #19 Policy ACBFAdopted: December 13, 2018

[08/18]

SEXUAL OFFENDERS ON SCHOOL PROPERTY**Definitions**

For the purpose of this policy:

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

1. Nonparent Sexual Offenders

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

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

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

2. Parent Sex Offenders

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

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

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

3. Student Sex Offenders

The Superintendent shall determine the appropriate educational placement for student sex offenders except those identified as having a disability. When determining educational placement, the Superintendent shall consider such factors as the safety and health of the student population. The Superintendent shall develop guidelines for managing each student sexual offender in district schools. If the Superintendent determines that, in the best interest of district schools, the student sexual

offender should be placed in an alternative educational setting, the District shall pay for the costs associated with this placement.

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

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

4. General Provisions

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

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

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

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

Complementing Documents

- ACCA-BR, Criteria For Granting Parent Offenders Privileges To Enter School Property

End of McClusky School District #19 Policy ACCA Adopted: March 14, 2017

CRITERIA FOR GRANTING PARENT OFFENDERS PRIVILEGES TO ENTER SCHOOL PROPERTY

The Superintendent may consider the following criteria and/or other relevant information when determining if a parent offender shall be granted privileges to enter school property for any purpose beyond those rights afforded by state and federal law:

1. The risk level assigned to the parent offender by the Bureau of Criminal Investigation. High risk and lifetime offenders will generally not be granted privileges to enter school property in excess of those provided in law. When the Superintendent deems it necessary to grant a high risk or lifetime offender privileges, the privileges will be limited in scope.
2. When available, the circumstances surrounding the crime/offense.
3. The age of the offender's victim. Parent offenders who have committed a crime/offense against a minor will generally not be granted privileges in excess of those provided in law. When the Superintendent deems it appropriate to grant these offenders privileges, the privileges may be limited in scope.
4. The age at which the offender committed the crime/offense.
5. The duration of time that has passed since the parent offender committed the crime/offense.
6. The nature of the activity, event, or purpose for which the parent offender has requested entry on to school property. The Superintendent shall take into account the level of supervision provided to district students and the level of supervision that the District will be able to provide, if any, to the parent offender during the time the offender has requested to be on school property.

The Superintendent may solicit the input of law enforcement officials when determining if a parent offender shall be granted privileges to enter school property beyond those rights afforded in law. These privileges will be granted in accordance with the district's sexual offender policy and may contain restrictions and prohibitions. The Superintendent may at any time, with cause, revoke these privileges.

End of McClusky School District #19 Board Reg. ACCA-BR Approved: March 14, 2017

ACCEPTABLE USE

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

Education

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

Monitoring Use

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

Prohibitions

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

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

Violations

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

Consent

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

Complementing NDSBA Templates (may contain items not adopted by the Board)

- DE, Staff Conduct
- FF, Student Conduct & Discipline
- FF-AR, Student Conduct Standards & Disciplinary Procedures
- FFK, Suspension & Expulsion
- FFK-BR, Suspension & Expulsion Regulations

End of McClusky School District #19 Policy ACDAAdopted: June 19, 2018

[02/18]

VIDEO SURVEILLANCE & RECORDING IN SCHOOLS**1. Purpose & Scope of Use**

The McClusky Public School uses electronic surveillance systems in order to help ensure that school premises and individuals on school premises are safe and secure. Any person entering a school facility, on school property, or at a school function, is subject to being videotaped.

Cameras may be used for the following purposes:

- a. To protect the school premises from property damage;
- b. To deter property damage;
- c. To ensure the safety and security of individuals who are on the school premises;
- d. To monitor and deter criminal activity from occurring.

Cameras may be used to monitor school staff for job performance purposes.

Cameras except those used to monitor staff job performance will have no audio capabilities and will be installed on a closed circuit network.

2. Camera Locations

- a. Subject to the provisions below, cameras may be placed both in and outside school building(s). Areas chosen for surveillance should be where surveillance serves the purposes outlined in section one of this policy.
- b. All cameras must be unconcealed and clearly visible.
- c. Cameras shall not be placed in changing rooms, washrooms, and areas where students, staff, and others have a reasonable expectation of privacy.
- d. Cameras located internally shall not be directed to look through windows to areas outside the building, unless necessary to protect external assets.
- e. Cameras shall not be directed in adjacent, non-district buildings.

3. Notification

Signs advising use of the presence of video surveillance practices will notify individuals of:

- a. The area in which surveillance is conducted;
- b. The purpose for the surveillance;
- c. Hours during which surveillance may be conducted;
- d. Who is responsible for conducting surveillance in the department;
and
- e. The contact person who can answer questions about the cameras, including an address or telephone number for contact purposes.

4. Use of Recorded Information

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

5. Access to & Disclosure of Recorded Information

- a. Only the Superintendent or his or her designate shall have access to the electronic surveillance system while it is in operation.
- b. Video monitors will be placed in locations free from public viewing.
- c. The district shall comply with all applicable state and federal laws related to access, review, and release of video recordings that are part of the student's educational record under the Family Educational Rights and Privacy Act.
- d. Recordings not subject to part "c" of this section will be released in accordance with state open record laws. Individuals requesting surveillance footage will be required to view it at the school or pay for the cost of creating a copy.

6. Audits

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

7. Retention & Disposal of Recordings

- a. All recorded information not in use shall be securely stored in a locked receptacle or area.
- b. Recorded information may never be sold, publicly viewed, or distributed in any other fashion except as provided for by this policy and applicable laws.
- c. All recorded information used for the purpose of this policy shall be numbered and dated by camera site.
- d. All recorded information shall be retained and destroyed in accordance with applicable laws.

Non-applicable Provision

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

End of McClusky School District #19 Policy ACDB Adopted: May 9, 2017

OPERATION OF UNMANNED AIRCRAFT SYSTEMS (UAVs)

Definitions

This policy defines the following:

- *Unmanned aircraft systems/drones* means an aircraft operated without the possibility of direct human intervention from within or on the aircraft.

Educational Use

The Board is committed to providing all district staff and students with technology-based learning opportunities. Use of Unmanned Aircraft Systems (UAVs) is a privilege which comes with responsibilities that must be adhered to.

District staff and students shall only operate UAVs in accordance with this policy and applicable Federal Aviation Administration (FAA) and the North Dakota High School Activities Association regulations. Any inappropriate use must be reported to the Superintendent or designee.

All data gathered by the district as part of a UAVs operation will belong to the district. The data gathered by the district will follow applicable state and federal laws. Retention of such data will be maintained in accordance with law.

UAVs Request

District staff must submit a request and provide educational supporting documentation to the Superintendent or designee for review and approval.

District staff shall work with administrators to ensure that proper insurance, registration and authorization are in place prior to the operation of a UAVs.

Operation Guidelines

Staff and students shall not operate UAVs within five (5) miles of any airport without prior notification and acknowledgment from airport authorities. Written documentation for notification must be logged and kept on file by the notifying staff member.

Students shall not operate UAVs without the presence of supervising staff. All proper safety equipment must be used by any operator(s) and observer(s) to include eye and ear protection.

The use of any UAVs on school grounds must be approved in advance by the principal or a district administrator.

Staff and students shall not operate UAVs above an altitude of 400 feet above ground level or within 400 feet of a structure.

Staff and students shall ensure that they maintain safe control and line of sight when operating a UAVs. Broadcast from a remote location does not constitute line of sight.

Staff and students shall not operate a UAVs with a weight of more than 55 lbs.

Staff and students shall not operate UAVs before sunrise or after sunset or in adverse weather conditions.

Staff and students shall not operate UAVs within proximity to or above individuals, crowds, or vehicles, to include parking lots, bleachers, sporting events, school-based activities or functions.

If used outside, and if the UAVs were to be flown/blown onto a building roof, off-campus location, or another restricted area, the district employee must report it immediately to school administration and appropriate support staff, i.e. custodial staff, or technical services if the UAVs is located on the roof. Students shall not be used to retrieve the UAVs under any such circumstances.

Inappropriate Use

Staff and students shall not operate UAVs under circumstances where profit would be generated.

Staff and students shall not operate UAVs broadcasting or recording images of people or property where the reasonable expectation of privacy exists or over areas that are normally deemed private by social norms, such as restrooms, locker rooms, or residential areas.

Staff and students shall not operate UAVs indoors, i.e. no flying in classrooms.

UAV Injuries or Incidents

Any injuries or property damage resulting from District UAVs use shall immediately be reported to the Superintendent or designee.

Further use of the UAVs in question will be suspended until an investigation of the events takes place and clearance for use is provided by the Superintendent or designee.

Any scenarios not addressed within this policy shall be governed by the appropriate Federal Aviation Administration regulations.

The Superintendent or designee will be responsible for notifying staff of this policy annually. Violations of this policy may result in disciplinary action, up to and including suspension and/or expulsion for students or suspension and/or termination for staff.

Third Party Use

Third party use of a UAVs on district property or at district-sponsored events for any purpose is prohibited, unless granted permission from the Superintendent or designee.

If permission is granted by the Superintendent or designee, the third party operating a UAVs will comply with all FAA regulations and shall provide the following to the district:

1. Proof of insurance that meets the liability limits established by the district;
2. Appropriate registration and authorization issued by the FAA when required; and

SUPPLEMENTARY

Descriptor Code: ACDC

3. A signed agreement holding the district harmless from any claims of harm to individuals or damage to property.

End of McClusky School District #19 Policy ACDCAdopted: December 13, 2018

[08/18]

VIOLENT & THREATENING BEHAVIOR

Threatening Behavior

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

Reporting

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

Threat Assessment

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

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

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

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

Disciplinary Consequences for Threatening Behavior

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

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

Violent Behavior

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

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

Complementing NDSBA Templates (may contain items not adopted by the Board)

- FFD, Carrying Weapons
- FFK, Suspension & Expulsion
- FFK-BR, Suspension & Expulsion Regulations

End of McClusky School District #19 Policy ACEAdopted: June 19, 2018

[03/18]

BULLYING POLICY

Definitions

For the purposes of this policy:

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

Prohibitions

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

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

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

Reporting Procedures for Alleged Policy Violations

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

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

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

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

Reporting to Law Enforcement & Others Forms of Redress

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

Documentation & Retention

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

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

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

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

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

Report forms and all other documentation related to an investigation of an alleged violation of this policy shall be retained by the District for six years after a student turns 18 or graduates from high school, whichever is later. If a student does not graduate from the District, such reports and investigation material shall be retained for six years after the student turns 18.

Investigation Procedures

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

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

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

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

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

Disciplinary & Corrective Measures

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

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

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

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

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

Victim Protection Strategies

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

1. Additional training for all students and applicable staff on implementation of this policy and/or bullying prevention.
2. Notice to the victim's teachers and other staff to monitor the victim and his/her interaction with peers and/or the assignment of a staff member to escort the student between classes.
3. Assignment of district staff to monitor, more frequently, areas in the school where bullying has occurred.

4. Referral to counseling services for the victim and perpetrator.
5. Modification of the perpetrator's schedule and other appropriate measures imposed on the perpetrator (not the victim) to minimize the perpetrator's contact with the victim.

Prevention Programs & Professional Development Activities

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

Complementing Documents

- AAC-BR, Discrimination & Harassment Grievance Procedure
- AAC-E, Filing a State or Federal Discrimination & Harassment Complaint
- ACEA-E1, Bullying Policy Adoption & Dissemination Checklist
- ACEA-E2, Bullying Reporting Guidelines
- ACEA-E3, Student Reporting Form
- ACEA-E4, Staff Reporting Form
- ACEA-E5, Bullying/Harassment Investigation Protocol
- FF, Student Conduct

End of McClusky School District #19 Policy ACEA..... Adopted: March 14, 2017

BULLYING POLICY ADOPTION & DISSEMINATION CHECKLIST**Adoption Procedure**

Identify parents, school district employees, volunteers, students, school district administrators, law enforcement personnel, domestic violence sexual assault organizations as defined by subsection 3 of section 14-07.1-01, and community representatives to be involved in policy development. **NOTE: Law requires that each of the parties be involved in policy development.**

Identify method to involve the above groups in the bullying policy development. One suggested method would be to send the proposed bullying policy to these groups and ask for their written input by a specific deadline. Document the date that each group was contacted to participation in the bullying policy development and document any group that could not or did not participate.

Parents, date contacted: _____
 Provided input: Yes No
 If yes, date(s): _____

School employees, date contacted: _____
 Provided input: Yes No
 If yes, date(s): _____

Volunteers, date contacted: _____
 Provided input: Yes No
 If yes, date(s): _____

Students, date contacted: _____
 Provided input: Yes No
 If yes, date(s): _____

School administrators, date contacted: _____
 Provided input: Yes No
 If yes, date(s): _____

Law enforcement, date contacted: _____
 Provided input: Yes No
 If yes, date(s): _____

Domestic violence sexual assault organizations, date contacted: _____
 Provided input: Yes No
 If yes, date(s): _____

Community representatives, date contacted: _____
 Provided input: Yes No
 If yes, date(s): _____

- Have the Board perform a first and second reading of bullying policy at a regular or special meetings (typically at two separate meetings depending on local policy).
Date of first reading: _____

Date of second reading: _____

After Adoption

- Send adopted policy to Department of Public Instruction. Policies can be emailed to: vfischer@nd.gov.

Date: _____

- Ensure that policy is explained to and discussed with district students.

Date: _____

- Make the policy available in student and personnel handbooks.

Date: _____

Review and revise policy as necessary and send a copy of any board adopted bullying policy revision to DPI using the address above.

End of McClusky School District #19 Exhibit ACEA-E1

BULLYING REPORTING GUIDELINES

The following are signs that may indicate that a student has become a victim of prohibited behavior contained in the district's bullying policy. The examples serve as guidelines only and in no way encompass all indicators that a student has become victim of bullying. Students with knowledge/ reasonable suspicion of any conduct indicating a violation of the bullying policy should report it in accordance with the procedure in the bullying policy, and school staff with knowledge/reasonable suspicion of such conduct shall report it in accordance with the procedure in the bullying policy.

Reporting Guidelines

Students should file a report under the bullying policy and staff shall file such a report when there is:

1. Any report by a student that s/he is concerned about his/her safety as a result of intimidation, hostility, or actions by a student or staff member. Such students often avoid certain locations in the school to limit contact with a bully (e.g., locker rooms, restrooms, parking lots).
2. Any report by a student that his/her property has been damaged or s/he is concerned that his/her property will be damaged as a result of intimidation, hostility, or actions by a student or staff member.
3. Any indication that a student is being deprived of educational opportunities (e.g., grades rapidly decline, a pattern of absenteeism, avoids certain locations in the school.)
4. Any indication of verbal, nonverbal, physical aggression, intimidation, or hostility based on a protected status, i.e., race, color, religion, sex, national origin, age, disability (physical or mental), or status with regard to marriage or public assistance.
5. A student has filed a report under the bullying policy or participated as a witness in a bullying investigation and has since become the subject of verbal, nonverbal, or physical aggression or hostility by other students or staff.

End of McClusky School District #19 Exhibit ACEA-E2

STAFF BULLYING REPORT FORM

Instructions: Please complete **both** pages, responding to all the questions as accurately as possible. If you are unsure of the answer to any question, please indicate so. School policy allows for the District to take disciplinary action against school staff who have knowledge/reasonable suspicion of a violation of the bullying policy and fail to report it.

Describe what happened/what is happening:			
When did it happen?	<input type="checkbox"/> Before school <input type="checkbox"/> During school <input type="checkbox"/> After school <input type="checkbox"/> Unsure	Date:	<input style="width: 100%;" type="text"/> Time: <input style="width: 100%;" type="text"/>
Where did it happen?	<input type="checkbox"/> In the school building (list specific room): <input style="width: 100%;" type="text"/> <input type="checkbox"/> On the school playground <input type="checkbox"/> In the school parking lot <input type="checkbox"/> On the school bus	<input type="checkbox"/> Online <input type="checkbox"/> At a school event (list specific event): <input style="width: 100%;" type="text"/> <input type="checkbox"/> Other (please specify): <input style="width: 100%;" type="text"/> <input type="checkbox"/> Unsure	
Who was committing the bullying (if you're unsure of the bully's name(s) describe him/her)?			
Who was the victim of the bullying (if you're unsure of his/her name, describe him/her)?			
How did you learn of the incident?	<input type="checkbox"/> Witnessed it <input type="checkbox"/> Received a report from the victim: <input type="checkbox"/> Oral <input type="checkbox"/> Written (attach) <input type="checkbox"/> Received a report from a bystander: <input type="checkbox"/> Oral <input type="checkbox"/> Written (attach) <input type="checkbox"/> Received a report from a community member: <input type="checkbox"/> Oral <input type="checkbox"/> Written (attach) <input type="checkbox"/> Received a report from the perpetrator: <input type="checkbox"/> Oral <input type="checkbox"/> Written (attach) <input type="checkbox"/> Suspected bullying as a result of changes in a student's behavior.		
Did anyone else witness the bullying? <input type="checkbox"/> Yes, please list <input type="checkbox"/> No <input type="checkbox"/> Unsure	Please list names of witnesses and/or anyone that may have information about the incident. <input style="width: 100%; height: 40px;" type="text"/>		

Were students/others physically hurt (please explain)?	<input type="checkbox"/> Yes, explain <input type="checkbox"/> No <input type="checkbox"/> Unsure	
Was there damage to anyone's personal property?	<input type="checkbox"/> Yes, describe <input type="checkbox"/> No <input type="checkbox"/> Unsure	
Have you noticed a change in the victim's routine (e.g., attendance patterns changed, grades dropped, avoids certain locations in the school)?	<input type="checkbox"/> Yes, explain <input type="checkbox"/> No <input type="checkbox"/> Unsure	
If the bullying occurred online is there evidence that it was/has caused:	<input type="checkbox"/> A substantial disruption to the educational environment (e.g., staff prevented from carrying out duties, computer networks shut down, change in attendance patterns) <input type="checkbox"/> A true threat (a statement that, in light of the circumstances, a reasonable person would perceive as a serious expression of an intent to inflict harm) <input type="checkbox"/> Unsure If applicable, explain: <div style="border: 1px solid black; height: 20px; width: 100%;"></div>	
In your view, was the incident motivated by any of the following traits (actual or perceived)?	<input type="checkbox"/> Race <input type="checkbox"/> Sex (includes sexual orientation) <input type="checkbox"/> Color <input type="checkbox"/> Status with regard to marriage or public assistance <input type="checkbox"/> Religion <input type="checkbox"/> Disability (physical or mental)	
In your view, was the incident motivated by any of the following traits (actual or perceived)?	<input type="checkbox"/> National origin <input type="checkbox"/> N/a <input type="checkbox"/> Unsure	
Was the incident an act of retaliation against an individual who filed a previous bullying report and/or participated in an investigation?	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Unsure	Have you reported the incident to law enforcement? <input type="checkbox"/> Yes <input type="checkbox"/> No
Your name:	<input style="width: 100%;" type="text"/>	
Your school:	<input style="width: 100%;" type="text"/>	
List your contact information:	Phone:	<input style="width: 100%;" type="text"/>
	Email:	<input style="width: 100%;" type="text"/>

Remember to hit "save" before closing this form. Please print the form, **attach any relevant documentation that you may have**, and return it to the building administrator or his/her superior if the report implicates the building administrator. If the report implicates the Superintendent, return it to the Board President.



STUDENT BULLYING REPORT FORM

Instructions:

Please complete **both** pages, responding only to the questions that you feel comfortable answering and are able to accurately answer. You may choose to include your name at the bottom of the form or may submit it anonymously. Please note that the district's ability investigate an anonymous complaint may be limited, and the District prohibits retaliation against anyone who files a bullying report.

Describe what happened/what is happening:

When did it happen?

- Before school
- During school
- After school
- Unsure

Date:

Time:

- am pm

Where did it happen?

- In the school building (list specific room):
- On the school playground
- In the school parking lot
- On the school bus
- Online

At a school event (list specific event):

Other (please specify):

Unsure

Who was committing the bullying (if you don't know the bully's name(s) describe him/her?)

Who was the victim of the bullying (if you don't know his/her name, describe him/her?)

Did anyone else witness the bullying (if yes, please list)?

- Yes
- No
- Unsure

Were you or others physically hurt (please explain)?	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Unsure	
Was there damage to anyone's personal property?	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Unsure	
Have you or the victim missed any school or made any changes to your daily routine as a result of the incident(s)?	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Unsure	
Have you told anyone about the bullying?	<input type="checkbox"/> Parent <input type="checkbox"/> Babysitter <input type="checkbox"/> Brother/sister <input type="checkbox"/> Other family member:	<input type="checkbox"/> Teacher <input type="checkbox"/> Other school staff: <input type="checkbox"/> Other:
Have you previously filed a bullying report (this information is used to determine if retaliation is occurring)?		
<input type="checkbox"/> Yes <input type="checkbox"/> No		
Your name:		
Your grade and age:		
How can we contact you?	<input type="checkbox"/> Phone:	
	<input type="checkbox"/> Email:	
	<input type="checkbox"/> Other:	

Remember to hit "save" before closing this form. Please print the form and return it to any school staff member, the main office or place it in the bullying report drop box.

BULLYING/HARASSMENT INVESTIGATION PROTOCOL

Date of Referral (MM/DD/YEAR):	Investigation must be completed by:
--------------------------------	-------------------------------------

Name of Alleged Victim:			
Name of Alleged Perpetrator:			
Alleged Victim's Date of Birth (MM/DD/YEAR):		Filed Until (MM/DD/YEAR):	

1. PROTECTED CLASS

Guiding Question	Is the alleged policy violation (either actual or perceived) based on a protected class (including race/national origin, religion, sex, disability, sexual orientation)?
Examples	Including, but not limited to: slurs, taunts, jokes, insults, demeaning/stereotyping comments, cartoons, and/or pictures, spreading rumors or any other behavior targeted at a student of an actual or perceived protected class.
<i>If yes, following your district's harassment-discrimination investigation procedure</i> <input type="checkbox"/> Yes: <input type="checkbox"/> No	

2. DETERMINATION OF LEVEL OF NECESSARY INVESTIGATION

Guiding Question	Is further investigation warranted based on the nature of the alleged violation?
-------------------------	--

EXHIBIT

Descriptor Code: ACEA-E5

Considering Factors	Include, but not limited to: the identity of the reporter and his/her relationship to the victim/alleged perpetrator, the ages of the parties involved; the detail, content and context of the report; whether this report is the first of its type filed against the alleged perpetrator.
Rationale:	
<input type="checkbox"/> N/A	

3. a) POTENTIAL INVESTIGATORY STEPS (DETERMINED BY ADMINISTRATOR)

Investigatory Step
Investigatory Step
Investigatory Step
Investigatory Step
Additional Comments

3. b) BULLYING DEFINITION

Guiding Question	Does the alleged incident meet the bullying definition as stated in NDCC 15.1-19-17?
	<input type="checkbox"/> Yes:
	<input type="checkbox"/> No
Definition Explanation	

4. a) **DISCIPLINARY AND CORRECTIVE MEASURES (IF MEETING DISTRICT BULLYING DEFINITION)**

Action Taken
Action Taken
Action Taken
Additional Comments

4. b) **DISCIPLINARY AND CORRECTIVE MEASURES (IF NOT MEETING DISTRICT BULLYING DEFINITION)**

Guiding Question	Does the misconduct meet the parameters of other district discipline policies?
	<input type="checkbox"/> Yes: <input type="checkbox"/> No
Additional Comments	

4. c) **DISCIPLINARY AND CORRECTIVE MEASURES (INITIATED OFF CAMPUS *AND RECEIVED* ON CAMPUS)**

Guiding Question	Has the bullying substantially disrupted the educational environment or posed a true threat?
	<input type="checkbox"/> Yes: <input type="checkbox"/> No

Action Options 1
Action Options 1
Action Options 1
Action Options 2
Action Options 2
Action Options 2
Additional Comments

5. STAFF MEMBER INVOLVEMENT

Guiding Question	Is the perpetrator a staff member?
	<input type="checkbox"/> Yes:
	<input type="checkbox"/> No
Action Options	
Action Options	
Additional Comments	

6. VICTIM PROTECTION STRATEGIES

Guiding Question	Have the parents been notified and has a victim protection strategy been implemented?
------------------	---

EXHIBIT

Descriptor Code: ACEA-E5

	<input type="checkbox"/> Yes: <input type="checkbox"/> No
Strategies	
Strategies	
Strategies	
Strategies	
Additional Comments	

7. Notification of Authorities

Guiding Question	Do you have reasonable suspicion that a crime has taken place?
	<input type="checkbox"/> Yes: <input type="checkbox"/> No

HAZING

Definitions

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

Prohibitions

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

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

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

Reporting Requirements

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

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

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

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

Complementing Documents

- FFK, Suspension & Expulsion
- FFK-BR, Suspension & Expulsion Regulations

End of McClusky School District #19 Policy ACEB..... Adopted: May 9, 2017

VANDALISM

Definition

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

Remedies & Repercussions

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

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

Complementing Documents

- FFK, Suspension & Expulsion
- FFK-BR, Suspension & Expulsion Regulations

End of McClusky School District #19 Policy ACEC..... Adopted: May 9, 2017

**WHISTLEBLOWER PROTECTIONS POLICY:
PROHIBITION AGAINST RETALIATION**

Protections: Employees

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

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

Protections: False Claims Act (FCA)

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

Protections: Students & Community Members

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

Grievance Procedure

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

complainant should report to the Board President or Board Vice President (if the report concerns the Board President) who shall investigate.

Grievances not otherwise covered by deadlines in the applicable district policy must be reported within 180 calendar days unless state or federal law specifies otherwise.¹ Failure to timely present the grievance shall be deemed a waiver of the grievance. Investigations of grievances filed under this policy shall be completed within 60 days unless the investigator documents in writing reasonable cause for extending this investigation deadline. Upon completion of the investigation, the investigator shall issue his/her findings to the complainant in a written report.

Complainants may also report grievances under this policy to the state agency with jurisdiction over the subject of the grievance (e.g., ND Department of Labor or ND Department of Public Instruction), the appropriate federal agency², and/or, if applicable, law enforcement.

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

Policy Violation Consequences

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

Prohibition of False Claims

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

Notice of Policy

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

End of McClusky School District #19 Policy ACF Adopted: May 9, 2017

¹ FCA has a three year statute of limitations.

² State and federal agencies may have reporting deadlines in place after which the grievance may be denied.