

**JAMESTOWN PUBLIC SCHOOL  
BOARD POLICY HANDBOOK**

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## **SECTION A – POLICIES PERTAINING TO THE SCHOOL DISTRICT**

Descriptor Code: AAA

### **PHILOSOPHY**

In establishing the Mission Statement and Policies of the Jamestown School District, it is the intent of the School Board that these rules shall be guidelines for the administration of the educational program for the school system.

Descriptor Code: AAB

## MISSION STATEMENT

(Revised January 9, 2014)

Learning For All

## VISION STATEMENT

(Revised January 9 , 2014)

- A safe, orderly environment
- Clear and focused academic goals for each student
- Frequent monitoring of each student's learning
- Additional opportunities to learn for those who initially struggle
- A collaborative culture
- High expectations for each student
- Strong leadership
- Effective partnerships with parents

## NONDISCRIMINATION & ANTI-HARASSMENT POLICY

### General Prohibitions

The Jamestown 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 and/or employee's race, color, religion, sex, gender identity, national origin, ancestry, disability, age, or other status protected by law.

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

The District shall promptly investigate any harassment or discrimination complaint and act on findings as appropriate, which may include disciplinary measures such as, but not limited to, 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.

### Definitions

- *Complainant* is the individual filing the complaint. When the complainant is not the victim of the alleged harassment/discrimination, the victim will 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 a person equally due to a protected status. Protected status is defined in applicable state (NDCC 14-02.4-02 (6)) and federal laws.
- *Employee* is defined in accordance with NDCC 14-02.4-02 (7).
- *Harassment* is a specific type of discrimination based on a protected status. It occurs under the following conditions:
  - a. For employees when enduring the offensive conduct becomes a condition of continued employment, or the conduct is severe or pervasive enough to create a work environment that a reasonable person would consider intimidating, hostile, or abusive
  - b. For students when the conduct is sufficiently severe, persistent, or pervasive to limit a student's ability to participate in or benefit from the education program or to create a hostile or abusive education environment.

- *Sexual harassment* is a form of harassment based on sex or gender identity. It is defined as unwelcome sexual advances, requests for sexual favors, and/or other verbal, written, or physical conduct or communication of a sexual nature when:
  - a. It is quid pro quo, meaning submission to such conduct or communication is made a term or condition, either explicitly or implicitly, of the basis for employment decisions or educational decisions or benefits for students (e.g., receiving a grade).
  - b. It creates a hostile environment meaning unwelcome sexual conduct or communication that is sufficiently serious to deny or limit a student's ability to participate in or benefit from the school's program(s). For employees a hostile environment is created when submission to unwelcome sexual conduct is made either explicitly or implicitly a term or condition of an individual's employment.
- *Sexual harassment examples* may include, but are not limited to:
  - a. Sexual or "dirty" jokes
  - b. Sexual advances
  - c. Pressure for sexual favors
  - d. Unwelcome touching, such as patting, pinching, or constant brushing against another's body
  - e. Displaying or distributing of sexually explicit drawings, pictures, and written materials
  - f. Graffiti of a sexual nature
  - g. Sexual gestures
  - h. Touching oneself sexually or talking about one's sexual activity in front of others
  - i. Spreading rumors about or rating other's sexual activity or performance
  - j. Remarks about a person's sexual orientation
  - k. Sexual violence including, but not limited to, rape, sexual battery, sexual abuse, and sexual coercion

### **Complaint Filing Procedure**

The Board shall create an informal and formal harassment and discrimination complaint filing procedure in board regulations. Nothing in this policy or in the harassment/discrimination grievance procedure shall prevent an individual from pursuing redress through state and/or federal law.

### **Confidentiality**

An individual wishing to file an anonymous harassment and/or discrimination complaint shall be advised that confidentiality will limit the district's ability to fully respond to the complaint and that retaliation is prohibited. The Title IX Coordinator 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. A harassment or discrimination 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.

### **Responsible Employees**

The Superintendent shall identify school employees responsible for receiving and reporting discrimination and harassment incidents and complaints. These individuals shall be listed in student handbooks and shall receive appropriate training on their reporting duties.

### **Policy Training and Dissemination**

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

### **Nondiscrimination Coordinator**

The Board designates Sally Ost, Business Manager, as the Title IX and Nondiscrimination Coordinator. She can be contacted at: 207 2<sup>nd</sup> Avenue Southeast, Jamestown, ND 58401, 701-252-1950. The Title IX/Nondiscrimination Coordinator and any other school official responsible for investigation of discrimination complaints shall receive appropriate training.

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

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

**End of Jamestown Public School Policy AAC .....Adopted: 11/2/2015**

Descriptor Code: AAC-BR

**DISCRIMINATION & HARASSMENT GRIEVANCE PROCEDURE**  
(adopted 12-7-09)

The following procedure is designed to resolve harassment and discrimination complaints as defined 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 harassment investigation.

The procedure contained in these regulations supersedes the district's Complaints About Personnel and Student Grievance Policy.

**Retaliation Prohibited**

The District prohibits retaliation for an individual's participation in and/or initiation of a harassment/discrimination complaint investigation, including instances when a complaint is not substantiated. The consequences for violating this prohibition are delineated in policy.

**Complaint Filing Format and Deadlines**

Complaints can be filed verbally or in writing and should be filed as soon as a victim or witness of alleged harassment and/or discrimination becomes aware that alleged harassment or discrimination occurred. Complaints must be filed within statutory deadlines contained in law.

**Informal Complaint Procedure**

An informal harassment or discrimination complaint shall be filed using the following procedure:

1. The complainant files the complaint with an immediate supervisor.
2. The individual receiving the complaint shall document receipt and forward the complaint to the Superintendent who shall designate an investigator. If the Superintendent is the subject of the complaint, the recipient shall forward it to the Board President who shall designate an investigator.
3. The designated investigator shall meet with each party individually and collect information needed to arrive at an equitable solution. At no time shall the complainant be required to work out the problem directly with the accused.
4. Within 30 calendar days of the complaint being filed or as soon as practical, the investigator shall issue a written notice of recommendations to both parties. Prior to issuing this notice, the investigator shall meet with the Superintendent or Board President (if the Superintendent is the subject of the complaint) to receive his/her concurrence on the recommendations and receive his/her approval on any disciplinary recommendations. Disciplinary recommendations shall be carried out in accordance with policy, law, and, when applicable, the negotiated agreement.
5. The investigator or designee shall monitor the implementation and effectiveness of recommendations and shall notify the Superintendent or Board President (if the

Superintendent is the subject of the complaint) if harassment/discrimination persists.

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

#### Formal Grievance Procedure

1. Filing a Complaint:
  - a. A victim or witness of alleged harassment or discrimination may file a formal complaint either orally or in writing to the Superintendent. If any of these individuals is the subject of the complaint, it should be filed with an alternative source. Harassment/discrimination complaints about the Superintendent shall be filed with the Board President.
  - b. Upon receipt of the complaint, the recipient shall document the date, time, and nature of the complaint and shall request the complainant's signature on this document.
  - c. The recipient of the complaint shall notify the district's insurance carrier that a harassment or discrimination complaint has been filed.
  - d. Within five school days of receiving the complaint or as soon as practical, the recipient of the complaint shall issue a notice to the complainant and the accused that a complaint has been filed.
2. Investigation Process:
  - a. The recipient of the complaint shall confer with the Superintendent or Board President (if the Superintendent is the subject of the complaint) about who will be best suited to investigate the complaint. The investigation may be conducted by school personnel or a third party designated by the District.
  - b. Before the investigation commences, the investigator in coordination with the Superintendent or Board President (if the Superintendent is the subject of the complaint) shall determine if interim measures must be taken to prevent harassment/ discrimination during the course of the investigation and whether law enforcement or other applicable officials should be notified.
  - c. The investigation shall 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. Witnesses shall be instructed not to discuss this matter with others. At no time during the investigation shall the complainant be required to meet with the accused to discuss the complaint.
  - d. The investigator shall complete his/her investigation within 15 calendar days or as soon as practical.
  - e. Any deviation from the investigation procedure should be documented with an explanation. Reasons for delays in the investigation also should be documented.
3. Investigation Report:
  - a. After the investigator has completed the investigation, s/he shall complete a written report containing a determination of whether allegations were substantiated, whether the discrimination/ harassment policy was violated, and recommendations for corrective action, if any. These determinations shall be



made on a case-by-case basis and based on, but not limited to, the following criteria:

- i. Whether evidence suggests a pattern of conduct supporting or disproving the allegations or harassment or discrimination
  - ii. Whether behavior meets the definition of harassment, sexual harassment, and/or discrimination as defined in board policy
  - iii. Ages of the parties involved
  - iv. Relationship between the parties involved
  - v. Severity of the conduct
  - vi. How often the conduct occurred, if applicable
  - vii. How the District resolved similar complaints, if any, in the past
- b. The investigator shall submit his/her report to the Superintendent or Board President (if the Superintendent is the subject of the complaint). This individual shall review the report, determine if the recommendations are appropriate, implement the portions of the report s/he approves, and develop a monitoring plan to evaluate the effectiveness of the recommendations and help prevent recurrence. Any disciplinary action shall be carried out in accordance with board policy, law, and, when applicable, the negotiated agreement.
  - c. Prior to implementing the recommendations, the Superintendent or Board President (if the Superintendent is the subject of the complaint) shall issue his/her decisions in writing to the complainant and accused. These decisions shall be binding, however, nothing shall prevent the parties from seeking redress through state and/or federal law.
  - d. The entire complaint filing, investigation, and reporting process should be completed within 30 calendar days or as soon as practical not to exceed 60 calendar days.

FILING A STATE OR FEDERAL  
DISCRIMINATION & HARASSMENT COMPLAINT  
(adopted 12-7-09)

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

- Statute of limitations is 180 days (28 CFR 35.170 and 34 CFR 100.7)
- 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

## SCHOOL CALENDAR

The Superintendent of Schools shall recommend, on an annual basis, a school calendar for the upcoming school year. The calendar will be based upon the needs of the local district.

## INSTRUCTIONAL DAY

Jamestown Public School System shall have a minimum of a 7 hour instructional day at the high school level, a minimum of a 6 1/2 hour instructional day at the middle school level, and a minimum of a 6 hour instructional day at the elementary level. However, on those occasions when there is inclement weather, when staff inservice is scheduled, when a make-up day is held, when an act of God occurs, or on other specific days called by the District Administration; the instructional day shall be a minimum of 6 hours at the high school level, a minimum of 5 1/2 hours at the middle school level, and a minimum of 5 1/2 hours at the elementary level.

The District Administrator shall have the authority to determine when the school system runs a regularly scheduled day:

High School	7 hours of instruction
Middle School	6 1/2 hours of instruction
Elementary	6 hours of instruction

a modified schedule:

High School	6 hours of instruction
Middle School	5 1/2 hours of instruction
Elementary	5 1/2 hours of instruction

or a shortened schedule:

Time to be determined by the District Administrator.

## STORM DAYS

The District Administrator or his designee have the authority to call a storm day. However, parents have the right to excuse their children from school attendance during inclement weather without penalty; assignments may be made up without loss of credit.

On those occasions when school is canceled because of inclement weather, the District Administrator or his designee may permit activities to be held. Approval will be given on a case by case basis.

When school is closed due to inclement weather, hourly paid teachers, teacher aides, and para-professionals will not be paid for their regular working hours. This also includes days closed when called by the Governor.

Storm announcements will be made through available media.

Descriptor code: ACBA

AUTOMATED EXTERNAL DEFIBRILLATORS (AED)  
(Adopted 1-4-10, Reviewed 1/16/2017)

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

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

**Training**

The Superintendent will determine the number of AED certified responders needed for each school and develop procedures for selecting and training staff on AED use and cardiopulmonary resuscitation. The frequency of recurrent training will be required in accordance with criteria established by 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.

## **Technology Acceptable Use Policy for Staff and Students**

(Adopted 7-18-2016 )

### **TECHNOLOGY VISION STATEMENT**

It is the vision of the Jamestown School District to maximize learning for students through the use of current technology. By including technology in our K-12 curriculum, we can continue to instruct students in the basics, promote self-worth, promote active student-centered learning, and equip students with present and future skills. The use of technology as a tool improves the ability of students, teachers, administrators, and the entire community to gather, use, and distribute information more efficiently and more effectively.

### **POLICY**

The Jamestown School District's technology resources shall be used for educational purposes consistent with the district's mission and goals, district policies, state laws, and federal laws. The Jamestown Board of Education will provide the opportunity and the training for staff to appropriately use the district's technology resources.

Staff and Student ("users") use of technology resources that include but are not limited to:

- Computers and related peripherals (including printers, portable hard drives/USB/flash drives, mp3 players, etc.)
- Personal Learning Devices (including iPads, Nooks, Kindles, etc)
- Networks including local, cloud based, and cellular.
- Local and wide area networks, including wireless networks
- File and application servers both onsite and offsite
- Video networks, digital video camcorders, and cameras
- Telephones, voice mail systems, cell phones, smart phones PDAs, fax, and copy machines
- Televisions, projectors and other audio visual equipment. VCRs, DVDs, laserdisc players, etc.
- Printers of all types
- Internet access
- Office 365 Suite including Outlook, One Drive, Word, Excel, PowerPoint, Sway, Video, Delve, Calendar and more including access to Internet web building.
- IVN or interactive learning
- SMARTBoard and SMART technologies.

Use of these technologies must be consistent with academic actions of the Jamestown Public Schools (JPS). Users are expected to adhere to the district policies as they apply to district and personal technology resources. Users are also required to comply with all local, state, and federal laws which include regulations against computer/network hacking, software piracy, copyright infringement, bullying and other illegal behaviors.

JPS prohibits technology uses, whether with district or personal technology used on district property, which could injure a person either physically or emotionally. Prohibited uses include, but are not limited to:

- Bullying or harassing others

- Use of the network for product advertisement or political lobbying.
- Sending or displaying offensive messages or pictures, including pornography.
- Students taking pictures of others and sharing publicly any photo without that person's permission or knowledge
- Use of the network for hate mail, discriminatory remarks, and offensive or inflammatory communication.
- Using obscene language.
- Harassing, insulting or attacking others.
- Damaging computers, computer systems or computer networks.
- Violating copyright laws including plagiarizing, downloading or exchanging pirated software, music, or other files.
- Use others' passwords, tampering with or forging names on electronic mail or other online environments. Trespassing in others' folders, work or files.
- Using another person's identity or falsifying your own within any digital correspondence or online persona.
- Any action hacking with intent to damage or for the purposes of circumventing standard technology configurations or policies.
- Loading or use of unauthorized games, programs, files, or other electronic media.
- Intentionally wasting network resources.
- Storage of games and excessive picture, music, and video files.
- Unauthorized posting of personal information about others, including phone numbers, names, etc.
- Performing any action which results in a compromise of the system security.
- Inappropriate use of personal handheld electronic devices, including cell phones.
- Using the network for any illegal, unethical, or commercial activities.
- Negligent release of confidential data.

Employee technology use, that is not specific to one's job duties, is acceptable under the conditions that it does not:

- interfere with the performance of that employee's duties.
- create the appearance of impropriety.
- result in political or personal commercial purposes.
- increase operational costs for the district.

### **1:1 Devices**

The Jamestown Public School District is cognizant that students and staff may be using personal technology resources in the school environment. Examples are cell phones, PDAs, laptops, iPads, tablets, etc. The use of personal technology resources not owned by the school falls under the Technology Acceptable Use Policy. The school is not responsible for the loss of items with significant personal or financial value. School administrators shall use their discretion to determine a building policy for personal technology resources used in the school which may not be specifically addressed in this document.

Jamestown Public School District staff, students and parents/guardians fully acknowledge that the use of a personal device on the premises of JPS is subject to all guidelines, rules, and regulations governing responsible use as established by the Jamestown Public Schools. It is further understood that the use of a personal device is restricted to those activities as required or

related to the student's program of study and any other use may be subject to disciplinary action including the loss of device use privileges. Students will not access websites with inappropriate content using a 3G or 4G connection.

By logging on to the JPS wireless guest network, staff and students are accepting the terms of the JPS Technology Use Policy. The JPS wireless network will provide filtered Internet access just like the network for JPS devices.

### **Electronic Communication**

Electronic communication between staff and students should always be Transparent, Accessible, and Professional (TAP) as defined below:

1. The communication is **TRANSPARENT**: All digital communication between staff and students should be transparent. As a public school district, we expect to maintain openness, visibility, and accountability with regards to all communications.
2. The communication is **ACCESSIBLE**: All digital communication between staff and students, shall be considered a matter of record, part of the District archives, and/or may be accessible by others.
3. The communication is **PROFESSIONAL**: All digital communication from staff to students should be written as a professional representing the Jamestown Public School District. This includes word choice, tone, grammar, and subject matter that model the standards, and integrity of the profession.

### **Communication Methods**

1. Acceptable Methods of communication between staff and students.
  - a. School Website – [www.Jamestown.k12.nd.us](http://www.Jamestown.k12.nd.us) and other web sites or portals endorsed by the district.
  - b. Jamestown Public School Google Domain
  - c. PowerSchool, ParentLink-Teacher Connect or Edmodo
  - d. One-way or Two-way Messaging – Internet service sending text to registered individuals to receive notifications. The preferred method of communication for school district personnel is the district's calling/texting service (ParentLink-Teacher Connect).
  - e. Two-way Messaging – Not encouraged. If two-way texting is necessary, Jamestown School District personnel must follow TAP guidelines, and he/she must have parental permission prior to using two-way texting.
2. Unacceptable Methods
  - a. Non-District Email Accounts – Jamestown School personnel should never use personal email accounts to communicate with students about school matters. Coaches may obtain a school district email account and must also follow these expectations.
  - b. Coaches will be provided with a ParentLink Teacher Connect account and will need to create groups to make contact with players and/or parents.
  - c. Online Games and Related Activities – While many people enjoy gaming (Wii, Xbox, etc.) and recreational websites that allow them to compete with others through the Internet, this is not an acceptable activity for school personnel to engage in with students.

### **Social Media**



## General Guidelines

Staff members who are using social media should be cautious in the communication with these technologies. Comments or posts placed on these sites can be visible by a large audience including parents and students. Staff members should never “friend” students who are currently enrolled in Jamestown Public School. The separation between the role of a public educator and a personal friendship with students should always be visible and strongly communicated.

Any content staff members publish, pictures they post, or dialogue they maintain within any social media, or blog, should never compromise their professional integrity or ethics in their role as a professional employed by Jamestown Public School.

Personnel are not authorized to speak on behalf of the district in an official capacity, without prior consent by the Administration. Any opinions or comments about the district and related programs should clearly acknowledge that the comments are their personal opinions and not reflect the opinions of the district.

### 1. Facebook

- a. The Jamestown Public School uses Facebook as a means to communicate with students, personnel, and patrons. Facebook can be a valuable tool to communicate with others and its use by school personnel is NOT prohibited.
- b. If school personnel use Facebook for valid educational objectives in their classroom or student organization the page should be set up as an Artist, Band or Public Figure Page, not a personal page. This allows all public to view the page and keep all content on it visible for all to monitor.
- c. Communication with students within a Facebook Page should be centered on one-way communication. If two-way communication is used it should be monitored frequently by school personnel to ensure TAP guidelines are being followed. You can set your page up so that comments are not posted until you have reviewed them and this is recommended.
- d. Any page created for educational purposes should be owned and monitored by Jamestown Public School personnel. If you wish to create a Facebook page to be used within your course or student group be sure to notify parents of your intent to communicate in this fashion.

### 2. Twitter

- a. JPS uses Twitter as a communication tool to share vital information and details to events held in the district.
- b. Any use of Twitter as a professional in the district to communicate with students and parents should be education focused and one-way.
- c. By establishing an account it is your responsibility to monitor it closely.

## Electronic Mail and Internet Use

- Users must adhere to this policy at all times when using the Internet and/or email, including after hours, weekend and/or holiday use.
- District email accounts will be provided to all employees and students grades five through twelve.

- Users are prohibited from using district or district provided (EduTech) email or Internet access for commercial or personal gain.
- Material hosted on district servers and published on the Internet may be reviewed for appropriateness. Materials that represent JPS and are hosted on non-district servers should adhere to this policy.
- Student email accounts will be provided through EduTech and will include the Office 365 Suite of software. Students are not allowed to access non-approved email accounts while in school. Student accounts may be revoked if used inappropriately as outlined in the EduTech Acceptable Use Policy or the Jamestown Public Schools Technology Acceptable Use Policy.

### **Office 365 Suite**

Office 365 is a total Suite of tools. These tools continue to expand to even greater opportunities. Included with the Office 365 Suite are five free downloads for any student or staff with an @k12 account.

Collaborate with Office Online:

Mail	Calendar	People
Newsfeed	OneDrive	Sites
Tasks	Delve	Video
Word Online	Excel Online	PowerPoint Online
One Note Online	Sway	

Many instructors are using these in their classrooms so it is vital that staff, students and parents are aware of the impact inappropriate use of an @k12.nd.us account can have. If you risk having your account shut down due to violation of the District Technology Policy you could lose all features listed above and more that may be added in the future. This would also include the program downloads you have accessed at home. You would not be able to login to any portion of the program if it becomes necessary to lock your account. You also would not be able to login to a website if that was a class you were taking. This program through EduTech allows you have the tools you need to do your job in school and should be used wisely.

### **Internet Safety and Use of Filters**

JPS participates in Internet filtering services provided through EduTech to help prevent access to Internet content that is obscene, pornographic, or harmful as defined by the Child Internet Protection Act. By default, filtering measures shall be in operation at all times during the use of the district's computers. Some filtering protection measures may be disabled by an authorized administrator, supervisor, or other authorized person in order to provide access to valid research or for other lawful purposes. In cases where JPS staff provide minimally filtered access to students, the teachers are expected to supervise students and can be held responsible for any student act that violates the Acceptable Use Policy. Problems with the filtering system should be reported immediately to the district Technology Department.

Although the district provides a filtering system to limit user access to potentially objectionable material, no filtering system can provide complete protection and it is the user's responsibility to access Internet resources appropriately. Staff are responsible for supervising students using Internet resources.

Internet safety precautions are the responsibility of all users. Safety tips include:

- Keep your personal information (name, phone numbers, address, passwords, etc.) private.
- Don't read email or download attachments from people you don't know.
- Understand that nothing done on the Internet is private.
- Tell a trusted adult or supervisor if someone says things or sends you something that you consider inappropriate (do not respond to the person either directly or indirectly).
- Never meet online-only friends in person (you have no way to confirm the real identity of someone you meet online).
- Practice proper 'Netiquette' while online and avoid conflicts with other users.

Potentially objectionable material includes, but is not limited to:

- Visual depictions that are obscene or depict child pornography as defined by the Child Internet Protection Act.
- Violence/violent behavior
- Drugs/drug culture
- Cults/satanic
- Militant/Extremist
- Gambling
- Alcohol/tobacco/drugs
- Unrestricted email/chat

### **Privacy**

Privacy is not guaranteed when using JPS technology, including the network. Files, communications (including email), and use history may be reviewed to maintain system integrity and ensure that users are adhering to the Acceptable Use Policy and guidelines. The district will cooperate with local, state, and federal authorities when necessary. All activity could fall under North Dakota open record laws, which means that someone can ask to review this information at any time.

### **Security**

Network and computer security systems help maintain the integrity of the district technology resources. Any attempts to circumvent, disable, or misuse security systems are prohibited. If users feel they can identify a security problem they should notify the Technology Department.

### **Vandalism**

Vandalism includes any malicious attempt to harm or destroy any JPS equipment or software or the data of another user on a computer, local network, or global network. Vandalism is prohibited and may result in cancellation of privileges or other disciplinary action.

### **Sanctions**

The building administrator, supervisor, and/or teacher is responsible for applying sanctions when the Staff and Student Acceptable Use Policy has been violated. Possible sanctions include, but are not limited to:

- Loss of access to district or personal technology resources.
- Removal of students from classes with loss of credit.
- Suspension
- Termination of employment.

- Expulsion
- Restitution for costs associated with repair of equipment or software or associated with improper use of district equipment or systems.
- Additional disciplinary action may be determined at the site or district level in line with existing discipline procedures.
- When applicable, law enforcement agencies may be involved.

Documentation of all violations of this Acceptable Use Policy may be placed in the employee's personnel file or the student academic file. Prior to the suspension/revocation of the use of technology resources or termination, the building administrator will inform the user of the suspected violation and give the user an opportunity to present an explanation. A system user may appeal the suspension or revocation within seven (7) calendar days to the superintendent.

### **Legal Disclaimer**

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

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

The Jamestown Public Schools reserve the right to inspect, review, or delete contents if it has reasonable cause to suspect that a student is using technology for illicit or illegal purposes, is in violation of policy, or for general maintenance. School authorities may conduct such inspection when they deem it necessary, without notice, without consent, and without search warrant.

## EVALUATION OF SCHOOLS

The School Board believes that evaluation serves a valuable purpose. Therefore, the Board intends from time to time to conduct an evaluation of its various schools and programs. The evaluations shall include but not be limited to self-evaluation, evaluation by accrediting associations, and evaluation by the State Department of Public Instruction.

The district administrator will govern the evaluation process and may delegate evaluation responsibilities to the assistant administrator, building principals and various professional staff, to cause the evaluation to take place.

In all circumstances the purpose of the evaluation will be to assist the Board in determining to what extent the District's philosophy and goals are being met and to assist the Board in planning for future educational growth.

The District goal is to provide the best educational opportunities possible to enable all its children to succeed personally and as citizens of this community, state and nation. Recommendations to achieve this goal will be considered within the parameters (sociological, physical facilities, economic, etc.) set by the community and the state.

## SUMMARY OF RIGHTS AS PARENT/GUARDIAN

These safeguards are guaranteed to children with disabilities and their families by Public Law 94-142, the Education for All Handicapped Children Act of 1975, and Section 504 of Public Law 93-122, The Vocational Rehabilitation Act of 1973.

- A. You must receive written notification before the school may conduct individual testing of your children. The school has the right to go ahead with individual testing if you do not answer any of the school's attempts to get permission for evaluation.
- B. You must receive written notification of any initiation or refusal to initiate a change in your child's education placement.
- C. You have the right to present your views regarding the identification, evaluation, placement or provision of a free appropriate education to your child. This includes the right to request an educational evaluation.
- D. You have the opportunity to present information from an independent educational evaluation of your child.
- E. You have access to all relevant school records of your child.
- F. Either you or the school may initiate an impartial due process hearing to resolve difference that could not be resolved informally. The request is filed with the ND Department of Public Instruction. In conducting such a hearing, parents must:
  - 1. receive timely and specific notice of the hearing
  - 2. have the right to be accompanied and advised by counsel and/or by individuals with special knowledge or training with respect to the problems of children with disabilities
  - 3. confront, cross-examine and compel the attendance of witnesses
  - 4. present evidence relevant to the decision
  - 5. obtain written or electronic verbatim record of the hearing, and obtain written findings of facts and decisions.
- G. The hearing is to be conducted by an impartial hearing officer who is not an employee of the school system involved.
- H. The decision of the hearing is binding on all parties pending appeal.
- I. Either party has the right to appeal the finds and decision of the hearing through the court system.
- J. During the above process your child shall remain in the original program or any other program to which both parties can agree.
- K. Students receiving special education and related services must receive a periodic re-evaluation every three years.
- L. These rights transfer to your child when he/she reaches the age of 18 unless a guardian has been appointed by the court. These rights would then be retained by a court appointed guardian.

Legal Ref: 42 U.S.C. 12183(b) Americans with Disabilities Act;  
20 U.S.C. 1413 Individuals with Disabilities Education Act

Descriptor Code: BDAA

**CONTRACTS SUPERSEDE POLICY AND REGULATIONS**

(Adopted 3-2-2015)

Any contract entered into between the Board and another party supersedes district policy and regulations whenever a conflict exists between a policy or regulation and the contract language. Contracts include, but are limited to, the negotiated agreement and individual teaching and administrative contracts.

Descriptor Code: BDAB

**SAVINGS CLAUSE**  
(Adopted 3-2-2015)

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



Descriptor Code: FGDA

SECTION 504 OF THE VOCATIONAL REHABILITATION ACT OF 1973, as amended -  
POLICY STATEMENT  
(Adopted 8-6-12)

North Dakota supports the provisions of Section 504 of the Vocational Rehabilitation Act of 1973, as amended, which commit all North Dakota schools to the elimination of discrimination on the basis of disabling condition in those programs and activities which receive Federal funds, as well as in all The School Board of Jamestown Public School District No. 1 in the County of Stutsman and State of other programs and activities offered to its students. It is the expressed intent of Jamestown Public School District No. 1 to provide equal opportunities for all students, free from limitations based upon disability condition.

The concept of equal educational opportunity will serve as a guide for the School Board, Administration and Staff in making decisions relating to employment of personnel, school facilities, intramural and interscholastic athletics, curriculum, activities and regulations affecting students and employees.

The Jamestown Public School System does not discriminate on the basis of race, color, national origin, age, sex or disability in its educational programs/activities and employment policies/practices.

Descriptor Code AACA

SECTION 504 STUDENT PLACEMENT  
& DISPUTE RESOLUTION POLICY  
(Adopted 8-6-12)

**For purposes of identification, evaluation or educational placement of a child under Section 504, the District or designee 504 Coordinator 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 James River Special Education Cooperative.**

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

A parent/guardian will be provided 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 with reference to identification, evaluation or educational placement of a child with a Section 504 disability.

A parent/guardian aggrieved about a placement decision related to a student's disability under Section 504 may file a complaint using the district's discrimination and harassment grievance procedure. The parent/guardian may, at any time in accordance with deadlines in law, seek redress through state or federal law.

**CURRICULUM DESIGN & EVALUATION**  
(Adopted 12-21-09)

The District shall have a procedure in place to assess curricular needs, review curricular inclusions, and make curricular recommendations on expansion and improvement.

The curriculum shall include all components/subjects mandated by law and shall provide for the needs of all students, including both vocational and college-bound students. The curriculum/curricular programs shall at least contain the following components:

1. Content standards, which shall, at a minimum, be based upon state standards.
2. Performance objectives, which shall, at a minimum, be based upon state standards. The objectives should highlight core skills and knowledge that the majority of students are expected to acquire. They must provide clear direction to instructors and be concrete enough to allow documentation of student growth.

Curriculum proposals shall demonstrate consistency with the district's mission and education goals, contain a justification for the proposed program, describe conditions and resources necessary to meet performance standards and programming needs, and shall contain an implementation procedure and timeline. Furthermore, because the Board believes in curriculum integration, curriculum proposals should contain an explanation of the manner and degree to which this philosophy is incorporated in the proposed program.

All board action on curriculum matters will be taken in accordance with the district's policy on curriculum adoption.

The District has adopted a separate procedure related to complaints about instructional material and resources. This policy shall not supersede or govern that procedure.

**CURRICULUM ADOPTION**  
(Adopted 12-21-09)

Annually, after reviewing recommendations, budgetary data, and other pertinent information and ensuring the curriculum meets all requirements under district policy and law, the Board shall approve the curriculum changes for the upcoming school year. The Superintendent shall assist in the approval process to ensure the curriculum is comprehensive and meets all applicable legal requirements.

During the course of the school year, the staff may suggest improvements and changes to the curriculum, and such changes may be implemented administratively by the Superintendent and his/her designee(s) as the Superintendent deems necessary and educationally sound. The Superintendent shall report to the Board prior to implementing such changes.

PARENTAL INVOLVEMENT  
(Revised 12-21-09)

**District Expectations**

The Jamestown Public School District agrees to implement the following statutory requirements:

- The school district will put into operation programs, activities, and procedures for the involvement of parents in all of its schools with Title I programs. Those programs, activities, and procedures will be planned and operated with meaningful consultation with parents of participating children.
- The school district will work with its schools to ensure that the required school-level parental involvement policies meet the Title I requirements, and include, as a component, a school parent compact.
- The school district will incorporate this district-wide parental involvement policy into its district plan.
- In carrying out the Title I parental involvement requirements, to the extent practicable, the District and its schools will provide full opportunities for the participation of parents with children with limited English proficiency, parents with children with disabilities, and parents of migratory children, including providing information and school reports in an understandable and uniform format and, including alternative formats upon request, and, to the extent practicable, in a language parents understand.
- If the district plan for Title I is not satisfactory to the parents of participating children, the District will submit any parent comments with the plan when the District submits the plan to the Department of Public Instruction.
- The District will involve the parents of children served in Title I schools in decisions about how the one percent of Title I funds reserved for parental involvement is spent and will ensure that not less than 95 percent of the one percent reserved goes directly to the schools.
- The District will be governed by the following statutory definition of parental involvement, and expects that its Title I schools will carry out programs, activities, and procedures in accordance with this definition:  
*Parental involvement* means the participation of parents in regular, two-way, and meaningful communication involving student academic learning and other school activities, including ensuring—
  - a). that parents play an integral role in assisting their child's learning;
  - b). that parents are encouraged to be actively involved in their child's education at school;

Descriptor Code: KAB continued

- c). that parents are full partners in their child's education and are included, as appropriate, in decision-making and on advisory committees to assist in the education of their child;
  - d). the carrying out of other activities, such as those described in section 1118 of the ESEA.
- The school district will inform parents and parental organizations of the purpose and existence of the Parent Information Resource Centers in North Dakota (i.e., NDPIRC in Minot, ND).

### **Parental Involvement Policy Requirements**

1. The Jamestown Public School District will take the following actions to involve parents in the joint development of its district parental involvement plan.

The Jamestown Public Schools will hold an annual meeting of representatives (Parent Advisory Committee- PAC) from each Title I school to review, discuss, and suggest improvements to the parent involvement plan. Minutes of this meeting will be kept to document the meeting date, time, and place.

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

The Jamestown Public Schools will provide a frame work for all Title I Schools outlining minimum expectations of effective parental involvement activities.

3. The Jamestown Public School District will convene an annual meeting, at a convenient time, to which all parents of participating children shall be invited and encouraged to attend, to inform parents of their school's participation under this part and to explain the requirements of this part, and the right of the parents to be involved.
4. The Jamestown Public School District will offer a flexible number of meetings, such as meetings in the morning or evening, and may provide, with funds provided under this part, transportation, child care, or home visits, as such services relate to parental involvement.
5. The Jamestown Public School District will build the schools' and parents' capacity for strong parental involvement, in order to ensure effective involvement of parents and to support a partnership among the school involved, parents, and the community to improve student academic achievement, through the following activities specifically described below:
  - a). The District will, with the assistance of its Title I schools, provide assistance to parents of children served by the District or school, as appropriate, in understanding topics such as the following:
    - i). the state's academic content standards,

Descriptor Code: KAB continued

- ii). the state's student academic achievement standards,
- iii). the state and local academic assessments including alternate assessments,
- iv). the requirements of Title I,
- v). how to monitor their child's progress, and
- vi). how to work with educators

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

- b). The District will, with the assistance of its Title I schools, provide materials and training to help parents work with their children to improve their childrens' academic achievement, such as literacy training and using technology, as appropriate, to foster parental involvement.
  - c). The District will, with the assistance of its Title I schools and parents, educate its teachers, pupil services personnel, principals and other staff, in how to reach out to, communicate with, and work with parents as equal partners, in the value and utility of contributions of parents, and in how to implement and coordinate parent programs and build ties between parents and schools.
  - d). The District will, to the extent feasible and appropriate, coordinate and integrate parental involvement programs and activities with Head Start, Reading First, Early Reading First, Even Start, Home Instruction Programs for Preschool Youngsters, the Parents as Teachers Program, and public preschool and other programs, and conduct other activities, such as parent resource centers, that encourage and support parents in more fully participating in the education of their children.
  - e). The District will take the following actions to ensure that Title I information related to the school and parent- programs, meetings, and other activities, is sent to the parents of participating children in an understandable and uniform format, including alternative formats upon request, and, to the extent practicable, in a language the parents can understand.
6. The Jamestown Public School District will coordinate and integrate parental involvement strategies under Title I with parental involvement strategies under the following other programs: Head Start and Even Start.
7. The Jamestown Public School District will take the following actions to conduct, with the involvement of parents, an annual evaluation of the content and effectiveness of this parental involvement policy in improving the quality of its Title I schools. The evaluation will include identifying barriers to greater participation by parents in parental involvement activities (with particular attention to parents who are economically disadvantaged, are disabled, have limited English proficiency, have limited literacy, or are of any racial or ethnic minority background). The District will use the findings of the evaluation about its parental involvement policy and activities to design strategies for more effective parental involvement, and to revise, if necessary (and with the involvement of parents) its parental involvement policies.

Descriptor Code: KAB continued

A yearly parent survey will be conducted at each Title I school to collect data related to program effectiveness. Survey information will be shared and discussed at the Annual Review Meeting of teachers and parents at each Title I school. The survey information will also be used at the district-wide annual meeting of representatives (Parent Advisory Committee- PAC) from each Title I school to review, discuss, and suggest improvements to the parent involvement plan. Minutes of this meeting will be kept to document the meeting date, time, and place.

8. The Jamestown Public School District will take the following actions to involve parents in the process of school review and improvement.

A yearly parent survey will be conducted at each Title I school to collect data related to program effectiveness. Survey information will be shared and discussed at the Annual Review Meeting of teachers and parents. Minutes of this meeting will be kept to document the meeting date, time, and place.

A yearly teacher survey will be conducted at each Title I school to collect data related to program effectiveness. Survey information will be shared and discussed at the Annual Review Meeting of teachers and parents. Minutes of this meeting will be kept to document the meeting date, time, and place.

A yearly student survey will be conducted at each Title I school to collect data related to program effectiveness. Survey information will be shared and discussed at the Annual Review Meeting of teachers and parents. Minutes of this meeting will be kept to document the meeting date, time, and place.

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

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

### **Policy Adoption**

This District Parental Involvement Policy has been developed jointly with, and agreed on with, parents of children participating in Title I programs, as evidenced by meeting minutes.

This policy will be in effect for the period of one school year. The District will distribute this policy to all parents of participating Title I children on or before October 31<sup>st</sup> on a yearly basis.

Descriptor Code: KABA/KAI

**AFFIRMATIVE ACTION**  
(Minor revision August, 2007)

Any person who believes he/she, or any specific class of individuals, has been subjected to discrimination in employment or in any of the programs or activities of the Jamestown Public School District may file a complaint as follows:

**A. Complaint Procedure**

- 1.) An oral complaint may be informally filed with the immediate superior of a complaining employee; OR
- 2.) A formal written complaint may be filed with the principal of the building in which the alleged discrimination occurred; OR
- 3.) A formal written complaint may be filed with the District Administrator who shall designate the person responsible for coordinating the efforts of Jamestown Public School District to comply with the Equal Opportunity Policy, including the investigation of complaints alleging noncompliance. The office address and telephone number of our coordinator are as follows:

Sally Ost, Business Manager  
PO Box 269  
207 Second Avenue Southeast  
Jamestown, North Dakota 58402-0269  
701-252-1950
- 4.) If an oral complaint is filed as outlined above (a) or a formal written complaint is filed as outlined in (b) or (c) above, an investigation will be made by the appropriate person (immediate supervisor or the principal) within a 30 day period following the complaint. The appropriate person, as outlined above, will submit a written report to the complainant outlining the results of the investigation. This report will either concur with the complainant that a violation exists or will state that the complaint is deemed without merit. If it is determined by the investigation that the complaint has merit, the written response will outline ways the deficiency will be corrected.

To be considered for investigation, any such complaint must have been filed within 180 days of the alleged occurrence of discrimination. Any person lodging an informal, oral complaint reserves the right to file a formal written complaint within 60 days of filing the oral complaint. Further, a formal written complaint must be filed as outlined in (b) or (c) above, prior to the filing of an appeal as outlined below:

**B. Formal Appeal Procedures**

1. **Grievance:**

When a formal written complaint has been filed and a response from the appropriate person has been received by the complainant as outlined above, and complainant believes the rejection of the complaint or the remedies suggested are not equitable, the complaint may, within 30 days of the filing of the original complaint, file a formal written appeal. Such appeal should be filed with the



Descriptor Code: KABA/KAI continued

Business Manager of the School Board of the Jamestown Public School District or with the State Department of Public Instruction. Upon receipt of an appeal, a date shall be fixed for a hearing to be held not less than 20 days after the receipt of the appeal. Both the School Board and the complainant shall have the right to:

- a.) be represented by counsel;
- b.) introduce all relevant evidence on the issue;
- c.) take direct testimony of any witness, given orally under oath or affirmation;
- d.) question witnesses on any matter material to the proceeding for purposes of clarification of their testimony;
- e.) have the proceeding transcribed by a court reporter, at the expense of the person requesting such transcript.

A decision shall be made and reported in writing to all parties within thirty (30) days of the hearing. The decision of the Board shall be final.

An employee or student of the Jamestown Public School District shall be entitled to submit any complaint of alleged discrimination on the basis of sex or disabling condition, directly to the Regional Office for Civil Rights of the United States Department of Human Services by sending said complaint to:

Office of Civil Rights  
10220 N Executive Hills Blvd - 8th Floor  
Kansas City, Missouri 64153-1367  
Telephone: (816) 880-4202  
TDD (816) 891-0582  
Fax (816) 891-0644

In addition to the above specified procedural rights, the provisions applicable to Title VI of the Civil Rights Act of 1964 as found at 34 CFR sections 100.6-100.11, 34 CFR Part 101, 45 CFR sections 80.6 - 80.11 and 45 CFR Part 81 are also made applicable to Formal Appeals under Title IX.

## 2. Due Process

In the event of a complaint involving a person who needs or is believed to need special instruction or related services because of a disability, the parent/guardian may request an impartial due process hearing. The request for a hearing will be made in writing to the School Board of Jamestown Public School District. Opportunities for informal conferences under the usual appeal procedures within the district will be made available to the parent/guardian in order to resolve the conflict in an amicable manner.

- a. Upon receipt of the request for a hearing the Board shall make a formal request to the North Dakota Administration Hearing Officer Division for a list of three persons whose names appear on the state register of qualified hearing officers. The name of a person will not be included if there is a personal or professional conflict with his/her objectivity in the case.

Descriptor Code: KABA/KAI continued

- b. Within five calendar days from the receipt of the list of hearing officers, the parent/guardian and/or the school district may delete one name from the list.
- c. The school district shall designate a hearing officer for the hearing from the remaining names and immediately notify all parties of such determination.
- d. The notification sent to the parent/guardian shall be accompanied by the written notice informing the parent/guardian of the right to request the attendance at any hearing of any personnel who may have testimony relevant to the needs, abilities, proposed programs, or status of the student, the rights of access by parents to all relevant school records and documents, and the availability of any low-cost or free legal or relevant support services in the area in which the parent/guardian resides.
- e. The hearing shall be scheduled at a time and place which is mutually convenient to the parent/guardian and the district.
- f. The hearing officer may meet with the parties in order to attempt to arrive at a voluntary resolution of the matters in dispute before the commencement of the hearing.
- g. In the event that a voluntary resolution of the dispute can not be achieved, a hearing shall be conducted in accordance with established procedures. If the primary language of the parent/guardian is other than English, or if the parent or guardian is either blind or deaf, an interpreter or reader shall be provided. All hearings shall be conducted in locations fully accessible to persons with physical disabilities.
- h. Either party of the hearing shall have the right to be accompanied and advised by counsel and by individuals with special knowledge or training with respect to the area of the issue at hand. If the parent/guardian retains counsel the Board will also be represented by council.
- i. Any party to the hearing has the right to present evidence, confront and cross-examine and compel witnesses and prohibit the introduction of any evidence at the hearing which has not been disclosed to that party at least five (5) days before the hearing.
- j. If requested by the parent/guardian, the hearing shall be open to the public. Specific individuals may also be permitted to attend the hearing at the request of the parent/guardian.
- k. A tape recording or other verbatim record of the hearing shall be made by the district. Upon request, the parent/guardian shall have the right to obtain a copy of the record of the proceedings.
- l. Following the close of the hearing, a decision which states concisely and explicitly the findings of fact and conclusions of law will be sent by certified mail to the parties involved. The decision of the hearing officer is final unless either party appeals the decision through the court system. As appropriate, the hearing decision will be written in English and in the primary language of the parent/guardian if other than English, and, where appropriate, will be transcribed in Braille or tape-recorded for a parent/guardian who is visually impaired or blind.

Descriptor Code: KABA/KAI continued

- m. During these proceedings, the child shall remain in his/her present placement unless the parties agree otherwise. While the placement may not be changed, this does not preclude the district from using its normal procedures for dealing with a child who is endangering him/herself or others.
- n. If the complaint involves an application for initial admission of a child to a public school the child, with the consent of the parents, shall be placed in the public school program until the completion of all administrative and judicial proceedings.
- o. A final decision shall be reached in the hearing and a copy of the decision will be mailed to each of the parties in the dispute no later than 45 days after the receipt of the request for the due process hearing. A hearing officer may grant specific extensions beyond the 45 days at the reasonable request of either party.

Legal Ref:

1964 Civil Rights Act,	Title VI
1964 Civil Rights Act,	Title VII
Executive Order 11246,	as amended
1972 Educational Amendments,	Title IX
45 CFR Part 86	Regulations
1973 Rehabilitation Act,	Section 503
1973 Rehabilitation Act,	Section 504
45 CFR Part 84	Regulations
42 U.S.C. 12183(b)	Americans With Disabilities Act
20 U.S.C. 1413	Individuals With Disabilities Education Act
NDCC Ch. 14-02.4	Discrimination
NDCC Ch. 15.1-32	Special Education of Exceptional Children

## **SECTION B - POLICIES PERTAINING TO THE BOARD OF EDUCATION**

### **PURPOSE AND ROLE OF THE BOARD**

The purpose of the School Board shall be to provide an educational program in accordance with the desires of the patrons of the District within their ability and willingness to support such program.

As an elected body the Board welcomes input from the community in the establishment of the educational program.

The School Board is a policy-making body, and will employ a Superintendent who will be charged with the implementation of Board policy and the day-to-day administration of the schools.

Legal Ref: NDCC 15.1-09    General power and duties of school board

### **SCHOOL BOARD PLEDGE OF ETHICS**

School board members pledge to be:

1. Champions of the public schools
2. Committed to high quality education for every student
3. Honest and sincere, having the courage of their convictions
4. Willing and capable of assuming board responsibilities
5. Able to work cooperatively with others
6. Non-partisan in dealing with all school matters; the Board does not wish in any way to subordinate the education of children and youth to any partisan principle, group interest, or personal ambition
7. Willing to maintain confidentiality of privileged information
8. Aware that the strength of the Board is as a board, not as individuals. Individual board members have no authority or power to act on behalf of the Board; therefore, a board member should never make out-of-meeting commitments
9. Informed concerning state and federal laws and regulations concerning education
10. Faithful in attendance at board meetings and diligent in preparation and study to become informed concerning the issues to be considered at those meetings
11. Willing to conduct school business in open meeting when required to do so by law, even when the subject is controversial or personal
12. Cognizant that the primary function of the Board is to establish the policies by which the schools are to be administered, but that the administration of the educational program and the conduct of school business shall be left to the Superintendent
13. Eager to learn from association with other school board members from around the state and nation, and open to personal development through reading publications of the National School Boards Association and the North Dakota School Boards Association and attending seminars and conventions of these and similar organizations
14. Aware that it is as important for the Board to understand and support the administration of the educational program of the schools as it is to plan for the business of school operation
15. Vigilant against even the appearance of conflict of interest; board members should become familiar with the laws governing contracts and purchases as they relate to board members and carefully avoid any violation

**End of Jamestown School District Policy BA.....Adopted: 1/18/2016**

## SCHOOL BOARD MEMBERSHIP

### SELECTION

The School Board shall consist of nine members elected by the voters at large, six of whom shall be residents of the City of Jamestown and three of whom shall be residents of the rural area of the school district. All Board members are elected for a four-year term. In 1998, three city and two rural representatives shall be elected, and in 2000, three city and one rural representatives shall be elected.

Legal Ref: July, 1963 Reorganization Plan

### MEMBERSHIP REQUIREMENT

Requirement for membership on the School Board is that the person be a qualified voter of the district and not employed by the district.

Legal Ref: NDCC 15.1-07-14; AG Letter Opinion 12/2/85

### ELECTION

The School District, Stutsman County and the City of Jamestown have entered into a joint powers agreement. The purpose of this agreement is to provide terms by which Jamestown and the District shall coordinate the holding of their general elections along with Stutsman's primary election. This agreement is authorized by VII, Section 10 of the Constitution of the State of North Dakota and North Dakota Century Code Chapters 54-40, 40-18, and 15.1-09-24.

Each of the parties shall join in the issuance of the notice of election to be held on the second Tuesday of June of every even-numbered year. Jamestown and the District shall provide to Stutsman such information as may be necessary under their respective statutes, ordinances or administrative policies and procedures which is required to be published in its official newspaper and shall advise Stutsman as to its official newspaper. Said information shall be provided to Stutsman according to deadlines established in NDCC 15.1-09-11. Stutsman shall prepare the necessary notices and provide, after review and approval by the parties, for their timely publication consistent with the requirements of the parties.

Stutsman shall provide and maintain necessary poll books required by law and ordinance for the participating parties. It being specifically understood that insofar as the District is concerned, Stutsman shall provide poll books consistent with the requirements of N.D.C.C. 15.1-09.24.

The canvassing board required for Jamestown and District elections shall be deemed to be the Stutsman canvassing board.

Legal Ref: NDCC Ch. 15.1-09-24; Title 16.1; Joint Powers Agreement April 14, 1992.

STANDING COMMITTEES (Revised 1-17-05)

Committees of the School Board shall be appointed by the president of the Board. The function of these committees shall be fact finding and advisory, but never legislative or administrative. Other committees may be appointed at the discretion of the Board. Organization, bus policies, approval of changes in bus routes, and other transportation matters will come directly to the Board without committee recommendation. All actions of committees unless expressly delegated previously are to be approved by the School Board acting as a whole. When a Board committee has been granted power-to-act, then all Board members in attendance may vote on the issue. The various committees and their functions are:

A. Personnel:

Employment of instructors and personnel policy-making are to be referred to this committee. Contracts for professional staff will be transmitted for Board approval after review by the committee. The committee shall receive recommendations for staff employment from the district administrator.

B. Finance:

It shall be the responsibility of this committee to review the annual budget for the general fund, James Valley Career & Technology Center, and Buffalo Valley Special Education Unit, as presented by the district administrator. The committee shall recommend the dollar amount and estimated tax rates for the general fund, building fund, special fund, interest and sinking fund, vocational center fund and special education fund. The proposed budgets shall be available to the Board by July 1st.

C. Building and Grounds:

Projects involving this area shall be reviewed by the committee and presented to the School Board. Personnel policies for employees involved in maintenance and repair are a part of its responsibility. Normally, repairs costing \$2,500 or more need to be referred to this committee for review. Recommendation for salary for maintenance personnel will be referred to the Finance Committee.

D. Policies and Procedures:

It shall be the responsibility of the Policy and Procedures Committee to review existing School Board policies and to recommend changes to the School Board. The Committee shall also hear complaints that might arise from implementation of policies.

E. Curriculum, Assessment and Instruction:

This committee and the district administrator shall review and recommend to the Board any major changes in the educational program after such changes have been suggested by and/or reviewed with the appropriate school staff. Changes in textbooks proposed by the school staff will also be reviewed by this committee and the district administrator, and then recommended to the Board.

F. Activities:

This committee shall review practices in the activity area as outlined by the school staff. Major changes in the nature and scope of activities shall be presented to the committee. The finances of all activity organizations shall be reviewed by the committee and examined annually by a certified accountant.

## SCHOOL BOARD-NEGOTIATION TEAM POWER TO ACT

### Certified Staff:

The Jamestown Public School Board's Negotiation Team shall be authorized to negotiate with the association representing the teachers. The Board will accept or reject the settlement at the first regular meeting following the conclusion of the negotiation process. A copy of the Negotiated "Salary Schedule Provisions" shall be attached to the official school board minutes.

### Administration:

The Jamestown Public School Board's Finance Committee shall be authorized to review and discuss salary and benefit schedules with administrators of the Jamestown Public School System. Specific salary and benefits for each administrator shall be approved by the Board and will become part of the official school board minutes when contracts are approved.

Legal Ref: NDCC 15.1-09-33; NDCC Ch. 15.1-16-01; NDCC 44-04-19



Descriptor Code: BBC

### VACANCY ON SCHOOL BOARD

The School Board shall fill by appointment any vacancy which may occur on the board. An appointee shall hold office until the next election for board members.

Legal Ref: NDCC 15.1-09-05

### BOARD MEMBER RESIGNATION (Adopted 2-18-08)

The Board believes that any citizen who files for and seeks election to the Board should do so with full knowledge of and appreciation for the investment in time, effort, and dedication expected of all board members and that the citizen's intent to serve reflects his or her intention to serve a full term of office.

However, if for reasons of health, change in domicile, or any other compelling reason a member does decide to terminate service, the Board requests earliest possible notification of intent to resign so that the Board may plan appropriately for filling the vacancy.

Legal Ref: NDCC 15.1-09-05      School board - Vacancies – Appointments

### METHOD OF FILLING BOARD VACANCY (Adopted 2-18-08)

When a vacancy on the School Board occurs, the Board will make public announcement of such vacancy and request that individuals interested in being considered for board service apply at the Business Manager's office. The Board will establish an application period which shall be not less than two weeks nor more than four weeks, and shall have clearly stated beginning and closing dates.

Interested individuals will complete an Application for Board Position. Also, each applicant will be provided with a "biographical information sheet." The information on this sheet is optional, but may be filed with the application to assist in the appointing process. The names and information provided will be supplied to each board member.

At the next regular meeting of the Board, or at a special meeting called for that purpose, the Business Manager will report all applicants by name. If the number of applicants exceeds three, one or more votes will be used to limit the field to three. Each board member must vote for three candidates in this initial process. When the field is limited to three, another vote will be taken, each board member voting for one name. If no candidate has a clear majority after this vote, the name receiving the least votes will be dropped from the slate and each board member will vote for one of the two remaining names.

Descriptor Code: BBC continued

The appointment shall take effect at the next meeting of the Board, at which time the appointee shall execute the Oath of Office. A board member thus appointed shall serve until the next regular election of the Board and until a successor is elected and qualified.

The same orientation procedures shall apply for any appointed member as for a regularly elected member.

Cross Ref:	Policy BCCB	New Member Orientation
Legal Ref:	NDCC 15.1-09-05	School board - Vacancies - Appointments
	NDCC 44-10-02	Accusation by grand jury - Causes for removal
	NDCC 44-10-16	Other accusations - Delivery by judge to states attorney
	NDCC 44-11-01	What officers removable by governor - Grounds
	NDCC 44-11-02	Charges - How made - By whom prosecuted
	ND Constitution, Article XI, Section 11	

PROCEDURE FOR SELECTING APPOINTEE  
(Adopted 2-18-08)

INITIAL PHASE: Limiting the Field to Three

1. Each board member shall vote for three candidates on a written ballot, signing his/her name. The Business Manager (President) shall read the ballots aloud and the secretary (Business Manager) shall tally the votes. The three candidates with the largest number of votes will be advanced to the final phase of voting.
2. A tie vote could occur for one or more of the top three positions as a result of the first ballot. In that case, succeeding ballots will be taken until the three finalists have been selected. Each succeeding ballot will have board members selecting from only the candidates involved in the tie on the previous ballot.
  - a. If there are no clear winners advanced to the final phase of the process, board members will each vote for three candidates from among the four or more involved in the tie. The clear winner(s) will be advanced to the final phase of the selection process.
  - b. If one candidate has been advanced to the final phase of the process, board members will each vote for two candidates from among those involved in the tie for the last two positions in the finals. The clear winner(s) will be advanced to the final phase of the selection process.
  - c. If two candidates have been advanced to the final phase of the process, board members will each vote for one candidate from among those involved in the tie for the last position in the finals. The clear winner will be advanced to the final phase of the selection process.

FINAL PHASE: Selecting the Appointee from Among the Final Three Candidates

1. Each board member shall vote for one candidate from among the three finalists. If any candidate receives a simple majority vote of the members present, the appointee shall have been determined.
2. If none of the three candidates receives a simple majority on the first ballot in the final phase of the process, the name receiving the least votes will be dropped and another ballot taken.
3. Following selection by the above procedure, there shall be a motion, duly seconded and voted upon, to appoint the selected candidate to the Board.

## MEETINGS

### A. REGULAR MEETINGS (Revised December 1, 2008)

The Jamestown School Board shall meet on the first and third Monday of each month at 5:15 P.M, and with meetings to be held in Thompson Community Room located in the Middle School at 203 2nd Avenue Southeast, Jamestown, North Dakota.

Legal Ref: NDCC 15.1-09-30

### B. SPECIAL MEETINGS

Special meetings may be called by the president, or by any two members of the Board. Written or printed notice of a special meeting shall be given to each member of the Board.

Legal Ref: NDCC 15.1-09-30

### C. ANNUAL MEETINGS:

The annual meeting shall be held on the third Monday in July, at which time the newly elected officers assume their duties. At this meeting the Board shall elect from its members a president and a vice-president who shall serve for one year. The Board shall employ a business manager, who is not a member of the Board, and who shall receive compensation as fixed by the Board. Termination of the business manager's employment will be governed by state law.

Legal Ref: NDCC 15.1-09-30; NDCC 15.1-09-33; NDCC 44-04-19; NDCC 44-04-20

### D. STANDING COMMITTEE MEETINGS:

Standing Committee meetings may be called by the Committee Chairperson or the district administrator.

Descriptor Code: BCAA

AGENDA FORMAT  
(Revised July 14, 2008)

To expedite the Board's business and to provide a framework for the orderly conduct of business, the district administrator in cooperation with the Board president will prepare an agenda outlining the matters to be brought to the Board's attention at the meetings.

The Board will follow the order of business set by the agenda unless the order is altered or new items are added by vote of the Board during the meeting. Only by majority vote of Board members present at a regular meeting can the Board add, or take action on, a matter which did not appear on the printed agenda. Items cannot be added to the agenda of a special meeting.

Legal Ref: NDCC 44-04-20

## PROCEDURES FOR BOARD MEETINGS

### Conducting a Meeting

For an official meeting, a quorum exists when a majority (5 members) of the elected School Board is present. Except as may otherwise be provided by law, the proceedings of the School Board shall ordinarily be conducted according to Robert's Rules of Order; provided, that a failure to observe or enforce such rules shall in no manner affect the regularity, validity or legality of any action or proceeding taken by the Board. The School Board, in its discretion, hereby reserves the right to proceed at any time otherwise than as prescribed in Robert's Rules of Order. Minutes of the School Board meetings shall be open to Board members and to the public. An agenda will be developed prior to each meeting of the School Board.

Legal Ref: NDCC 44-04-21

Descriptor Code: BCAB-BR

### SEATING NEW MEMBERS

Members elected in June will actually take a seat at the annual meeting after the previous board has completed unfinished business.

*Reviewed September 2006*

Descriptor Code: BCAC

MINUTES  
(Revised 2002-2003)

The Business Manager will promptly write the minutes of all Board meetings. Unofficial minutes will be published as soon as possible right after the conclusion of the Board meeting. A motion must be made to have the additions and corrections included in the minutes. Any additions or corrections to the unofficial minutes will be published. As approved by the voters, the School Board shall publish a record of the proceedings.

Legal Ref: NDCC 15.1-09-31; 15.1-07-21



## PUBLIC PARTICIPATION AT BOARD MEETINGS (revised 2-7-11)

The Board's function is decision-making. It may seek the sentiments of the public to assist it in making decisions, but time spent answering routine questions or criticisms must not be taken from more important Board business.

Generally, if a citizen has a question about the operation of the schools, he/she is encouraged to contact the administrator closest to the situation. Experience has shown that this is the best procedure. The questioner gets the needed response directly; the Board is free to consider more substantive matters.

Although there is no legal requirement that the public be given an opportunity to speak at Board meetings, it will be the policy of this Board to afford that opportunity in accordance with the following procedures:

### Who May Address the Board:

1. Any district resident.
2. School staff members.
3. Individuals who have been requested by the district administrator or the Board to present a given subject.
4. Nonresidents of the district.

### Public Participation at the Board Meeting:

A Board Meeting is a meeting held in public for the Board members to conduct school business. There are however two means by which the public may provide input to the Board.

1. By requesting through the Superintendent's Office to be placed on the Board Agenda. Such requests must be in writing to the President of the Board or the Superintendent by the Wednesday prior to the Board meeting and must include the topic to be discussed.
2. By submitting the Public Participation Form two hours prior to the regular school board meeting to the Superintendent or the President of the Board. Board members will listen but will not take action except to forward the topic to administration or place it on the next regular meeting's agenda.

### Items of Discussion:

Only items on the written Board agenda will be discussed by the Board at any special meeting of the Board and only items on the agenda as approved or amended will be discussed by the Board at any regular meeting of the board.

### To Speak to an Item on the Agenda:

1. The speaker should stand during hearing period and be recognized by the presiding officer.
2. Name and address should be stated.
3. Subject and item number which the speaker will address should be stated.

#### Time Limit for Speakers:

No person should speak for more than three minutes, unless the time limit is waived by a majority of the Board members present. When there are a large number of speakers to be heard or if pressure of business or other circumstances dictate, the Board chairperson may decide to curtail the length of questioning or debate.

#### Conduct and Remarks Out of Order

Undue interruption or other interference with the orderly conduct of Board business cannot be allowed. Defamatory or abusive remarks are always out of order. The presiding officer may terminate the speaker's privilege of address if, after being called to order, he/she persists in improper conduct or remarks.

#### Questions and Comments by Board and District Administrator:

Board members and the district administrator may interrogate a speaker or make comments in response to the speaker's remarks.

#### Charges, Complaints, or Challenges:

At a public Board meeting no person may orally initiate charges or complaints against individual district employees or challenge instructional materials used in the district. All such charges, complaints, or challenges should be presented to the district administrator or Board in writing, signed by the complainant. All such charges, if presented to the Board directly, will be referred to the district administrator for investigation and report. Challenges of instructional materials used in the district are subject to district policy, rules, and regulations.

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

Legal Ref: NDCC 44-04-19; NDCC 44-04-20; NDCC 44-04-2

**BOARD POLICY DEVELOPMENT**  
(Adopted 8-21-06)

The Board is the policy-making body for the school district. The policies of the Board shall be within the framework of state and federal laws and regulations.

It is the Board's intention that the written policies serve as guidelines for the discretionary action of those to whom it delegates authority and as a source of information and guidance for all persons who are interested in, and affected by, the district schools.

Proposals regarding policies may originate with any person who perceives a need for a policy statement in a particular area, including a member of the Board, the Superintendent, a staff member, a parent, student, consultant, civic group, or any resident of the district. The Board shall consider the recommendations of the Superintendent and viewpoints of persons and groups affected by the policy before taking final action.

Changes in needs, conditions, purposes, and objectives will require revisions, deletions, and additions to the policies of the present and future boards. The Board welcomes suggestions for ongoing policy development.

**PROCEDURES FOR ADOPTING BOARD POLICY**  
(Revised 6-4-12)

When the need for a policy is suggested to the Board by the Superintendent, a board member, or someone else, the Board shall discuss the need for each policy and, if it is the decision of the Board that such a need exists, the Superintendent shall be directed to draft a policy statement for presentation to the Board. The Superintendent may delegate the actual writing to a staff member and may involve other persons or groups in the research and development of the policy. (An exception to this procedures may occur when the Board delegates to one or more board members the responsibility for drafting certain policies, such as those concerning the duties of the Superintendent or relating to the Superintendent evaluation.)

The advice of the school district's attorney shall be sought when, in the opinion of the Superintendent or the Board, there may be a question of legality or proper legal procedure in the development of a proposed policy.

One reading if the Board deems expeditious action on a policy if necessary. (i.e.. policy deadline in State or Federal Law) Adoption of any policy or amendment to a policy shall require two readings. Policy proposals and suggested amendments to or revisions of existing policies shall be submitted to all members of the Board and to the Superintendent in writing prior to a properly scheduled Board meeting in which such proposed policies, amendments, or revisions shall be read and discussed. The Superintendent shall be expected to make a recommendation concerning the adoption of the policy, amendment or revision. Opportunity for public comment shall be give at the meeting. Following the presentation, which shall constitute the first reading, the Board may approve the proposal, amend and approve the proposal, disapprove the proposal

or refer it back to the Superintendent for study and revision.

The approved or revised policy or policy amendment proposal shall be considered at a future meeting of the Board. Prior to this meeting the policy draft shall be disseminated to staff and others who may be affected by its adoption. At this meeting, the Superintendent shall present the approved or revised proposal for section reading with a recommendation. Board action on the proposal shall be final if the proposal is approved in an identical form as passed at the previous meeting. If a revised form of the proposal is approved or if approval includes an amendment, the proposal shall be resubmitted for action at a future board meeting. Action shall be majority votes of those board members present.

The Superintendent shall follow current practices for publishing and distribution of the adopted policies.

All policy manuals distributed shall remain the property of the Jamestown Public School District #1 and shall be considered as “on loan” to anyone, or any organization in whose possession they might be at any time. They are subject to recall at any time deemed necessary by the Superintendent or the Board, whether for updating or other good cause.

Because the Board Policy Manual is a matter of public record, it shall be open for inspection at the school district office.

#### **SUSPENSION OF POLICY** (Adopted 8-21-06)

Only those policies not established by law or negotiated agreement may be temporarily suspended, and then only by a two-thirds vote of board members present at a regular or special meeting.

#### **POLICY REVIEW AND REVISION** (Adopted 8-21-06)

All policies should be subject to regular review. As new conditions develop or situations change, it may be desirable to alter policy. If problems or issues can be resolved more effectively in ways other than those provided by existing policy, revision is clearly in order.

The Superintendent, on a continuing basis, shall call to the board’s attention all policies that are out of date or in need of revision. The Board shall examine all policies annually to determine how they have been executed by the school staff.

The Superintendent shall ensure that all copies of board policy manuals are current.

POLICY IMPLEMENTATION  
(Adopted 8-21-06)

The policies developed by the Board and the administrative regulations established to implement policy are designed to increase the effectiveness and efficiency of the school system. It is assumed that all employees and students will willingly carry them out.

Administrators are responsible for informing subordinates of existing policies and regulations and for seeing that they are implemented in the spirit intended. Continuous disregard for Board policy and administrative regulations may be interpreted as insubordination and/or willful neglect of duty.

Mistakes of the past shall not be considered the basis for permitting continuation of similar decisions. If school policy has been either purposely or inadvertently ignored, that action will not be considered as having changed the policy. Where undue harm to persons would result from rescinding the action taken that was in violation of policy, the Board may choose to honor the earlier basic agreement.

ADMINISTRATIVE REGULATIONS  
(Adopted 8-21-06)

The Superintendent shall prepare and disseminate administrative rules necessary to implement board policy and shall review such rules periodically to determine their effectiveness in carrying out policies. These rules shall constitute the school district's administrative regulations.

Administrative regulations need not be approved by the Board in advance of issuance except when specific state or federal laws require the Board to do so, or when the Board or Superintendent deems it necessary or advisable.

The Board reserves the right to review and veto any administrative regulation should it, in the Board's judgment, be inconsistent with the policies adopted by the Board.

Descriptor Code: BDA/CBAB

ADMINISTRATION IN POLICY ABSENCE  
(Adopted 8-21-06)

The Superintendent shall have the power to implement action within the school system if any emergency situation should develop for which the Board has provided no policy. However, the Superintendent's decision shall be subject to review by the Board at its next regular meeting. It is the Superintendent's duty to inform the Board of any such action and of the need for an official policy.

The Board grants to the Superintendent board powers to administer the district in absence of specific board policy. The Superintendent is expected to report to the Board actions and/or decision that reflect the need for policy.

Legal Ref: NDCC 15.1-14-01 School district superintendent – Duties

Descriptor Code: BDBB

### SCHOOL ATTORNEY

It is Board Policy not to employ a school attorney on retainer fee. However, the district administrator has the authority to hire an attorney as needed. If individual Board members wish to obtain an attorney's advice, they may direct their questions through the president of the board or the district administrator.



### CITIZENS' ADVISORY COMMITTEES

The School Board recognizes that the public has vast resources of training and experience useful to schools. The strength of the local School District is in large measure determined by the degree to which these resources are tapped in an advisory way and to the degree that these resources are involved in supporting the improvement of the local educational program.

Residents of the District who are especially qualified because of training, experience, or personal characteristics shall be encouraged to take an active part in school affairs. Such persons shall be invited to serve on advisory committees as the need for such committees arises. In general, individual members of such committees shall not be requested to perform specific services for the Board. Unique talents of members can best be utilized on a consultative basis. Advisory committees shall not be used to avoid paying for professional advice.

Advisory committees should be appointed only when there is a definite function to be performed, and this function should be indicated to the committee in writing when it is appointed. Committees may be short-term for a specific task or may be on-going to serve a particular need of the District.

Advisory committees should not be appointed to advise on matters requiring decision by the Board unless adequate time is available for a thorough study by the committee.

The Board and the staff shall give substantial weight to the advice which they receive from individuals and community groups interested in the schools, especially those individuals and groups which they have invited or created to advise them regarding selected problems, but the ultimate responsibility for the decision rests with the Board. Therefore, the Board shall use its own best judgment in arriving at decisions.

Descriptor Code:

BDD

## COMPENSATION AND EXPENSES FOR BOARD MEMBERS

Revised 2-6-2017

School Board members will be compensated a flat \$4,000 per year with Board President's compensation set at a flat \$4,600 per year.

In addition, board members may be reimbursed for all necessary meals, lodging, and travel expenses actually incurred by the member while engaged in official business of the Board. The rate shall be paid in accordance with law.

Descriptor Code: BDE

### MEMBERSHIP IN ASSOCIATIONS

Membership in North Dakota School Boards Association shall be maintained by the School Board. Expenses of members attending sessions of such associations shall be paid with district funds according to North Dakota State Century Code limits.

Legal Ref: NDCC 15.1-09-33; NDCC 15.1-09-06; NDCC 44-08-04;  
NDCC 44-08-05; NDCC 54-06-09

Descriptor Code: BEB

#### ORIENTATION OF NEW MEMBERS

Each new member shall receive a copy of the Board's policy and of the annual report. When a workshop for new school board members is conducted, new members are required to attend. The district will pay all their expenses to this workshop.

Legal Ref: NDCC 15.1-09-32

### SCHOOL BOARD-DISTRICT ADMINISTRATOR RELATIONSHIP

The Jamestown School Board is accountable for all pursuits, achievements and duties of the Jamestown Public Schools. The Board's specified role is to deliberate and to establish policies of the school, but not to implement. The Board delegates authority to the district administrator, who, acting as chief executive officer of Jamestown Public Schools, is held fully accountable to the Board for compliance with its policies.

- A. With respect to Jamestown Public Schools' goals and objectives, the Board will establish general guidelines which, at minimum, must be observed in the development of further policy and action. The Board reserves the right to issue either restrictive or general policy statements.
- B. The authority of the district administrator to act and to set policy begins where the policy statements of the Board end. Neither the Board nor any Board member will instruct the district administrator or any Jamestown Public School staff in any area that is within the purview of the district administrator. The Board may require monitoring of the district administrator's compliance with policy.
- C. Generally, the district administrator will be empowered to assign and use resources; employ, promote, discipline and deploy staff within the limits set by law; to translate policies of the Board into action; to speak as agent of the Board; to organize and delegate administrative responsibilities; and, to exercise such other powers as are customary for chief executives.
- D. The district administrator may not perform, cause, or allow to be performed any act that is unlawful, in violation of commonly accepted business and professional ethics, in violation of any contracts into which the Board has entered, or, in violation of policies adopted by the Board to limit the district administrator's authority.
- E. Should the district administrator consider it unwise or impractical to comply with an explicit Board policy, the district administrator will inform the Board of that decision. The Board will decide whether such judgment was warranted.
- F. When law or other authority calls for Board approval of decisions that the Board has delegated to the district administrator, Board approval will be routinely given if those decisions have been made within the restrictions of Board policies.

## **OFFICERS OF THE BOARD**

At the annual meeting in July, the Board shall elect a president and vice president. The President and Vice President shall serve for one fiscal year or until their successor(s) are elected. The office of president and vice president shall not automatically rotate in order of length of service on the Board. Board members shall take into consideration qualifications that make a good leader and officer in nominating a member for office.

### **President's Duties**

In addition to the duties prescribed by law or by the policies of the Board, the President will exercise such other duties and powers as listed below and as properly pertain to the office or as may be delegated by the Board:

1. Prepare an agenda in advance of each meeting in accordance with policy.
2. Serve as official spokesperson for the Board or appoint another member to speak for the Board in communications with the media.
3. When the Board is not in session, act on any emergency matter that may arise and report action taken at the next meeting.
4. Establish liaison with other governmental agencies to assist in cooperative action.
5. Provide the necessary leadership to help the Board act as a cohesive whole.
6. Be available for counsel to the district administrator.

At all meetings of the Board, the President may make or second a motion and, will exercise privileges and duties of a board member, including the duty to vote on any question put to the vote of the entire board. The President may also contribute to the discussion in order to provide information or point out aspects not brought forth by other members but shall not take advantage of the power of the chair to monopolize the discussion or exert undue influence on the vote.

### **Vice President's Duties**

In addition to the duties specified in law, the Vice President shall fill a vacancy in the presidency resulting from removal, resignation, or death. In such cases, the Board will elect a new vice president through a simple majority vote and the former Vice President shall fill the presidential vacancy until the next annual meeting of the Board or until a successor is elected.

### **Absence**

When the President and Vice President are absent from a board meeting, the most senior board member present shall act as the chair pro-tem unless **s/he** refuses to serve. In such case, the Superintendent shall call the meeting to order and the Board shall elect a chair pro-tem.

**End of Jamestown Public Schools Policy BBBA ..... Adopted: 2-6-2017**

## PUBLIC INFORMATION PROGRAM

It will be the responsibility of each School Board member, as well as each employee of the school district, to exercise care when answering questions about the public schools. Individuals should answer a question only when they have full and complete understanding of the point about which they have been asked. If the employee is not well versed, he/she should refer the individual to his/her immediate superior or to any other district official who would have the correct answers.

When making statements about the operation of the schools, all employees will be held responsible for the accuracy and correctness of the information disseminated, and each individual will be responsible for complying with the policies and regulations of the School Board.

The financial records, the official Board minutes, and any other records pertaining to the business operation of the Jamestown Public Schools are public records and are, thereby, open to any citizen, legitimate representatives of the press, radio, television and any other public media whose purpose is to disseminate general news and information.

- A. The district administrator will be the representative of the Board to the press, radio and television agencies.
- B. The principal of each school will be the official spokesperson for the activities and instructional program of that particular school.

When the district administrator, any district department or any school personnel speak for the School Board, it will be the individual's responsibility to exercise caution and care that every statement made is a true and accurate one and in harmony with the general policies, rules and regulations of the Board. It will be the responsibility of every employee to endeavor by all of his/her activities and private statements to create a feeling of goodwill, friendliness and confidence in the district public schools on the part of all parents and patrons of the district.

The Board encourages a policy of sound relations with the press and other communication media in the community and surrounding geographical area. The district administrator will plan for periodic releases to the press and other media representatives, which will provide information to the community concerning its schools and various phases of the school program.

The district administrator is directed to deliver notices of meetings and meeting agendas to the bona fide representatives of the media who request delivery; at the same time such notices and agenda are delivered to the members of the Board. Copies of the agenda memoranda prepared for Board use will be available to the public at the district administrative central office.

## PROCEDURES FOR CHALLENGED MATERIALS

All complaints relating to appropriateness or absence of instructional materials shall be reported to the building principal. The building principal shall try to resolve the issue informally by explaining the philosophy and goals of the school district and/or the library media center. The following procedure will be used for challenged materials:

- A. The principal or director shall explain to the questioner the school's selection procedure, criteria, and qualifications of those persons selecting the resource. He or she shall also explain or refer the party to someone who can identify and explain the use the material occupies in the educational program.
- B. The material being challenged shall be left for the committee's review at the time the complaint is made and the Request for Reconsideration form completed. (The Request for Reconsideration form will be available from the principal or director). (Form ED 300)
- C. If no further response from complainant is received, the reconsideration is dropped.
- D. If further action is requested by complainant, the review committee is notified for a meeting to be arranged by the building principal or vocational director. The committee will take the following steps:
  - 1. Have the materials read, heard, or viewed by all committee members.
  - 2. Check general acceptance of the material in review.
  - 3. Weigh values, both pro and con, against each other and form opinions based on the material as a whole. (Not only on passages pulled out of context.)The decision of the committee will be submitted within fifteen (15) working days from the date of the meeting.
- E. The decision of the review committee will be mailed to the complainant immediately. If there is no response, the complaint will be dropped.
- F. If further action is necessary, the principal or director will submit the complaint records to the district administrator to be reviewed by the district administrator and the Curriculum Committee. The final decision will be made jointly by the district administrator and the Curriculum Committee.
- G. A letter will then be mailed to the complainant by the district administrator informing him/her of the decision. A copy of this letter will be sent to the principal or director. All information pertaining to the materials in question will be filed in the district administrator's office.
- H. The response shall state the reasons supporting the decision and the right of the complainant to appeal the decision to the board. Generally, the board will request a review of the written decision by legal counsel, prior to mailing.

Legal Ref: NDCC 15.1-15-05 through NDCC 15.1-15-11

DISTRICT REVIEW COMMITTEE: The district review committee shall consist of the Principal, librarian of the school involved or the classroom teacher of the challenged material and the department chairman.



DESCRIPTOR CODE: GAAC-E1

**JAMESTOWN PUBLIC SCHOOLS  
REQUEST FOR RECONSIDERATION OF  
INSTRUCTIONAL RESOURCES**

**Material Information**

Author: \_\_\_\_\_

Title: \_\_\_\_\_

Publisher or Producer: \_\_\_\_\_

Copyright Date: \_\_\_\_\_

Type of Material: ☐ Library book ☐ Periodical ☐ Movie ☐ Textbook

☐ Other learning aid: \_\_\_\_\_

**Requestor's Information**

Name: \_\_\_\_\_

Telephone numbers

Home: \_\_\_\_\_

Work: \_\_\_\_\_

Cell: \_\_\_\_\_

Address: \_\_\_\_\_

City: \_\_\_\_\_

Requestor represents: ☐ Self ☐ Group/organization: \_\_\_\_\_

**Reason for Request**

- ☐ I do not feel material is educationally suitable for the following reasons.
- ☐ I do not feel the material is age-appropriate for the following reasons.
- ☐ The material is part of the curriculum, and I feel it violates students' rights for the following reasons.
- ☐ I feel that the material is vulgar. Explain.

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**Familiarity with Material**

Did you read, listen, or view the work in its entirety? If not, what parts?

☐ Yes ☐ No: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

What are the benefits to be derived from study of this material? \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

What do you believe is the theme of this material? \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Are you aware of the judgment of this material by professional critics? If yes, explain.  
☐ Yes ☐ No: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**Proposed Remedies**

What would you like the school to do about this material?  
☐ Do not assign/lend it to my child  
☐ Withdraw it from all students  
☐ Other: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

In its place, what material of equal literary or scientific value would you recommend that would convey as valuable a picture and perspective of the subjects treated?  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Signature of Requestor: \_\_\_\_\_  
Date: \_\_\_\_\_

FORM MUST BE RETURNED TO THE BUILDING PRINCIPAL

## OTHER COMPLAINTS

Complaints, other than those set forth above, shall first be directed to the administration for review. Since individual board members have no authority to resolve complaints, other than by formal board action, administrators are expected to follow up on all complaint referrals and to advise the board members of the nature of the complaint and the action(s) taken. This follow-up should generally take the form of a brief written memorandum to the board members.

If complaints, other than those concerning personnel, are not satisfactorily resolved, the complainant may request that the matter be placed on the agenda of the next regular meeting of the board. Generally, all parties involved, including the administrator(s), shall be asked to attend such a meeting for purposes of presenting additional facts, making further explanations, and clarifying the issues. The board will not consider or act upon complaints that have not been explored at the appropriate administrative level.

## PUBLIC COMPLAINTS

The School Board recognizes the right of individuals and groups to present complaints concerning school personnel, the curriculum, or instructional materials, or concerning school services and school facilities.

In the interest of handling all complaints fairly and expeditiously, the Board has established the following guidelines:

- A. Whenever a complaint is made directly to the School Board as a whole or to an individual Board member, the individual or group involved will be advised to take their concern to the appropriate school staff member. This could be a teacher, a supervisor, a principal, a district central office administrator, or the district administrator.

At a public Board meeting no person may orally initiate charges or complaints against individual district employees or challenge instructional materials used in the district. All such charges, complaints, or challenges should be presented to the district administrator or Board in writing, signed by the complainant. All such charges, if presented to the Board directly, will be referred to the district administrator for investigation and report. Challenges of instructional materials used in the district are subject to district policy, rules, and regulations.

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

- B. The individual or group will be advised of the proper channeling of complaints, which is as follows:
1. Supervisor or teacher
  2. Building or central office administrator
  3. District Administrator
  4. School Board
- C. If a Board member receives a complaint, and has reason to believe that the person or persons involved will not go to the source of the problem, he/she should inform the district administrator of the situation. In no case should the Board member go to the source of the problem him/herself unless so directed by a quorum of the board in legal session.
- D. An individual or group who wishes to address the Board must notify the district administrator in writing at least five days before the Board is scheduled to meet. The letter must include the item to be discussed.
- E. Individual Board members who receive questions or suggestions from district residents should:
1. Answer the question if they definitely know the answer.

Descriptor Code: KABA continued

2. Advise the district administrator of the conversation if the Board member believes the question has policy implications.
3. Advise the person or persons involved to take their question or suggestion to the appropriate staff member if the answer is not definitely known.
4. Call the district administrator for the answer if the Board member believes the question or suggestion has merit but the person or persons involved are reluctant to go to the source.

The School Board encourages parents and other citizens to express their concerns, to ask questions, and to take an active interest in the schools' educational program and school environment by attending Board meetings, visiting the schools, and meeting with teachers.

Legal Ref: NDCC Ch. 15.1-17-01 through 15.1-17-05; NDCC 15.1-15-05 through 15.1-15-11

### **PATRON COMPLAINTS**

Individual board members have no authority to resolve complaints and the Board, as a whole, believes that patron complaints should be resolved at the lowest level of authority possible. Therefore, whenever a complaint is made to an individual board member or the Board as a whole, it will be referred to school administration for processing at the lowest level of authority possible.

If the complaint is not satisfactorily remedied at the building level, either party may refer the matter to the Superintendent for investigation. The Superintendent shall complete the investigation within a reasonable deadline in accordance with any applicable deadline in law.

If all other remedies have been exhausted, a complainant may request that the matter be placed on the agenda of the next regular school board meeting; however, the Board will not hear, consider, or act upon complaints that have not been investigated at each appropriate level of authority, nor will the Board hear, consider, or act upon complaints for which specific complaint resolution procedures have been established that do not allow for board review of the complaint, including but not limited to complaints about personnel and complaints about instructional material.

### **Anonymous Complaints**

Anonymous complaints provide no avenue for response or redress of the complaint. An unsigned complaint will not be read or acted upon at any board meeting and anonymous telephone complaints will not be brought to the Board by any individual board member, administrator, or other employee. No disciplinary action will be initiated based solely on an anonymous complaint; however, the administration will investigate every anonymous complaint.

### **Parental Complaints**

While parents enjoy a unique relationship with the schools and are the recipients of special communications concerning school events and programs as well as communications concerning their own child's progress, parents shall use the same channels of processing complaints as by other citizens.

Complaints for which specific resolution procedures are provided shall be directed through those channels. These include, but are not limited to, complaints about personnel and complaints about instructional materials.

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### **Complementing Policies**

- AAC, Nondiscrimination & Anti-Harassment Policy
- AAC-BR, Discrimination & Harassment Grievance Procedure
- KACB, Patron Complaints about Personnel
- KACB-E1 Personnel Complaint Form
- KACB –E2 Investigation Confidentiality Agreement
- KACB-E3 Responding to Personnel Complaints

End of Jamestown Public School District Policy KACA Adopted:3-6-2017

## **COMPLAINTS ABOUT PERSONNEL**

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

### **Filing Procedure**

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

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

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

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

### **Deadlines**

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

### **Prohibition: Retaliation**

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

district agent, student and/or community member because s/he participates in an investigation, hearing, or inquiry related to this policy.

### **Prohibition of False Claims**

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

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

- AAC, Nondiscrimination & Anti-Harassment Policy
- AAC-BR, Discrimination & Harassment Grievance Procedure
- KACB-E1, Personnel Complaint Form
- KACB-E2, Investigation Confidentiality Agreement
- KACB-E3, Responding to Personnel Complaints

**End of Jamestown Public School District Policy KACB .....Adopted: 3-6-2017**



Descriptor Code: KACB-E1

**PERSONNEL COMPLAINT FORM**

Date: \_\_\_\_\_

Your name: \_\_\_\_\_

Your child's name (if relevant to the complaint):  
\_\_\_\_\_

If you are a district employee, list building/department/position:  
\_\_\_\_\_

Address (Home): \_\_\_\_\_

Phone (Home): \_\_\_\_\_

Address (Business): \_\_\_\_\_

Phone (Business): \_\_\_\_\_

Best way to contact you: ☐ Home ☐ Work ☐ Cell Phone

Phone Number: \_\_\_\_\_

Name of employee about whom you are complaining: \_\_\_\_\_

Date of Incident: \_\_\_\_\_

Location of Incident: \_\_\_\_\_

Briefly describe the incident:  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

List any individuals that have knowledge of and/or witnessed the incident:  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

What remedy is sought?  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

To be considered for investigation, any such complaint must have been filed within 180 days of the alleged occurrence. (Exception to the 180 days would be an accusation of sexual abuse).

If the complaint concerns the Superintendent or the Business Manager, the Board President will receive the complaint.

### **ACKNOWLEDGEMENTS**

#### **I understand the following:**

1. I have the right to be free of retaliation for filing this complaint. I agree to report any conduct that I believe is motivated by retaliation for filling this complaint. I understand, however, that if this statement contains accusations that I know are false, I may be subject to disciplinary action within the District (NOTE: language only applicable to district students and employees) and/or external legal action from those I have falsely accused.
2. The respondent will be given a copy of this complaint in order to have an opportunity to respond to it.
3. I may have the right to file a complaint with civil rights agencies or to file legal actions in a court of law.
4. I understand that the investigating personnel are advocates for neither the complainant nor the respondent. Their responsibility is to investigate complaints from a neutral position to determine whether violations of district's policy and/or law have occurred.

### **CERTIFICATION**

I certify that the statements made in this complaint are true and accurate, and that I have read and understand the statements made in the acknowledgements section of the complaint.

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Signature of Complainant	Date
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Signature of administrator receiving complaint	Date
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(If the complaint concerns the Superintendent or the Business Manager, the Board President will receive the complaint.)

**End of Jamestown Pubic School District Exhibit KACB-E1.....Adopted 3-6-2017**

**INVESTIGATION CONFIDENTIALITY AGREEMENT**

All parties involved in this investigation must observe appropriate confidentiality. This means there must be no discussion or release of information by you with friends, family, coworkers, other members of the public, or the media about the facts or substance of the details of this interview or this investigation. North Dakota Century Code section 15.1-07-25(2) states that any record or document generated as part of this investigation is confidential and not subject to the open records law until the investigation is completed or sixty days whichever is sooner.

I agree to comply with the above requirements. If I have any questions concerning this agreement, I should contact the Superintendent at 701-252-1950.

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Investigation Participant's Name (print)

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Investigation Participant's Signature

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Date

---

This document was signed in my presence:

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Signature of District Investigator

**End of Jamestown Public School District Exhibit KACB-E2.....Adopted 3-6-2017**

## **RESPONDING TO PERSONNEL COMPLAINTS**

### **Answers to the Top 12 Frequently Asked Questions by Board Members**

**1. Does the District need to wait for a formal complaint to be filed before investigating an incident related to a school employee?**

No. The District has a duty to ensure that its policies are upheld and to protect the safety and well-being of its students and staff. Once aware of a potential situation related to a school employee, a school official should look into the matter. Once a formal complaint is filed, the District must initiate an investigation.

**2. Who should conduct the investigation?**

Policy may govern which school official should conduct the investigation. Board members should never be involved in investigations concerning classified employees, teachers, principals, and assistant superintendents. If the matter involves the Superintendent or Business Manager, the Board President should conduct the investigation to preserve the impartiality of the remainder of the Board.

**3. Should the Board answer questions about the incident at a board meeting or on an individual basis when approached by the public?**

No. Board members should simply state that the matter has been referred to the appropriate school official for investigation, and the investigator will recommend the appropriate course of action upon completion of the investigation. By answering questions at a board meeting or on an individual basis in public, the Board may invite charges of libel and slander or inadvertently disclose information protected by the investigation confidentiality statute (NDCC 15.1-07-25). In addition, board members should avoid gathering and disseminating information about a personnel incident because they may ultimately be required serve as decision makers in a school district nonrenewal or discharge hearing and they must remain as impartial as possible.

**4. Can a board go into executive session to discuss a personnel matter or the details of an investigation?**

No. State law contains no provision allowing for this. Again, we recommend that board members avoid gathering and disseminating information related to a personnel incident (see response to question #2 above).

**5. What is entailed in an investigation?**

It depends on the nature of the incident. In all cases, the school employee involved is questioned and district policies reviewed to determine if a violation occurred. In some cases, witnesses are questioned and evidence is gathered (e.g., school security footage, emails, internet browsing logs, etc.). The investigator gathers enough material, in his/her opinion, to substantiate or refute the accusations.

**6. Can an employee be placed on administrative leave during an investigation and should the Board be informed or vote on this?**

An employee can be placed on administrative leave with pay pending the outcome of an investigation. The Board should not be involved in decisions concerning administrative leave. Instead, the Board should grant authority to school administration to place employees on administrative leave through policy.

Administrative leave is different than suspension. Only the Board can suspend a teacher, or administrator and only in cases where the District is pursuing discharge for cause. The vote to suspend may occur in executive session (NDCC 15.1-15-10), but this executive session should not be used as an opportunity to discuss information related to the charges or investigation since such information should only be presented to the Board at the actual discharge hearing. The executive session to suspend should simply be a time when the Board makes a motion and votes on suspension.

**7. How much information should a Superintendent provide to the Board after an investigation?**

To protect the impartiality of the Board, the Superintendent may inform the Board that the investigation is complete but nothing more. Board members should not request to see the investigation report in the personnel file.

**8. How should the Board respond after an investigation is complete?**

The Board should not devote meeting time to the outcome of the investigation. All questions concerning the investigation should be referred to the board designated spokesperson, which should be the Superintendent, for response. When the Superintendent responds to a public inquiry about the outcome of an investigation, s/he may state that the investigator has completed his/her inquiry, placed his/her findings into a report that has been issued to the parties involved, that the report explains any steps the District will be taking, and the report explains the next step for the complainant to seek recourse if s/he is dissatisfied.

**9. Is the information gathered during an investigation open record?**

Under state law, information gathered in relation to a complaint about a school employee is closed for 60 days or until the investigation is complete, whichever occurs first. NDSBA's investigation confidentiality form reflects this statutory standard (KACB-E2). After this time frame, the investigation material, including the final investigation report, is open record (NDCC 15.1-07-25).

**10. What are the possible outcomes of an investigation?**

The investigator may:

- a. Find no wrongdoing
- b. Recommend that a memo be placed in the personnel file reminding the employee of the district policy and his/her obligation to comply with it
- c. Recommend a letter of reprimand
- d. Recommend a letter of reprimand and a plan of improvement
- e. Make a recommendation for nonrenewal if the complaint concerns a licensed teacher or administrator, is related to a reason for nonrenewal under state law, and if the recommendation falls within the statutory deadlines for nonrenewal under law. There are several procedural steps that must be followed, including a due process hearing, before a school board can vote on nonrenewing a teacher or administrator.
- f. Make a recommendation to discharge a teacher or administrator if the misconduct meets a statutory reason for discharge under state law. There are several procedural steps, including a due process hearing overseen by an administrative law judge, before a board can vote on discharging a teacher or administrator. Legal counsel should be retained if discharge is recommended.
- g. Recommend termination of employment in accordance with district policy if the complaint concerns a classified staff member.

**11. What type of documentation, if any, should be placed in the personnel file if the investigator finds no wrongdoing?**

The District should maintain a record of the investigation. If the employee does not want this placed in his/her file, the District may place a notation in the personnel file of the date of the investigation, that there was no wrongdoing found, and indicate where the investigation records will be stored. This procedural step ensures that no secret personnel records are maintained (NDCC 15.1-17-05). Regardless of where such records are stored, they are open records.

**12. How is an investigation of a superintendent or business manager different than an investigation of a school employee?**

The Board President conducts the investigation of the Superintendent and Business Manager, reporting back to the Board. When reporting back to the Board, the Board President should explain whether or not the complaint was substantiated and what action was taken, if any. The Board President should not discuss any further details of the investigation with other board members (prevents premature decision making and potential open meeting violations), especially at board meetings (libel and slander prevention safeguard), but may direct them to the investigation report in the superintendent's or business manager's file. While NDSBA typically does not recommend that board members review the contents of personnel files, because the Board must conduct performance evaluations of the Superintendent and Business Manager,

board members may have reason to review investigation reports written about the Superintendent and Business Manager.

**End of Jamestown Public School District Exhibit KACB-E3.....Adopted 3-6-2017**

## **SECTION C - ADMINISTRATION**

Descriptor Code: CAA

### **RENEWAL OF DISTRICT ADMINISTRATOR'S EMPLOYMENT CONTRACT**

It is the intention of the School Board to keep the position of District Administrator a professional one. This includes honest communication between the Board and the District Administrator as to contract conditions and renewals.

The Board requests that, in the event the District Administrator decides to resign, the Board be given sufficient notice to secure a replacement prior to the resignation date, in order to accomplish a smooth transition in the administration of the District.

Refer to the District Administrator's contract for the Terms of Contract, Provisions for Renewal of the Contract, Early Retirement, Benefits, etc.

In the event that the Board decides not to renew the District Administrator's contract, the District Administrator will be afforded all the rights granted by North Dakota law.

Legal Ref: NDCC 15.1-09-33 to 38 General Powers and duties of school board  
NDCC 15.1-14-03 to 12 Evaluation, renewal, or discharge of  
superintendents of school districts



EVALUATION OF DISTRICT ADMINISTRATOR  
(Revised 2-7-11)

The Board shall evaluate and assess the performance of the Superintendent according to state law.

The Board shall adopt a superintendent evaluation instrument that is reasonably related to the superintendent's job description and the goals and objectives of the District. The evaluation instrument shall require board members to rate the superintendent's performance as either satisfactory or unsatisfactory in each area of performance identified in the job description.

Twice a year, the Board President shall schedule a board meeting to discuss and approve the superintendent's evaluations on or before the deadlines for evaluation completion established by law. The Board President shall disseminate the evaluation instrument to individual board members prior to such meetings and shall collect and combine the completed evaluations prior to the meeting.

The Board President shall copy all comments contained on individual board member's evaluations onto the collective evaluation. Any discrepancies among board members about the superintendent's rating in any of the performance areas evaluated shall be discussed and a decision reached through the roll call vote of a simple majority vote of the Board at the open meeting at which the evaluation is discussed. Upon approval of the evaluation, the Board President shall present it to the Superintendent.

Legal Ref: NDCC 15.1-14-03

Descriptor Code: C-1

## EVALUATION OF ADMINISTRATIVE STAFF

Performance of administrators shall be evaluated as required by law.

The evaluation required for administrators with three or more years of experience in the district as administrators shall be due by March 15.

Legal Ref: NDCC 15.1-15-01, 15.1-15-03, 15.1-13.01

Descriptor Code: C-2

## EVALUATIONS OF STAFF

The Jamestown Public Schools support a strong evaluation for growth program and have developed the following policies.

Descriptor Code: DFAA

## EVALUATIONS OF TEACHING STAFF

Written evaluations shall be prepared for every professional staff person employed by the district as required by law.

Legal Ref: NDCC 15.1-15-01, 15.1-15-02

## **SECTION D – POLICIES AFFECTING EMPLOYED PERSONNEL**

Descriptor Code: ACBB

### **SIGNIFICANT CONTAGIOUS DISEASES**

(Revised 1-18-10)

#### **Definitions**

For the purposes of this policy, the terms affected person, decisionmaker, 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 breeches.

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 the Superintendent as the person to receive information concerning the status of students, employees, and independent contractors from their physicians. The Superintendent shall be the official spokesperson for the institution when information concerning an affected individual becomes public and may not delegate this duty. The Superintendent may request assistance from the Department of Public Instruction or State Department of Health in developing a plan for conflict resolution.

#### **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.

- **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 the Individuals with Disabilities Education Act or NDCC) determines that the student is unable to participate in regular classroom instruction, the District will provide either reasonable accommodations, special provisions, or an individualized education program. The Superintendent shall establish procedures for the development of special provisions.
- **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

- **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 9.<sup>1</sup> The curriculum will be integrated into the health curriculum.

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

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

- **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.

- **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.

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

**UNIVERSAL PRECAUTIONS & SANITARY CLEANUP**  
(Adopted 1-18-10)

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**

1. Using the following procedures, wash hands immediately after completing the cleaning and disinfecting process.
  - a. Wet hands and apply antiseptic soap.
  - b. Rub hands together vigorously for at least 15-30 seconds, paying particular attention to fingertips, nails, and jewelry.
2. Clean any exposed skin with an appropriate antiseptic (e.g., alcohol, iodine, etc.) and apply a leak proof dressing if appropriate.

## TECHNOLOGY ACCEPTABLE USE AGREEMENT FOR STAFF

The Jamestown School District's technology resources shall be used for educational purposes consistent with the district's mission and goals, district policies, state laws, and federal laws. The Jamestown Board of Education will provide the opportunity and the training for staff to appropriately use the district's technology resources.

Technology resources provided by the district include but are not limited to:

- ❖ Computers and related peripherals
- ❖ Printers of all types
- ❖ File and application servers
- ❖ Telephones, fax, and voice mail systems
- ❖ Local and wide area networks
- ❖ Internet access
- ❖ Email accounts
- ❖ Interactive Video Network sessions
- ❖ Televisions, VCR's, and DVD players
- ❖ Camcorders and digital cameras
- ❖ Copy machines

The efficient application of these resources requires the cooperative effort of district support personnel and staff.

This policy governs issues unique to technology resources and works in accordance with district policies.

### Personal Technology Resources

The Jamestown Public School District is cognizant that staff may be using personal technology resources in the school environment. Examples are cell phones, PDAs, laptops, etc. The use of personal technology resources not owned by the school falls under the Technology Acceptable Use Agreement for staff. The school is not responsible for the loss of items with significant personal or financial value. School administrators shall use their discretion to determine a building policy for personal technology resources used in the school which may not be specifically addressed in the Technology Acceptable Use Agreement for staff.

### Expectations and Use Requirements

The Jamestown Public School District expects users to exhibit professional/responsible behaviors when using district technology resources. Use of district technology resources is a privilege that may be revoked if the expectations are not followed. These expectations include:

- ❖ Use of technology resources to support the educational mission of the district in an ethical and professional manner. The district does not allow the use of defamatory, inaccurate, abusive, obscene, profane, sexually oriented, threatening, racially offensive, or illegal material at any time in the school environment.
- ❖ Adherence to other district policies as they apply to technology resources.
- ❖ Compliance with all local, state, and federal laws. This includes laws regarding computer hacking, software piracy, copyright infringement, willfully circumventing the network filters, and other illegal behaviors.



### Privacy

Individual privacy is not guaranteed when using Jamestown Public School District technology resources. Files and communications may be reviewed to maintain system integrity and to ensure that users are adhering to the acceptable use agreement and guidelines. Individuals should respect the privacy of other users and not intentionally seek private information. The district will cooperate with local, state, and federal authorities when necessary.

### Security

Security systems help maintain the integrity of district technology resources. Any attempts to circumvent, disable, or misuse security systems are prohibited. If users identify a security problem, they should notify the district technology staff.

### Internet Safety and Use of Filters

The Jamestown Public School District maintains technology protection measures for the safety of minors with respect to its computers with Internet access. The district makes all reasonable attempts to prevent computer access to visual depictions that are obscene, pornographic, or harmful to minors; and maintains the operation of such technology protection measures during the time that any of its computers are in use. The terms “obscene”, “child pornography”, “sexual act”, and “sexual contact” are defined as provided in the Child Internet Protection Act. Students using Internet resources should be supervised at all times.

Technology protection measures may be disabled by an authorized administrator, supervisor, or other authorized person in order to provide access for bona fide research or other lawful purpose.

The Internet offers many valuable educational resources for users, but there are also safety issues that should be considered. Internet safety tips include:

- ❖ Keep your personal information and passwords private. Don't give anyone your name, address, phone numbers, passwords or other personal information about yourself when online.
- ❖ Don't read emails or download attachments from people you don't know. It is an easy way to infect your computer with a virus or be lured to an objectionable website.
- ❖ Understand that nothing done on the Internet is private. Records exist that document everything you do while online.
- ❖ Tell a supervisor if someone says things or sends you something that you consider inappropriate. Do not respond to the person either directly or indirectly.
- ❖ Practice proper etiquette while online.

Although the district provides a filtering system to limit user access to potentially objectionable material, no filtering system can provide complete protection and it is the user's responsibility to use Internet resources appropriately. Problems with the filtering system should be reported immediately to the district technology staff.

Administration will use its discretion on the educational values of Internet resources and may restrict/allow access accordingly.

Potentially objectionable material includes, but is not limited to:

- ❖ Visual depictions that are obscene or depict child pornography as defined by the Child Internet Protection Act
- ❖ Violence/violent behavior
- ❖ Illicit drugs/drug culture
- ❖ Gambling
- ❖ Alcohol/tobacco
- ❖ Excessive email/chat rooms/blogs/websites
- ❖ Materials harmful to minors
- ❖ Hacking information

#### Electronic Mail and Internet Use

The Jamestown Public School District provides email accounts and Internet access for staff.

Considerations when using these resources include:

- ❖ Users must adhere to the Technology Acceptable Use Agreement at all times when using the Internet and/or district email, including after hours, weekends and/or holiday use.
- ❖ Users are prohibited from using district email or Internet access for commercial or personal gain.
- ❖ Users are prohibited from using district email or Internet access for unethical or illegal behaviors or activities that are contrary to any district policy.
  - ✓ Material hosted on district servers and published on the Internet will be reviewed for appropriateness. Criteria will include student safety, student privacy and educational value.
  - ✓ Materials that represent Jamestown Public Schools and are hosted on non-district servers should adhere to the Technology Acceptable Use Agreement.
- ❖ Staff email accounts will be provided to all employees of the Jamestown Public Schools, through EduTech. Employee accounts may be revoked if used inappropriately as outlined in the EduTech Acceptable Use Policy or the Jamestown Public Schools Technology Acceptable Use Agreement.

#### Vandalism

Vandalism includes any malicious attempt to harm or destroy any Jamestown Public School district equipment or software or the data of another user on a computer, local networks, or global networks. Vandalism is prohibited and may result in cancellation of privileges or other disciplinary action.

#### Disciplinary Actions

The technology resources of the Jamestown Public School District are established to better enable the users to accomplish the educational goals and mission of the district. The district may suspend, terminate, or revoke a user's access to the district's technology upon violation of the district Technology Acceptable Use Agreement and/or administrative regulations.

The building administrator is responsible for applying restrictions when the Technology Acceptable Use Agreement has been violated. This includes personal technology used in school. Possible restrictions for any actions that violate the Technology Acceptable Use Agreement

include but are not limited to:

- ❖ Loss of access privileges to technology resources
- ❖ Termination of Employment
- ❖ Restitution for damages to software, hardware, or other technical equipment
- ❖ Restitution for costs associated with repair of equipment or software
- ❖ Restitution for costs related to improper use of district telephone, fax, or voicemail systems
- ❖ Involvement of local, state, or federal law enforcement
- ❖ Other disciplinary actions deemed appropriate by the building administrator/supervisor

Prior to the suspension/revocation of the use of technology resources or termination, the building administrator will inform the user of the suspected violation and give the user an opportunity to present an explanation.

- A system user may appeal the suspension or revocation within seven (7) calendar days.

#### Legal Disclaimer

The Jamestown Public School District makes no warranties of any kind, whether expressed or implied, for the service it is providing. The district will not be responsible for any damages users may suffer. This includes loss of data resulting from delay, non-delivery, miss-deliveries, or service interruptions; damages to personal property used to access school computers, networks, or on-line resources; or unauthorized financial obligations resulting from use of school accounts to access the Internet. Use of any information obtained via the Internet is at your own risk. Jamestown Public Schools specifically denies any responsibility for the accuracy or quality of information obtained through its services.

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

#### JAMESTOWN PUBLIC SCHOOL DISTRICT TECHNOLOGY ACCEPTABLE USE AGREEMENT FOR STAFF

I understand and will abide by the Jamestown School District's Technology Acceptable Use Agreement. I also understand that any violation of the policy is unethical and may constitute a criminal offense. Should I commit any violation, my access privileges may be revoked and appropriate legal action may be taken.

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

PLEASE SIGN AND DATE THIS USERS' AGREEMENT AND RETURN THE SIGNED AGREEMENT TO THE SCHOOL OFFICE.

**RECRUITMENT, HIRING & BACKGROUND CHECKS  
FOR SUPPORT STAFF PERSONNEL  
(Board Adopted 10-15-07)**

The Jamestown Public School Board is committed to hiring individuals who will best meet the needs of the District consistent with budget limitations, with its goal to ensure student and staff safety, and in compliance with state and federal law.

**Definitions:** for the purpose of this policy:

- Applicant is defined as any individual applying for a non-licensed position.
- Crime is defined as a felony offense, misdemeanor, a violation of an ordinance, and charges that result from non-sufficient funds or “no account.”
- Immediate family is defined as the employee’s spouse, brother, sister, parents, children, stepchildren, father-in-law, mother-in-law, brother-in-law, sister-in-law, daughter-in-law, son-in-law, and any member of the employee’s household.
- Misconduct is defined as any action that caused discharge from previous employment, a traffic offense(s), and arrest(s) when the Superintendent verified that the applicant engaged in conduct for which s/he was arrested.
- Sexual offender is defined in accordance with Board policy as an individual meeting the criteria in NDCC 12.1-32-15 and/or is required to register under NDCC 12.1-32-15.
- Unsupervised contact is defined in accordance with NDCC 12-60-24 as being in proximity to one or more students, on school grounds, or at school functions.

**Recruitment and Hiring Authority:**

The Board shall recruit and hire instructional staff in accordance with policies on these issues. The Board authorizes the Superintendent to hire non-licensed staff. No action of the Board shall be necessary so long as the Board previously established the position and hiring is within budget limitations.

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

All advertising for support staff positions shall include a statement that the District is subject to veterans’ preference laws and is an equal opportunity employer.

**Background Checks:**

The Superintendent shall require each applicant to certify in writing that s/he has never been arrested or charged with a crime or shall describe in writing the disposition of the arrest or charge. Each applicant shall verify residency for the past five years and certify that s/he has not been required to register as a sexual offender in any state. Each applicant shall be required to supply a complete work history from the past five years and furnish references. Each applicant

applying for positions involving the transportation of students and/or the regular use of District vehicles shall certify, in writing, that s/he has no offenses on his/her driving record or explain, in writing, the nature of these offenses.

Each final applicant seeking a District position that allows for unsupervised contact with students must give authorization and submit to state and federal criminal history record checks. The Superintendent may check all applicable sexual offender registries for all final applicants. The Superintendent shall conduct a driving record check for all final applicants seeking a position involving the transportation of students and/or regular use of District vehicles. The Superintendent may check all references supplied by the applicant. The Superintendent shall develop regulations related to application notification of and the carrying out of record checks.

The Superintendent shall make all hiring decisions on a case-by-case basis based on the applicant's compatibility with the District's mission statement; his/her short and, when applicable, long-term ability to perform job requirements, protect the integrity of the District, and promote the efficiency of District operations; and the applicant's potential risk to district operations, students, and staff. The Superintendent shall determine risk based on the following factors:

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

### **Final Applicant Rights:**

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

### **Disqualifying Factors:**

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

- The applicant is a sexual offender or has committed an offense involving a child victim.
- The employment would create a direct supervisor-subordinate relationship with an immediate family member who is also an employee. Employees who marry or become members of the same household may continue employment; however, a direct supervisor-subordinate relationship between the employees shall be avoided.
- The falsification or omission of any information on a job application or in a job interview, including but not limited to information concerning criminal convictions or pending criminal charges.

Descriptor Code: DBAA continued

Cross Ref:	BB	Recruitment and Selection of Instruction Staff
	CBB	Recruitment and Selection of the Superintendent
	CDB	Recruitment and Selection of Administrative Staff
	DAE	Personnel Records
	FBBH	Sexual Offenders on School Property/FBEF/IBCAD/KAFE

Legal Ref:

NDCC 12-60-24	Criminal History Record Check
NDCC 12.1-20	Sexual Offender Presence Near Schools Prohibited
NDCC 12.1-32-15	Offenders Against Children and Sexual Offenders
NDCC 15.1-06-06	Approval of Public and Nonpublic Schools
NDCC Ch. 39-33	Driver and Motor Vehicle Record Privacy
2002-L-71	AG Opinion
42 USC 2000e et seq	Equal Employment Opportunity Commission
28 CFR 50.12(b)	Exchange of FBI Identification Records
15 U.S.C. §1681 et seq.	Fair Credit Reporting Act

**BACKGROUND CHECK SCREENING PROCEDURE**  
(Board Adopted 9-17-07)

1. No later than ten calendar days after the Superintendent or his/her designee has notified a potential employee of his/her status as a final applicant, or as soon thereafter as practicable, the Superintendent or his/her designee will supply the application with a packet containing all material necessary for the applicant to be fingerprinted and a copy of this procedure. The local police station shall take fingerprints for all district applicants and employees.
2. No later than ten calendar days after the Superintendent or his/her designee has provided the final applicant with the fingerprinting packet, the applicant must arrange to be fingerprinted. Failure of the applicant to have his/her fingerprints taken within such ten-day period without good cause will be grounds for disqualification from employment.
3. The Superintendent or his/her designee shall arrange for the local police station to return fingerprinting materials to the school district.
4. The Superintendent shall submit the final applicant's background check authorizations form, two sets of fingerprints, and payment for screening fees to the North Bureau of Criminal Investigation (BCI) within five calendar days of receiving the applicant's background check materials or as soon thereafter as practicable.
5. If BCI rejects a final applicant's final fingerprints, the applicant must arrange to be re-fingerprinted within five calendar days of receiving notification or the rejection. Failure of the applicant to have his/her fingerprints taken within such five-day period without good cause will be grounds for disqualification from employment.
6. Should a BCI reject an applicant's fingerprints three times, the District reserves the right to conduct a name-based criminal record check search.
7. Upon receipt of a criminal record check indicating a previously undisclosed conviction, the Superintendent or his/her designee will notify the affected applicant/employee in writing of the results of the record check and will provide an opportunity for the affected applicant/employee to respond to the results of the criminal record check.
8. Decisions regarding the effect of a conviction upon an applicant/employee, whether disclosed or undisclosed by the applicant/employee, will be made on a case by case basis. Notwithstanding the foregoing, the falsification or omission of any information on a job application or in a job interview, including but not limited to information concerning criminal convictions or pending criminal charges, shall be grounds for disqualification from consideration for employment or discharge from employment.

## U.S. Office of Personnel Management Abdication System (Guidelines for policy DAB-R)

### Definitions

This system assigns crimes one of four rankings:

1. **Minor:** Issue, standing alone, would not be disqualifying.
2. **Moderate:** Issue, standing alone, would probably not be disqualifying.
3. **Substantial:** Issue, standing alone, may almost certainly be disqualifying.
4. **Major:** Issue, standing alone, would be disqualifying.

### Selecting an Initial Ranking

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

1. Intoxication			
A-Minor	B-Moderate	C-Substantial	D-Major
<ul style="list-style-type: none"> <li>• Drunk</li> <li>• Drunk &amp; disorderly</li> <li>• Liquor law violation (use or possession by a minor)</li> </ul>	<ul style="list-style-type: none"> <li>• Drinking &amp; driving</li> <li>• Driving under the influence</li> <li>• Driving while intoxicated</li> </ul>	<ul style="list-style-type: none"> <li>• Illegal manufacturing</li> <li>• Illegal sale</li> </ul>	<ul style="list-style-type: none"> <li>• Pattern of excessive use:               <ul style="list-style-type: none"> <li>○ Convictions</li> <li>○ Job performance</li> <li>○ Employment gaps</li> <li>○ Inability to function responsibly</li> <li>○ Medical treatment</li> <li>○ Poor health</li> </ul> </li> </ul>

2. Drug Use			
A-Minor	B-Moderate	C-Substantial	D-Major
<ul style="list-style-type: none"> <li>• Infrequent use or possession of marijuana</li> <li>• Possession of marijuana paraphernalia</li> <li>• Arrested or charged with possession of marijuana</li> </ul>	<ul style="list-style-type: none"> <li>• Regular use or possession of marijuana</li> <li>• Infrequent use or possession of other controlled substances</li> <li>• Possession of drug paraphernalia</li> <li>• Cultivating marijuana for personal use</li> </ul>	<ul style="list-style-type: none"> <li>• Transfer of controlled substance</li> <li>• Possession for sale or resale</li> <li>• Prescription fraud or forgery</li> <li>• Sale of controlled substance</li> <li>• Unlawful dispensing of prescription drugs</li> <li>• Smuggling contraband drug into prison</li> <li>• Regular use of controlled substance other than marijuana</li> </ul>	<ul style="list-style-type: none"> <li>• Pattern of excessive use as reflected in 1D above</li> <li>• Manufacturing</li> <li>• Addiction</li> <li>• Importing</li> <li>• Trafficking</li> <li>• Cultivating for sale</li> </ul>



3. Financial Responsibility			
A-Minor	B-Moderate	C-Substantial	D-Major
<ul style="list-style-type: none"> <li>• Bad check</li> <li>• Infrequent, irregular but deliberate delinquency in meeting financial obligations</li> </ul>	<ul style="list-style-type: none"> <li>• Non-support</li> <li>• Judgment, tax lien or other default with no attempt at restitution</li> <li>• Illegal gambling</li> <li>• Eviction</li> </ul>	<ul style="list-style-type: none"> <li>• Pattern of irresponsibility as reflected in: <ul style="list-style-type: none"> <li>○ Credit history</li> <li>○ Disregard for debt</li> <li>○ Abuse of fiduciary trust</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>• Pattern of irresponsibility as reflected in 3C plus continuing major, valid liabilities</li> </ul>

4. Criminal & Immoral Conduct			
A-Minor	B-Moderate	C-Substantial	D-Major
	<ul style="list-style-type: none"> <li>• Indecent exposure</li> <li>• Solicitation</li> <li>• Voyeurism</li> <li>• Mailing, selling, or displaying obscene material</li> <li>• Obscene phone call</li> <li>• Indecent proposal</li> </ul>	<ul style="list-style-type: none"> <li>• Carnal knowledge</li> <li>• Sodomy</li> <li>• Prostitution</li> <li>• Bigamy or polygamy</li> <li>• Pandering or pimping</li> <li>• Contribution to delinquency or corrupting the morals of a minor</li> <li>• Sexual harassment</li> <li>• Other sexual misconduct with impact on job</li> </ul>	<ul style="list-style-type: none"> <li>• Pattern of misconduct as reflected in conviction records</li> <li>• Child molestation</li> <li>• Sexual assault</li> <li>• Statutory rape</li> <li>• Incest</li> <li>• Bestiality</li> </ul>

5. Honesty			
A-Minor	B-Moderate	C-Substantial	D-Major
<ul style="list-style-type: none"> <li>• Non-material, intentional false statement or deception or fraud in examination or appointment</li> </ul>	<ul style="list-style-type: none"> <li>• Altering</li> <li>• Breaking &amp; entering</li> <li>• Forgery</li> <li>• Fraud</li> <li>• Possession of stolen property</li> <li>• Black market activities (nonprofit)</li> <li>• Petty larceny</li> <li>• Minor stealing or petty theft</li> <li>• Shoplifting</li> <li>• Abuse of property</li> <li>• False statement</li> <li>• Filing false instrument</li> <li>• Failure to file income tax return</li> </ul>	<ul style="list-style-type: none"> <li>• Bribery</li> <li>• Embezzlement</li> <li>• Grand larceny</li> <li>• Grand theft</li> <li>• Mail theft</li> <li>• Robbery (unarmed)</li> <li>• Perjury</li> <li>• False impersonation</li> <li>• Interstate transportation of stolen goods</li> <li>• Black market activities with intent to profit</li> <li>• Income tax evasion</li> <li>• Receiving stolen property</li> </ul>	<ul style="list-style-type: none"> <li>• Pattern of dishonesty as reflected in: <ul style="list-style-type: none"> <li>○ Disregard for truth</li> <li>○ Conviction records</li> <li>○ Abuse of trust</li> <li>○ Employment records</li> <li>○ Blackmail</li> <li>○ Counterfeiting</li> <li>○ Extortion</li> <li>○ Armed robbery</li> <li>○ Material, intentional false statement or deception or fraud in examination or appointment</li> <li>○ Deliberate misrepresentation, falsification, or omission of material fact</li> </ul> </li> </ul>

<b>6.Disruptive or Violent Behavior</b>			
A-Minor	B-Moderate	C-Substantial	D-Major
<ul style="list-style-type: none"> <li>Disorderly conduct</li> <li>Disturbing the peace</li> <li>Making a threat</li> <li>Resisting arrest</li> <li>Abusive language</li> <li>Unlawful assembly</li> </ul>	<ul style="list-style-type: none"> <li>Assault</li> <li>Damaging property</li> <li>Destroying property</li> <li>Hit and run</li> <li>Vandalism</li> <li>Criminal or malicious mischief</li> <li>Harassment</li> <li>Cruelty to animals</li> <li>Hindering prosecution</li> <li>Eluding police</li> </ul>	<ul style="list-style-type: none"> <li>Assault and battery</li> <li>Manslaughter (involuntary)</li> </ul>	<ul style="list-style-type: none"> <li>Pattern of violence as reflected in:               <ul style="list-style-type: none"> <li>Conviction records</li> <li>Disregard for life or property</li> <li>Civil actions</li> <li>Employment records or medical records</li> <li>Aggravated assault</li> <li>Assault with a deadly weapon</li> <li>Assault with intent to rape</li> <li>Kidnapping or abduction</li> <li>Murder</li> <li>Rape</li> <li>Arson</li> <li>Threat or assault on public official</li> <li>Manslaughter (voluntary)</li> <li>Child abuse</li> </ul> </li> </ul>

<b>7.Employment Misconduct or Negligence</b>			
A-Minor	B-Moderate	C-Substantial	D-Major
	<ul style="list-style-type: none"> <li>Insubordination</li> <li>Absenteeism</li> <li>Attendance problems</li> <li>Rules or regulation violations</li> </ul>		<ul style="list-style-type: none"> <li>Pattern of unemployability based on misconduct or negligence as reflected in employment history</li> </ul>
If an employee engaged in other behavior listed in boxes one through five, eight and nine, and this was the reason for termination, raise the ranking by one level. For example, petty theft, a moderate issue by itself, becomes a substantial issue if it was the reason for termination.			

<b>8.Firearms &amp; Weapons</b>			
A-Minor	B-Moderate	C-Substantial	D-Major
<ul style="list-style-type: none"> <li>Possession of an unregistered firearm</li> </ul>	<ul style="list-style-type: none"> <li>Possession of a prohibited weapon</li> <li>Possession of illegal ammunition</li> <li>Carrying deadly weapon</li> <li>Unlawful discharge of a fire arm</li> </ul>	<ul style="list-style-type: none"> <li>Carrying concealed weapon or firearm</li> <li>Brandishing firearm</li> <li>Possession of firearm by a felon</li> <li>Possession of explosives</li> </ul>	<ul style="list-style-type: none"> <li>Improper or illegal sale or transportation of firearms or explosives</li> <li>Illegal manufacture of firearm or explosives</li> </ul>

<b>9.Miscellaneous</b>			
A-Minor	B-Moderate	C-Substantial	D-Major
<ul style="list-style-type: none"> <li>• Vagrancy</li> <li>• Loitering</li> <li>• Trespassing</li> <li>• Minor traffic violation</li> </ul>	<ul style="list-style-type: none"> <li>• Moderate traffic violation</li> <li>• Contempt of court</li> <li>• Driving motor vehicle without owner's consent</li> <li>• Possession of instrument of crime</li> </ul>	<ul style="list-style-type: none"> <li>• Vehicular homicide</li> <li>• Refusal to furnish testimony as required by 5 CFR 5.4</li> <li>• Tampering with a witness</li> <li>• Harboring a fugitive</li> </ul>	<ul style="list-style-type: none"> <li>• Hatch Act violation</li> <li>• Mutilation or destruction of public records</li> <li>• Engaging in riots or civil disorders</li> <li>• Military desertion</li> <li>• Striking against the Government</li> </ul>

### Upgrading Ranking

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

<b>Frequency Upgrade</b>	
Two Issues in 0-36 months	Raise both issues one level
Three or more issues in 0-36 months	Raise all issues two levels (e.g., minor becomes substantial)

### Downgrading Ranking

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

<b>Determining Recency</b>			
Rankings	Period in which Issue Occurred		
	0-36 months	37-72 months	73-108 months
A-Minor	No conversion	Downgrade to a non-issue	Downgrade to a non-issue
B-Moderate	No conversion	Downgrade to A-minor	Downgrade to a non-issue
C-Substantial	No conversion	Downgrade to B-moderate	Downgrade to A
D-Major	No conversion	Downgrade to C-substantial	Downgrade to B

EMERGENCY HIRING OF SUPPORT STAFF PERSONNEL  
(Revised 6-4-12)

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

1. The applicant has completed and submitted all required application, authorization, and certification forms and provided references;
2. A criminal history record check has been initiated;
3. The Superintendent has received and reviewed other applicable records, including but not limited to credit history and/or driving records;
4. The Superintendent has reviewed the items listed in #1 and #3 in accordance with policy Descriptor Codes: DAB/DCB, Recruitment, Hiring, and Background Checks for Support Staff Personnel, and ruled that pending successful completion of the criminal history record check, the applicant is qualified for district employment.
5. The Superintendent has selected the final applicant in accordance with applicable portions of district policy and applicable Veteran's Preference laws;
6. The applicant has been advised that s/he is an at-will employee and employment is subject to successful completion of a background check.

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

Cross Ref: DAB Recruitment, Hiring, & Background Checks

Legal Ref:	NDCC 12-60-24	Criminal History Record Checks
	NDCC 12.1-20	Sexual Offender Presence Near School Prohibited
	NDCC 12.1-32-15	Offenders Against Children and Sexual Offenders
	NDCC Ch. 39-33	Driver and Motor Vehicle Record Privacy
	2002-L-71	AG Opinion
	42 USC 2000e et seq.	Equal Employment Opportunity Commission
	28 CFR 50.12(b)	Exchange of FBI Identification Records

OTHER EMPLOYMENT REQUIREMENTS  
(Revised 9-18-06)

Professional Qualifications and Requirements

The classification of teachers shall be based upon an official transcript from a recognized or accredited higher institute of learning. A vocational teacher must have a Vocational Certificate.

Degree teachers shall receive credit as established in the negotiated agreement for teaching experience prior to employment in Jamestown Public Schools. All experience must be based on a four year degree.

Teachers not meeting the inservice requirements established by the Department of Public Instruction may be recommended for nonrenewal.

Jamestown Public School District shall only employ teachers who hold a baccalaureate or advanced degree.

In meeting the requirements for horizontal advancement no more than 40% of the required graduate hours may be earned through correspondence or accredited travel. Internet courses taken through any state accredited university will not be considered correspondence. (revised 2002-2003) Courses which are to meet the requirement for horizontal advancement are to be taken at an accredited institution of higher education, must be graduate level and related to the practicing area of certification or general education. The Superintendent or the Superintendent's designee shall review the required documents and determine the amount of credit to be available for horizontal advancement (revised 2005-2006). If a course is not approved by the District Administrator's Office, the teacher may appeal to a committee of three, composed of one teacher to be appointed by the Jamestown Education Association, one Board Member and one Administrator to be appointed by the District Administrator. The request to appeal shall be made in writing to the District Administrator.

Teachers may advance only one step horizontally and shall not advance more than one vertical step for a given year.

Legal Ref: NDCC 15.1-02-04; NDCC 15.1-13-10; NDCC 15.1-13-17; Department of Public Instruction Regulations-Accreditation Standards, Criteria and Procedures for the Classification of Elementary, Junior High/Middle, and High Schools.

Solicitation

Employees shall not engage in solicitation or in sales or services to or for parents during the school year. It is the policy of the School Board to discourage involvement of personnel in non-school activities which have an impact on school duties and responsibilities.

Legal Ref: NDCC 15.1-06-15

Right to Work

The School District conforms to the Right to Work Law of the State of North Dakota and will not permit undue pressure or harassment to any employee not wishing to belong to or join any professional association or organization.

Travel Reimbursement

The Jamestown Public Schools will pay State rates for mileage, meals and lodging.

Legal Ref: NDCC 44-08-03; NDCC 44-08-04; NDCC 54-06-09

SELECTION  
(Revised 3-5-12)

A Search Committee shall be formed for selection of a district administrator with their recommendations referred to the full Board for action. A search committee for administrative staff shall consist of the district administrator, two School Board members, and at least two teachers from the effected school building. A search committee for other professional staff shall consist of the building administrator(s) and teachers/professionals as chosen by the building administrator(s).

Recommendations for the selection of professional staff shall be made to the School Board by the district administrator for final approval.

The district administrator shall be responsible for employing all other support staff employees.

ACADEMIC QUALIFICATION  
(Revised 4-18-05)

All applicants for a full-time teaching position in the Jamestown Public School system must have a bachelor's degree or a vocational teaching certificate including the required number of hours of education as prescribed by law. It is also required that the applicant shall have attended school within four years at time of application with credit earned in education or in the teaching field. Any teacher employed by Jamestown Public Schools after March 1, 2006, must meet or exceed the requirements for being "Highly Qualified" as defined by the North Dakota Education Standards and Practices Board. It will be the responsibility of all Jamestown Public School teachers to present documentation of being "Highly Qualified" by March 1, 2006.

Legal Ref: NDCC 15.1-02-04; NDCC 15.1-13-10; NDCC 15.1-13-17; NDCC 15.1-13-18; NDCC 15.1-13-19; Department of Public Instruction Regulations-Accreditation Standards, Criteria and Procedures for the Classification of Elementary, Junior High/Middle, and High Schools

TEACHING CERTIFICATES

Teachers must hold a valid North Dakota teacher's certificate. This certificate must be on file in the District Central Office before their monthly payroll check will be issued.

Legal Ref: NDCC 15.1-13-17 and 18

## DRUG AND ALCOHOL TESTING FOR EMPLOYEES (Revised May 19, 2008)

### **Definitions**

For the purpose of this policy:

- Drugs and controlled substances are interchangeable and have the same meaning.
- Controlled substance refers to substances covered by the Omnibus Transportation Act, including marijuana, cocaine, opiates, amphetamines and phencyclidine (PCP).
- Covered employee/position means an employee/position subject to the Omnibus Transportation Employee Testing Act.
- Safety-sensitive position means a job in which a momentary lapse in the discharge of duties poses a safety threat with potentially severe consequences. In addition to covered positions, the board recognizes the following as safety sensitive positions: school vehicle drivers.

### **Covered Employees**

The Jamestown Public School District is committed to the establishment of a drug and alcohol misuse prevention program that meets all applicable requirements of the Omnibus Transportation Employee Testing Act. All covered employees are prohibited from using controlled substances and are subject to pre-duty, on-duty, and post-accident alcohol use restrictions contained in federal law.

An employee covered by the federal regulations may not refuse to take a required test. Refusal includes submitting an adulterated or substituted specimen for testing. Employees who refuse required testing will, at a minimum, be prohibited from performing safety-sensitive duties.

Pre-employment controlled substance and alcohol testing shall be administered to an applicant offered a covered position in the District prior to the first time the employee performs any safety-sensitive function for the District unless the applicant meets exemption criteria contained in federal regulations. Employment with the District is conditional upon the applicant receiving negative test results.

All covered employees shall be subjected to reasonable suspicion, random, post-accident, return-to-duty and follow-up alcohol and drug testing pursuant to procedures set out in the federal regulations. Testing will be performed in accordance with federal drug and alcohol testing regulations.

Transportation contracts approved by this district shall contain assurance that the contractor will establish or join a drug and alcohol testing program that meets the requirements of federal regulations and this policy and will actively enforce the regulations of this policy as well as federal requirements.

### **Other Safety-Sensitive Positions**

An individual applying for, transferring to, or being promoted to any of safety sensitive position shall initially be subject to controlled substance testing. Verified positive test results shall prevent an applicant/employee from moving into a safety-sensitive position. School vehicle drivers shall also be subject to post-accident and, reasonable suspicion and random testing. All testing shall be conducted in accordance with the procedure used to test covered employees.

### **Confidentiality of Records**

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

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

### **Training**

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

### **Violations**

If the testing confirms prohibited alcohol concentration levels or the presence of a controlled substance, the employee shall be removed immediately from safety-related functions. Before an employee is reinstated, if at all, the employee shall comply with all applicable return-to-duty requirements. An employee who is prohibited from performing safety-sensitive functions may be assigned to non-safety-sensitive functions until such time as the employee complies with the requirements for returning to duty. The District will follow treatment referral procedures contained in federal regulations for covered employees.

Employees with verified alcohol concentrations below prohibited amounts shall be removed from safety sensitive positions and may be subject to the disciplinary consequences contained in the Drug and Alcohol Free Workplace policy.

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

### **Policy Dissemination**

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



## DRUG AND ALCOHOL STAFF STANDARDS OF CONDUCT POLICY

(Revised 1-18-10)

It is the intent of the Jamestown Public School system that work environments must be free of the presence of illegal drugs and alcohol, and that employees perform their duties safely and efficiently without the influence of illegal drugs and alcohol.

The school system recognizes the use of drugs and/or alcohol or the dependency thereon as a serious health, safety, and security problem. Therefore, employees are prohibited from possessing, purchasing, using, manufacturing, dispensing, distributing, or being under the influence of alcohol or illegal drugs while on duty on or off school property.

Although the school system provides support through the "Employee Assistance Program" to employees having personal problems, including but not limited to addiction problems, in the following situations termination of employment will result and the employee will be referred to the appropriate law enforcement authorities for prosecution:

- A. Such sanctions shall apply to all employees who illegally possess, distribute or dispense alcohol or possess, distribute or dispense illegal drugs on or off duty or who use, possess or are under the influence of alcohol or illegal drugs while on duty.

### **Awareness Program**

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

### **Policy Dissemination**

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

### **Violation Reporting**

As a condition of employment, each employee shall agree to abide by this policy and notify the Superintendent of any criminal drug statute conviction for a violation occurring in the workplace no later than five (5) days after such conviction. The Superintendent, in accordance with law, will notify the appropriate federal agency after receiving any notice of a conviction for a violation occurring in the workplace. An employee is also required to inform his/her immediate supervisor when the employee's ability to perform job duties is impaired due to on- or off-duty controlled substance use.

### **Violations**

Violations of this policy may result in the following:

- Unpaid leave or suspension.
- Termination of employment. Due process procedures shall be followed prior to termination.
- Notification of proper law enforcement authorities.

Transportation contracts approved by this district shall contain assurance that the contractor will establish or join a drug and alcohol testing program that meets the requirements of federal regulations and this policy and will actively enforce the regulations of this policy as well as federal requirements.

**Assistance**

The Board recognizes that alcohol and drug addiction is a treatable disease and that early intervention and support improve the success of rehabilitation. Treatment for alcohol and/or drug addiction may be covered by the employee benefit plan; however, the ultimate financial responsibility for this treatment belongs to the employee.

**Confidentiality**

All information received by the District as a result of this policy is confidential. Access to this information is limited to those who have a legitimate need to know.

Legal Ref: P.L. 100-690, Title V, Subtitle D, Drug-Free Workplace Act; 34 CFR,  
Part 85, Regulations: P.L. 101-647 Drug-Free Schools & Communities  
Act of 1986; 334 CFR Part 86, Regulations

**PROCEDURE IF HARMFUL CHEMICAL USE IS SUSPECTED**

(Adopted 1-18-10)

1. A supervisor will complete a "Record of Behavioral Data" when behavior that may indicate misuse of alcohol or drugs is observed. The supervisor will not attempt to make allegations or diagnose behavior beyond observed and reported behavior.
2. If accumulated information appears to indicate a high probability that the employee's job performance is endangered, the supervisor will either conduct an interview with the employee or turn the information over to the Superintendent who will conduct the interview. At the interview, the employee will be asked to comment on his/her use of alcohol or drugs.
3. A formal chemical dependency diagnostic interview (and treatment, if the report of the diagnostician indicates a need for treatment) may be made a condition of continued employment if the employee's job performance is adversely affected. Violators of the district's Drug-Free Workplace policy may be subject to the disciplinary consequences contained therein.
4. The school will make every effort to provide supportive assistance to those employees who return after completing a therapeutic regime.
5. Anytime a supervisor suspects an employee is in possession, using or is under the influence of alcohol or other illegal controlled drugs during the work day, the supervisor will notify the superintendent immediately.

**RECORD OF OBSERVABLE BEHAVIOR**  
**(Adopted 1-18-09)**

**Attendance**

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

**Appearance - Health**

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

**Possible Alcohol/Drug Behavior**

1. Selling or delivering drugs
2. Possession of alcohol or drugs
3. Use of alcohol or drugs in school
4. Under influence of alcohol or drugs

5. Odor of alcohol or drugs
6. Talks freely about use
7. Associates with known user(s)
8. Possession of drug paraphernalia

**Work Performance**

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

**Disruptive Behavior**

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

**Other Unusual Behavior**

1. Erratic behavior
2. Sudden change in friends
3. Mood swings
4. Time disoriented
5. Depressed
6. Unrealistic goals
7. Changes in personal values

SITUATIONAL CATEGORY	IMMEDIATE ACTION	INVESTIGATION	NOTIFICATION OF POLICE	DISCIPLINE REHABILITATION
1. Employee suspected of possible alcohol or other drug use. No violation or physical evidence.	Employee informed of available help and encouraged to seek assistance. Immediately notify the Superintendent.	Limited to supervisor contacting counselor or nurse for assistance.	Not applicable	None. Referral to Substance Abuse Professional.
2. Employee contacts supervisor in regard to alcohol or other drug use of another employee.	Employee who contacts supervisor encouraged to get employee with problem to personally seek assistance. Immediately notify the Superintendent.	Limited to supervisor, although, counselor or nurse may be contacted for assistance.	Not applicable	None. Referral to Substance Abuse Professional.
3. Employee voluntarily informs supervisor about personal alcohol or other drug use and asks for help.	Employee informed of services available and encouraged to seek assistance. Immediately notify the Superintendent.	Supervisor may request advice from counselor or nurse.	Not applicable	None. Referral to Substance Abuse Professional.
4. Employee has alcohol or other drug related medical emergency.	Nurse summoned immediately. Employee transported to medical facility. Immediately notify the Superintendent.	Supervisor will investigate incident. May include search of employee and possessions.	Only where safety of emergency victim or school population is at risk	Referral to Substance Abuse Professional. If further violation, see appropriate situational category.
5. Employee possesses drug related paraphernalia. No evidence of use.	Supervisor summoned; Personnel involved write anecdotal report of incident. Immediately notify the Superintendent.	Supervisor will investigate incident.	At discretion of supervisor	Required meeting with counselor and/or supervisor. If further violation, see appropriate situational category.
6. Employee possesses, uses, or is under influence of alcohol or other illegal controlled drugs during workday. 1st offense.	Supervisor summoned. Personnel involved write anecdotal report of incident. Immediately notify the Superintendent. Employee relieved of duties for remainder of day if using or under influence.	Supervisor will investigate incident.	Yes	Notice given that repeated violation will result in recommendation for discharge. Required participation in chemical abuse program.
7. Employee possesses, uses, or is under influence of alcohol or other illegal controlled drugs at school related activity on or off school property in official capacity.	Supervisor will be contacted. Immediately notify the Superintendent. Employee relieved of duties.	Supervisor will investigate incident	Yes	Discipline as provided by appropriate situational category following investigation.
8. Employee distributing alcohol, drugs, or illegal controlled substance during duty time or on school property.	Police summoned. Immediately notify the Superintendent. Personnel witnessing write anecdotal report of incident.	Supervisor will investigate and make recommendation.	Yes	Immediate recommendation for discharge.

Descriptor Code: DC

## COMPENSATION

Salaries offered by the School Board for teaching personnel shall follow the salary schedule which is in effect for that particular year.

Descriptor Code: DCA

PAYROLL - IRS CODE SECTION 409A  
(Adopted 4-21-08)

In accordance with IRS Code 409A, Jamestown Public School has adopted the following policy and procedures:

1. Teachers will have the option of receiving their pay in 9 or 12 monthly installments.
2. Teachers must state their payment preference in writing prior to the first day of work in the new school year.
3. Teachers that do not state their payment preference in writing prior to their first day of work in the year will automatically be paid in 9 monthly installments.
4. Once a monthly payment preference is stated, it remains in effect for the entire year. It will not be changed under any circumstance.
5. Monthly payment preferences automatically renew for future years unless a new payment preference is stated in writing prior to the first day of work in the new school year.

Descriptor Code: DCAB

## UNEMPLOYMENT COMPENSATION

North Dakota Century Code Chapters 52-01 through 52-08 impose an obligation upon all school districts to either pay taxes (contributions) for the required unemployment compensation coverage or to reimburse the state on a dollar-for-dollar basis for all benefits paid resulting from claims of former employees of the school district.

Jamestown Public School District #1 has chosen to reimburse the state on a dollar-for-dollar basis for all benefits paid resulting from claims of former employees of the School District. To accomplish this in an efficient and effective manner, the District has joined the NDUC Group Account. The District Administrator shall insure that the business manager, payroll officer, or both are properly trained in the submission of reports and payments and in the proper administration of claims.



Descriptor Code: DCAB

## HEALTH INSURANCE

(Revised 2-15-10)

(Staff covered by the Negotiated Agreement should refer to that document.)

- A. The Jamestown School District will select and finance full single coverage on a medical plan and 95% per year towards single plus dependents or family plan, on a "use it" or "lose it" basis. The Jamestown School District will only contribute to the least expensive policy being offered to the staff member. The district will deduct on a 9 month basis (Sept-May), the additional cost of the single plus dependents or family plan for coverage of 12 months (Sept - Aug). The insurance contract begins September 01 and terminates August 31 or the last day of employment if the working contract is not fulfilled. The School District will reimburse the employee for the deductions made for preceding months if employment terminates before the working contract is fulfilled.
- B. Coverage for employees requesting leave of absence during the school year, will be continued for a maximum of 12 months with the employees paying the full cost of the monthly premium from the beginning month in which leave of absence began through a maximum time of 12 months.
- C. If an employee requests leave of absence for the next school year, coverage will be continued through August 31 of the present calendar year. An employee may request continued coverage for a maximum of 12 months with the employee paying the full cost of the monthly premium beginning September 01. School District coverage for an employee returning from leave of absence would begin September 01.
- D. If an employee requests early retirement, all fringe benefits provided by the Jamestown School District will continue through August 31 of the year application for early retirement is made.
- E. Any employee receiving long term disability insurance benefits for the remainder of the present contract school year will receive health insurance under the group policy for a maximum of 18 months. The Jamestown School District will contribute to their presently enrolled plan until September 01, thereafter the full premium would be the responsibility of the employee.
- F. The School District will offer to all terminated employees covered by the group health insurance a maximum of 18 months additional coverage with the following stipulations:
  - 1. Full payment of the monthly premium must be made payable to the Jamestown Public School District Health Insurance Fund by the 25th of each month for the following month coverage.
  - 2. Insurance coverage will be dissolved when one of the following occurs:
    - a. 18 months of coverage has been provided
    - b. Payment for coverage is not received by the 25th of each month to the Director of Payroll

Descriptor Code: DCAB continued

- c. If you become eligible for Medicare or any other insured or uninsured arrangement which provides hospital, surgical or medical coverage
  - d. If the Jamestown Public School District ceases to provide any group health plan to employees
- G. In the case of widows, spouses and dependents, the School District will offer continued coverage by the group health insurance a maximum of 36 months with the following stipulations:
  - 1. Full payment of the monthly premium must be made payable to the Jamestown Public School District Health Insurance Fund by the 25th of each month for the following month coverage.
  - 2. Insurance coverage will be dissolved when one of the following occurs:
    - a. 36 months of coverage has been provided
    - b. Payment for coverage is not received by the 25th of each month to the Director of Payroll
    - c. If you become eligible for Medicare or any other insured or uninsured arrangement which provides hospital, surgical or medical coverage
    - d. If the Jamestown Public School District ceases to provide any group health plan to employees

GROUP TERM LIFE INSURANCE  
(Revised 3-20-06)

The district will contribute up to 75% of the cost of a single premium, for a \$25,000 policy, as long as the aggregate cost does not exceed \$4,500 per year for all of the teachers subject to the provision of this agreement. An employee's policy terminates when he/she leaves the school system.

All other employees will receive the employer's contribution as stated in the Master Contract. Part-time employees who meet the eligibility requirements, the benefits will be pro-rated based on the number of hours worked. Support Staff personnel work is 40 hours.

A. Eligibility:

1. Employees of the Jamestown Public School District #1 who are subject to the Master Contract agreement existing between the District and Jamestown Education Association.
2. Principals, directors, coordinators, cooks and assistant cooks, custodians, office personnel, para-professionals, and teachers aides

Any employee who works twenty (20) hours per week and is paid over a nine (9) month period of time is eligible to participate in the plan. Employees working part-time will receive equal benefits, and the cost will be pro-rated.

Coverage will be effective the first of the month following thirty (30) days of employment.

B. Exclusions:

1. Emergency employees who are employed for emergency work.
2. Part-time employees whose service does not exceed the lessor of twenty (20) hours per week or 50 percent of the normal work week.
3. Employees who hold positions of a basically temporary or seasonal character for a period not in excess of 100 working days in any calendar year.

Descriptor Code: DCAB

### WORKER'S COMPENSATION

In accordance with state law, the Jamestown Public School District must provide Worker's Compensation Insurance to all employees injured on-the-job.

An employee may use their sick leave to supplement Worker's Compensation. However, total benefits (sick leave plus Worker's Compensation pay) may not exceed the amount of pay an employee would have received if the employee had been at work.

Because the law sets forth limitations on filing of claims, it is important that when an employee is injured at work, no matter how minor the injury, the employee immediately report the injury to the employee's supervisor.

The employee's immediate supervisor must submit a written report to the Director of Payroll.

If professional medical attention is required due to the on-the-job injury, the injured employee must obtain, complete and submit a Worker's Compensation Claim Form to the Director of Payroll.

Descriptor Code: DCAB

## ACTIVITY TICKETS FOR STAFF

Revised October, 2004

Activity passes shall be granted to all staff members and their spouses, and to all School Board members and their spouses.

Lifetime activity passes will be issued to retired staff members of Jamestown Public School.

## **SUPPLEMENTARY**

Descriptor Code: DCAD

### **EXPENSE REIMBURSEMENT**

(Adopted 3-18-2013)

District personnel and officials may be reimbursed for all necessary meals, lodging, and travel expenses actually incurred while engaged in official business of the District so long as such expenditures received the superintendent's prior approval and proper documentation is provided. The rate shall be the same as for all state officials and employees, as established by law and shall be paid in accordance with law. This policy is applicable to in and out of state travel.

No reimbursement for items purchased by staff will be subject to reimbursement without proper prior approval by the building or district administrator.

Descriptor Code: DCAF

COMPENSATION FOR SUPPORT STAFF  
(Adopted 3-18-2013)

- 1) The Superintendent or Designee may review requests for starting wage rate to be adjusted, based on a minimum of 3 years of experience in a similar position.
- 2) Administration may request employees not receive a raise or reduce hourly rate based on performance. Final decision rests with the Superintendent.
- 3) Any employee that reaches the "Top Wage" may receive a percent increase if designated by the board. This increase will be distributed with the employee's regularly scheduled payroll. If a percent increase is given, the amount is calculated on the "Top Wage" (not the employees current wage)

Descriptor Code: DCB

## OVERTIME AND COMPENSATORY TIME POLICY

The district administrator or his designee of the Jamestown Public School District #1 shall determine whether it is necessary for employees to work overtime hours. Employees shall be required to perform all overtime hours assigned to them by their supervisor.

The Jamestown Public School District #1 shall provide overtime compensation at the rate of one and one-half times the employee's regular rate of pay for all hours worked over 40 in a workweek in accordance with Section 7 of the Fair Labor Standards Act for all overtime hours worked.

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

There will be no compensatory time for employees of the Jamestown Public School District #1. Time taken off with time to be made up must be made up during that same workweek or deducted from pay.

The workweek begins Monday at 12:01 A.M. and ends Sunday at 11:59 P.M.



Descriptor Code: DD

## LEAVE POLICIES

(Staff covered by the Negotiated Agreement should refer to that document.)

Revised 11/2/2015

### PERSONAL LEAVE

#### Professional

No personal leave will be granted unless a qualified substitute teacher can be found to replace the teacher on leave. Teachers receive 3 days of personal leave a year, accumulative to 5. After all appropriate leave is depleted; unpaid leave may be used for emergencies. Unpaid leave shall be granted to a teacher as a result of acts of God, including but not limited to, damage to primary residence, weather conditions, and other conditions over which the teacher has no control. Only the Superintendent may approve unpaid leave.

#### Support Staff

Staff working less than the 12 months will receive 2 days of personal leave per year. Personal days are non-accumulative.

### ABSENCE DUE TO INCLEMENT WEATHER (Refer to policy ABAB in Section A)

#### Professional:

Professional staff absence due to inclement weather shall be deducted from personal leave days. The deduction for teachers shall follow procedures outlined in the negotiated agreement.

#### Support Staff:

Absence due to inclement weather will be deducted from salary.

Descriptor Code: DDA

## SICK LEAVE

### Professional (revised 2011-2012)

Fifteen (15 days per the first two (2) years will be granted to each teacher signing his/her first contract in the Jamestown Public Schools. Each succeeding year, ten (10) days will be granted per year, accumulating to a possible 135.

### Support Staff

Employees earn one day (based on hours reflected on letter of employment) per month, accumulating to 960 hours. The District Administrator may request a medical examination if excessive absence occurs.

When paid leave is available for FMLA (Family and Medical Leave Act) purposes, the paid leave must be taken first and will be counted as part of the FMLA leave.

Legal Ref: NDCC 15.1-16-19; P.L. 103-3 Family and Medical Leave Act of 1993; 29 CFR Part 825 Regulations.

## Sick Leave Bank (2011-2012)

The Jamestown Public School District will maintain a Sick Leave Bank for participating employees. The purpose of the Sick Leave Bank is to cover unexpected catastrophic illness or injury to participants in the Sick Leave Bank, their spouses, and children.

- a. Catastrophic Illness or injury  
“Catastrophic” means extreme or life threatening. This term does not include conditions associated with a normal pregnancy.
- b. Participation  
The offer to join the Sick Leave Bank is a one-time offer. All current employees shall accept or reject the Sick Leave Bank offer by October 1, 2011. Thereafter Sick Leave Bank shall be available to employees only upon their initial qualifying employment. A new employee will have thirty (30) days from the time of signing their initial contract to accept or reject membership in the Sick Leave Bank. The sick leave bank will provide coverage for all eligible employees (those also eligible for coverage in the District health insurance plan) of the Jamestown School District, James Valley Career and Technology Center (JVCTC) and the Child and Adolescent Services School (CASS) who choose to participate in the district plan. Each participating employee shall invest 2 days in the bank. Whenever the balance falls below 180 days, each member shall be assessed one (1) additional day, not to exceed (2) sick leave days in any single contract period. Unused sick leave bank days will accumulate to the next school term.

Any participant of the Sick Leave Bank may withdraw from the Bank at the end of a school year by giving written notice to the Sick Leave Bank Committee. Sick days invested in the bank will not be returned upon leaving the bank. Once a participant withdraws from the Bank, the participant is no longer eligible to rejoin the Bank.

c. Application

Any participant having used all of his(her) accumulated sick and personal leave days would be eligible to apply.

Application must be in writing by completing the Sick Leave Bank Application Form and shall be given to the sick leave bank committee for consideration. Applications must be accompanied by a medical doctor's certificate verifying the severity, nature and projected duration of the illness. If the illness or injury qualifies for employee disability coverage, the individual must apply for disability coverage. The Business Manager shall verify that an application for disability has been filed.

The application must request a specific number of days, up to forty (40) per application. A participant may apply two (2) times in any single contract period and may be granted no more than 80 days of sick leave from the Sick Leave Bank for that particular illness/injury.

No participant shall be eligible to withdraw more than a lifetime total of one hundred eighty (180) days. Participants may not draw sick leave days from the bank once they receive employer-related disability benefits.

d. Committee

The make-up of the Sick Leave Bank Committee will be: one teacher appointed by the Association, one administrator appointed by the Superintendent, and one member of the Board of Education appointed by the President. The business manager will also serve on the committee, as an ex officio member with no voting rights. Members will serve a three-year term and all terms will begin on July 1.

The committee will meet within five (5) working days upon receipt of a request and a decision will be made at that time. They will review applications, give written notice of acceptance or rejection, determine the number of days granted to the applicant, provide reasonable assurance the bank is not abused, and prepare quarterly reports for the Superintendent. Decisions of the Committee will be made by majority vote and all decisions are final. The Sick Leave Bank records and accounting will be maintained by the District's Business Manager.

## FMLA

(Family and Medical Leave Act Policy Revised 10-30-2009)

(Revised 5-17-10)

Jamestown Public School District will comply with the Family and Medical Leave Act implementing Regulations as revised effective January 16, 2009. The company posts the mandatory FMLA Notice and upon hire provides all new employees with notices required by the U.S. Department of Labor (DOL) on Employee Rights and Responsibilities under the Family and Medical Act in [state the specific location within the company where the official notice is posted].

The function of this policy is to provide employees with a general description of their FMLA rights. In the event of any conflict between this policy and the applicable law, employees will be afforded all rights required by law.

If you have any questions, concerns, or disputes with this policy, you must contact [insert name and contact info for appropriate person] in writing.

### **General Provisions:**

Under this policy, [Company Name] will grant up to 12 weeks (or up to 26 weeks of military caregiver leave to care for a covered servicemember with a serious injury or illness) during a 12-month period to eligible employees. The leave may be paid, unpaid or a combination of paid and unpaid leave, depending on the circumstances of the leave and as specified in this policy.

### **Eligibility:**

To qualify to take family or medical leave under this policy, the employee must meet all of the following conditions:

1. The employee must have worked for the company for 12 months or 52 weeks. The 12 months or 52 weeks need not have been consecutive. Separate periods of employment will be counted, provided that the break in service does not exceed seven years. Separate periods of employment will be counted if the break in service exceeds seven years due to National Guard or Reserve military service obligations or when there is a written agreement, including a collective bargaining agreement, stating the employer's intention to rehire the employee after the service break. For eligibility purposes, an employee will be considered to have been employed for an entire week even if the employee was on the payroll for only part of a week or if the employee is on leave during the week.
2. The employee must have worked at least 1,250 hours during the 12-month period immediately before the date when the leave is requested to commence. The principles established under the Fair Labor Standards Act (FLSA) determine the number of hours worked by an employee. The FLSA does not include time spent on paid or unpaid leave as hours worked. Consequently, these hours of leave should not be counted in determining the 1,250 hours eligibility test for an employee under FMLA.
3. The employee must work in a worksite where 50 or more employees are employed by the company within 75 miles of that office or worksite. The

distance is to be calculated by using available transportation by the most direct route.

**Type of Leave Covered:**

To qualify as FMLA leave under this policy, the employee must be taking leave for one of the reasons listed below:

1. The birth of a child and in order to take care of that child.
2. The placement of a child for adoption or foster care and to care for the newly placed child.
3. To care for a spouse, child or parent with a serious health condition (described below).
4. The serious health condition (described below) of the employee.

An employee may take leave because of a serious health condition that makes the employee unable to perform the functions of the employee's position.

A serious health condition is defined as a condition that requires inpatient care at a hospital, hospice or residential medical care facility, including any period of incapacity or any subsequent treatment in connection with such inpatient care or a condition that requires continuing care by a licensed health care provider.

This policy covers illnesses of a serious and long-term nature, resulting in recurring or lengthy absences. Generally, a chronic or long-term health condition that would result in a period of three consecutive days of incapacity with the first visit to the health care provider within seven days of the onset of the incapacity and a second visit within 30 days of the incapacity would be considered a serious health condition. For chronic conditions requiring periodic health care visits for treatment, such visits must take place at least twice a year.

Employees with questions about what illnesses are covered under this FMLA policy or under the company's sick leave policy are encouraged to consult with the Human Resource Manager.

If an employee takes paid sick leave for a condition that progresses into a serious health condition and the employee requests unpaid leave as provided under this policy, the company may designate all or some portion of related leave taken as leave under this policy, to the extent that the earlier leave meets the necessary qualifications.

5. Qualifying exigency leave for families of members of the National Guard or Reserves or of a regular component of the Armed Forces when the covered military member is on covered active duty or called to covered active duty.

An employee whose spouse, son, daughter or parent either has been notified of an impending call or order to covered active military duty or who is already on covered active duty may take up to 12 weeks of leave for reasons related to or affected by the family member's call-up or service. The qualifying exigency must be one of the following: 1) short-notice deployment, 2) military events and activities, 3) child care and school activities, 4) financial and legal arrangements, 5) counseling, 6) rest and recuperation, 7) post-deployment activities and 8) additional activities that arise out of

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active duty provided that the employer and employee agree, including agreement on timing and

The term “Covered active duty” means:

- a. in the case of a member of a regular component of the Armed Forces, duty during the deployment of the member with the Armed Forces to a foreign country; and
- b. in the case of a member of a reserve component of the Armed Forces, duty during the deployment of the member with the Armed Forces to a foreign country under a call or order to active duty under a provision of law referred to in section 101(a)(13)(B) of title 10, United States Code.

The leave may commence as soon as the individual receives the call-up notice. (Son or daughter for this type of FMLA leave is defined the same as for child for other types of FMLA leave except that the person does not have to be a minor.) This type of leave would be counted toward the employee's 12-week maximum of FMLA leave in a 12-month period.

6. Military caregiver leave (also known as covered servicemember leave) to care for an injured or ill servicemember or veteran.

An employee whose son, daughter, parent or next of kin is a covered servicemember may take up to 26 weeks in a single 12-month period to take care of leave to care for that servicemember.

Next of kin is defined as the closest blood relative of the injured or recovering servicemember.

The term “covered servicemember” means:

- a. a member of the Armed Forces (including a member of the National Guard or Reserves) who is undergoing medical treatment, recuperation, or therapy, is otherwise in outpatient status, or is otherwise on the temporary disability retired list, for a serious injury or illness; or
- b. a veteran who is undergoing medical treatment, recuperation, or therapy, for a serious injury or illness and who was a member of the Armed Forces (including a member of the National Guard or Reserves) at any time during the period of 5 years preceding the date on which the veteran undergoes that medical treatment, recuperation, or therapy.

The term “serious injury or illness” means:

- a. in the case of a member of the Armed Forces (including a member of the National Guard or Reserves), means an injury or illness that was incurred by the member in line of duty on active duty in the Armed Forces (or existed before the beginning of the member's active duty and was aggravated by service in line of duty on active duty in the Armed Forces) and that may render the member medically unfit to perform the duties of the member's office, grade, rank, or rating; and

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- b. in the case of a veteran who was a member of the Armed Forces (including a member of the National Guard or Reserves) at any time during a period when the person was a covered servicemember, means a qualifying (as defined by the Secretary of Labor) injury or illness that was incurred by the member in line of duty on an active duty in the Armed Forces (or existed before the beginning of the member's active duty and was aggravated by service in line of duty on active duty in the Armed Forces) and that manifested itself before or after the member became a veteran.

#### **Amount of Leave:**

An eligible employee can take up to 12 weeks for the FMLA circumstances (1) through (5) above under this policy during any 12-month period. The company will measure the 12-month period as a rolling 12-month period measured backward from the date an employee uses any leave under this policy. Each time an employee takes leave, the company will compute the amount of leave the employee has taken under this policy in the last 12 months and subtract it from the 12 weeks of available leave, and the balance remaining is the amount the employee is entitled to take at that time.

An eligible employee can take up to 26 weeks for the FMLA circumstance (6) above (military caregiver leave) during a single 12-month period. For this military caregiver leave, the company will measure the 12-month period as a rolling 12-month period measured forward. FMLA leave already taken for other FMLA circumstances will be deducted from the total of 26 weeks available.

If a husband and wife both work for the company and each wishes to take leave for the birth of a child, adoption or placement of a child in foster care, or to care for a parent (but not a parent "in-law") with a serious health condition, the husband and wife may only take a combined total of 12 weeks of leave. If a husband and wife both work for the company and each wishes to take leave to care for a covered injured or ill servicemember, the husband and wife may only take a combined total of 26 weeks of leave.

#### **Employee Status and Benefits During Leave:**

While an employee is on leave, the company will continue the employee's health benefits during the leave period at the same level and under the same conditions as if the employee had continued to work.

If the employee chooses not to return to work for reasons other than a continued serious health condition of the employee or the employee's family member or a circumstance beyond the employee's control, the company will require the employee to reimburse the company the amount it paid for the employee's health insurance premium during the leave period.

Under current company policy, the employee pays a portion of the health care premium. While on paid leave, the employer will continue to make payroll deductions to collect the employee's share of the premium. While on unpaid leave, the employee must continue to make this payment, either in person or by mail. The payment must be received in the Accounting **Department by the \_\_\_\_ day of each month**. If the payment is more than 30 days late, the employee's health care coverage may be dropped for the

duration of the leave. The employer will provide 15 days' notification prior to the employee's loss of coverage.

If the employee contributes to a life insurance or disability plan, the employer will continue making payroll deductions while the employee is on paid leave. While the employee is on unpaid leave, the employee may request continuation of such benefits and pay his or her portion of the premiums, or the employer may elect to maintain such benefits during the leave and pay the employee's share of the premium payments. If the employee does not continue these payments, the employer may discontinue coverage during the leave. If the employer maintains coverage, the employer may recover the costs incurred for paying the employee's share of any premiums, whether or not the employee returns to work.

### **Employee Status After Leave**

An employee who takes leave under this policy may be asked to provide a fitness for duty (FFD) clearance from the health care provider. This requirement will be included in the employer's response to the FMLA request. Generally, an employee who takes FMLA leave will be able to return to the same position or a position with equivalent status, pay, benefits and other employment terms. The position will be the same or one which is virtually identical in terms of pay, benefits and working conditions. The company may choose to exempt certain key employees from this requirement and not return them to the same or similar position.

### **Use of Paid and Unpaid Leave:**

An employee who is taking FMLA leave because of the employee's own serious health condition or the serious health condition of a family member must use all paid vacation, personal or sick leave prior to being eligible for unpaid leave. Sick leave may be run concurrently with FMLA leave if the reason for the FMLA leave is covered by the established sick leave policy.

Disability leave for the birth of the child and for an employee's serious health condition, including workers' compensation leave (to the extent that it qualifies), will be designated as FMLA leave and will run concurrently with FMLA. For example, if an employer provides six weeks of pregnancy disability leave, the six weeks will be designated as FMLA leave and counted toward the employee's 12-week entitlement. The employee may then be required to substitute accrued (or earned) paid leave as appropriate before being eligible for unpaid leave for what remains of the 12-week entitlement. An employee who is taking leave for the adoption or foster care of a child must use all paid vacation, personal or family leave prior to being eligible for unpaid leave.

An employee who is using military FMLA leave for a qualifying exigency must use all paid vacation and personal leave prior to being eligible for unpaid leave. An employee using FMLA military caregiver leave must also use all paid vacation, personal leave or sick leave (as long as the reason for the absence is covered by the company's sick leave policy) prior to being eligible for unpaid leave.



**Intermittent Leave or a Reduced Work Schedule:**

The employee may take FMLA leave in 12 consecutive weeks, may use the leave intermittently (take a day periodically when needed over the year) or, under certain circumstances, may use the leave to reduce the workweek or workday, resulting in a reduced hour schedule. In all cases, the leave may not exceed a total of 12 workweeks (or 26 workweeks to care for an injured or ill servicemember over a 12-month period).

The company may temporarily transfer an employee to an available alternative position with equivalent pay and benefits if the alternative position would better accommodate the intermittent or reduced schedule, in instances of when leave for the employee or employee's family member is foreseeable and for planned medical treatment, including recovery from a serious health condition or to care for a child after birth, or placement for adoption or foster care.

For the birth, adoption or foster care of a child, the company and the employee must mutually agree to the schedule before the employee may take the leave intermittently or work a reduced hour schedule. Leave for birth, adoption or foster care of a child must be taken within one year of the birth or placement of the child.

If the employee is taking leave for a serious health condition or because of the serious health condition of a family member, the employee should try to reach agreement with the company before taking intermittent leave or working a reduced hour schedule. If this is not possible, then the employee must prove that the use of the leave is medically necessary.

**Certification for the Employee's Serious Health Condition:**

The company will require certification for the employee's serious health condition. The employee must respond to such a request within 15 days of the request or provide a reasonable explanation for the delay. Failure to provide certification may result in a denial of continuation of leave. Medical certification will be provided using the DOL Certification of Health Care Provider for Employee's Serious Health Condition (<http://www.dol.gov/esa/whd/forms/WH-380-E.pdf> ).

The company may directly contact the employee's health care provider for verification or clarification purposes using a health care professional, an HR professional, leave administrator or management official. The company will not use the employee's direct supervisor for this contact. Before the company makes this direct contact with the health care provider, the employee will be given an opportunity to resolve any deficiencies in the medical certification. In compliance with HIPAA Medical Privacy Rules, the company will obtain the employee's permission for clarification of individually identifiable health information.

The company has the right to ask for a second opinion if it has reason to doubt the certification. The company will pay for the employee to get a certification from a second doctor, which the company will select. The company may deny FMLA leave to an employee who refuses to release relevant medical records to the health care provider designated to provide a second or third opinion. If necessary to resolve a conflict between the original certification and the second opinion, the company will require the opinion of a third doctor. The company and the employee will mutually select the third doctor, and the company will pay for the opinion. This third opinion will be considered

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final. The employee will be provisionally entitled to leave and benefits under the FMLA pending the second and/or third opinion.

**Certification for the Family Member's Serious Health Condition:**

The company will require certification for the family member's serious health condition. The employee must respond to such a request within 15 days of the request or provide a reasonable explanation for the delay. Failure to provide certification may result in a denial of continuation of leave. Medical certification will be provided using the DOL Certification of Health Care Provider for Family Member's Serious Health Condition (<http://www.dol.gov/esa/whd/forms/WH-380-F.pdf> ).

The company may directly contact the employee's family member's health care provider for verification or clarification purposes using a health care professional, an HR professional, leave administrator or management official. The company will not use the employee's direct supervisor for this contact. Before the company makes this direct contact with the health care provider, the employee will be given an opportunity to resolve any deficiencies in the medical certification. In compliance with HIPAA Medical Privacy Rules, the company will obtain the employee's family member's permission for clarification of individually identifiable health information.

The company has the right to ask for a second opinion if it has reason to doubt the certification. The company will pay for the employee's family member to get a certification from a second doctor, which the company will select. The company may deny FMLA leave to an employee whose family member refuses to release relevant medical records to the health care provider designated to provide a second or third opinion. If necessary to resolve a conflict between the original certification and the second opinion, the company will require the opinion of a third doctor. The company and the employee will mutually select the third doctor, and the company will pay for the opinion. This third opinion will be considered final. The employee will be provisionally entitled to leave and benefits under the FMLA pending the second and/or third opinion.

**Certification of Quality Exigency for Military Family Leave:**

The company will require certification of the qualifying exigency for military family leave. The employee must respond to such a request within 15 days of the request or provide a reasonable explanation for the delay. Failure to provide certification may result in a denial of continuation of leave. This certification will be provided using the DOL Certification of Qualifying Exigency for Military Family Leave (<http://www.dol.gov/esa/whd/forms/WH384.pdf> ).

**Certification for Serious Injury or Illness of Covered Servicemember for Military Family Leave:**

The company will require certification for the serious injury or illness of the covered servicemember. The employee must respond to such a request within 15 days of the request or provide a reasonable explanation for the delay. Failure to provide certification may result in a denial of continuation of leave. This certification will be provided using the DOL Certification for Serious Injury or Illness of Covered Servicemember (<http://www.dol.gov/esa/whd/forms/WH-385.pdf> ).

**Recertification:**

The company may request recertification for the serious health condition of the employee or the employee's family member no more frequently than every 30 days and only when circumstances have changed significantly, or if the employee receives information casting doubt on the reason given for the absence, or if the employee seeks an extension of his or her leave. Otherwise, the company may request recertification for the serious health condition of the employee or the employee's family member every six months in connection with an FMLA absence. The company may provide the employee's health care provider with the employee's attendance records and ask whether need for leave is consistent with the employee's serious health condition.

**Procedure for Requesting FMLA Leave:**

All employees requesting FMLA leave must provide verbal or written notice of the need for the leave to the HR manager. Within five business days after the employee has provided this notice, the HR manager will complete and provide the employee with the DOL Notice of Eligibility and Rights

(<http://www.dol.gov/esa/whd/fmla/finalrule/WH381.pdf>).

When the need for the leave is foreseeable, the employee must provide the employer with at least 30 days' notice. When an employee becomes aware of a need for FMLA leave less the 30 days in advance, the employee must provide notice of the need for the leave either the same day or the next business day. When the need for FMLA leave is not foreseeable, the employee must comply with the company's usual and customary notice and procedural requirements for requesting leave, absent unusual circumstances.

**Designation of FMLA Leave:**

Within five business days after the employee has submitted the appropriate certification form, the HR manager will complete and provide the employee with a written response to (<http://www.dol.gov/esa/whd/forms/WH-382.pdf>).

**Intent to Return to Work from FMLA Leave:**

On a basis that does not discriminate against employees on FMLA leave, the company may require an employee on FMLA leave to report periodically on the employee's status and intent to return to work.

Descriptor Code: DDAD

**CHILD CARE LEAVE**  
(Professional)

In the case of teachers leave for child care related reasons, the teacher shall have been employed For one year by the School District of Jamestown before becoming eligible for such leave. No leave accumulates and no salary will be paid during this leave of absence.

The district administrator has the power to act on all child care leave of absence requests.

Descriptor Code: DDAD-1

### PREGNANCY DISABILITY LEAVE

Paid pregnancy disability leave shall be treated as any other sick leave and is subject to the limitations of the sick leave policy.

The employee is requested to notify the Superintendent in writing of her pregnancy and approximate due date as soon as such have been determined by her physician. If the employee wishes such information to be held confidential until a later date she should so state and her request will be honored. (The purpose of this early notification is to allow ample time for replacement plans, which often involve extensive arrangements.)

The employee is free to determine when she will commence her leave and when she will return. The administration has the right at its discretion to request medical certification as a prerequisite for granting sick leave. In the event of such a request, sufficient medical evidence must be provided to the Superintendent indicating the exact period of disability and the physician's statement verifying that the employee is unable to carry out her duties. The teacher will be paid for the period of actual disability up to the limit established by the North Dakota Supreme Court.

In the event a second medical opinion is requested by the administration, the expense shall be paid by the Board.

A pregnant employee may choose to request unpaid child care leave under Family & Medical Leave Act in addition to using her sick leave.

Cross Ref: Family and Medical Leave Act  
Crowston vs Jamestown Public School District #1 (1983) 335 NW 2d 775

**Paternity/Adoption Leave**

(Revised 2/7/2014)

**Adoption Leave**

In the event of an adoption of a child under the age of five (5) by a certified/licensed employee of the district, employed at least fifty percent (50%) time, the employee shall be entitled to 15 consecutive days of adoption leave. Application for the adoption leave will be filed with the Superintendent at the time the employee is approved for adoption privileges. All adoption leave days are to be deducted from the employee's sick leave. In the event that accumulated sick leave is less the 15 days, any days used beyond those accumulated will be subject to a salary deduction. Additional leave may be available for family medical leave. Adoption leave may not be taken for adoption of stepchildren or adoption of a foster child that has been living with the family.

**Child Care/Paternity Leave**

To care for a newborn child within one year of birth a certified/licensed employee of the district, employed at least fifty percent (50%) time, the employee shall be entitled to 15 consecutive days of paternity leave. Application for the paternity leave will be filed with the Superintendent prior to the birth of the employee's child. All paternity leave days are to be deducted from the employee's sick leave. Intermittent leave is not available for this type of leave. In the event that accumulated sick leave is less the 15 days, any days used beyond those accumulated will be subject to a salary deduction. Additional leave may be available for family medical leave.

Before revisions to this policy, the Jamestown Public School Board agrees to consult with District Employees.

*Reviewed 2005-2006*

Descriptor Code: DDBA

#### VACATION (Full-time Support Staff)

Each full-time 12 month support staff employee earns one day per month accumulating to 12 days for the first five years of employment, one and a quarter days per month accumulating to 15 days from the 6th year thru the 10th year of employment, and one and one half days per month accumulating to 18 days from the 11th year thru the 15th year of employment. Also, after 15 years of employment the employee earns one and three fourths days per month accumulating to 21 days. Vacation is accumulated July 1 through June 30 and must be used up before the following June 30th.

Teacher Assistants, Para-professionals and Food Service do not have vacation leave.

*Reviewed 2005-2006*

Descriptor Code: DDBB

## HOLIDAY TIME (Support Staff)

To earn holiday time, the person must be working either the immediate regular work day before or the immediate regular work day after the holiday. (Being on approved paid leave such as sick leave or vacation is considered working.) For staff who work less than a 200 day contract or less than 1800 hours of regular duty, the holiday time must fall within the school calendar. For example: if school begins after Labor Day, Labor Day will not be counted as a holiday, or if school ended prior to Memorial Day, Memorial Day will not be counted as a holiday.



Descriptor Code: DDBC

FUNERAL LEAVE  
Full-Time Support Staff  
(revised 2005-2006)

In the event of the death and burial of a member of the immediate family (immediate family is defined as spouse, mother, father, stepparents, foster parents, siblings, brothers-in-law, sisters-in-law, children, stepchildren, foster children, grandparents, great grandparents, grandchildren, great grandchildren, daughters-in-law, sons-in-law and the spouse's immediate family), each full time employee is allowed five school days without salary deduction to attend the funeral and to make final arrangements.

FUNERAL LEAVE  
Part-Time Support Staff  
(revised 2005-2006)

In the event of the death and burial of a member of the immediate family (immediate family is defined as spouse, mother, father, stepparents, foster parents, siblings, brothers-in-law, sisters-in-law, children, stepchildren, foster children, grandparents, great grandparents, grandchildren, great grandchildren, daughters-in-law, sons-in-law and the spouse's immediate family), each regularly employed staff member is allowed one day without salary deducted to attend the funeral and make final arrangements.

Descriptor Code: DDBD

## MILITARY LEAVE

### Professional and Support Staff

A leave of absence for up to thirty days will be approved for teachers who are ordered to federal or state active duty, annual active duty for training weekend assemblies or other duty. The pay of such teacher shall not be diminished during the authorized military leave period.

Legal Ref: NDCC 37-01-25; NDCC 37-01-25.1

Descriptor Code: DDCA

### LEGISLATIVE LEAVE

When legislative leave is required for meetings other than during a regular legislative session, the employee-legislator shall be responsible for the organization and coordination of their regular school responsibilities and shall receive regular salary payment but shall reimburse the district per diem allowance provided by the state for each day in the attendance of such meeting.

### POLITICAL LEAVE (Professional and Support Staff)

Staff members after having been employed by the School District for four consecutive years or more, upon request may be granted a leave of absence to seek and to hold a political office including that of legislator. This request will be approved upon the hiring of a qualified replacement. No salary or benefits will be paid by the School District during this leave.

Teachers on leave of absence move horizontally, but not vertically on salary schedule. No leave accumulates during this time.

Descriptor Code: DDD

## PROFESSIONAL LEAVE

The District Administrator has exclusive authority to grant professional leave.

Descriptor Code: DDDDB

**EXTENDED LEAVE**  
(Professional)

Extended leave, leave beyond what has been accrued or is mandated by law, requires prior School Board approval. The Board will consider each written request on a case by case basis.

**REGULAR LEAVE OF ABSENCE**  
(Professional)

Staff members after having been employed by the School District of Jamestown for four consecutive years or more, upon request, may be granted a leave of absence for not more than one school year. No salary will be paid during this leave of absence. The School Board is to give written notice of approval or disapproval to teachers requesting the leave. (The School Board requires six months advance notice be given to the District Administrator.)

Teachers on leave of absence move horizontally, but not vertically on salary schedule. No leave accumulates during this time.

Descriptor Code: DE

### STAFF CONDUCT

(Adopted 3-20-06)

All staff members have a responsibility to make themselves familiar with, and abide by, the laws of the state as these affect their work, the policies of the Board, and the regulations designed to implement them.

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

1. Faithfulness and promptness in attendance at work.
2. Support and enforcement of policies of the Board and regulations of the school administration.
3. Diligence in submitting required reports at the time specified.
4. Care and protection of school property.
5. Concern and attention for their own and the school system's legal responsibility for the safety and welfare of students, including the need to ensure that students are under proper supervision at all times.
6. Confidentiality of students and staff will be respected.

### PROFESSIONAL STAFF CONDUCT

(Adopted 3-20-06)

All licensed staff are expected to adhere to the Policy on Staff Conduct, (DAD). In addition, we expect our licensed staff to hold to a higher standard. The instructional and administrative staff will conduct themselves at all times in order to be a credit to the school and its organization by being a professional person and acting accordingly. The professional services of men and women of integrity, high ideals, and human understanding are basic to an effective educational program. To maintain and promote these essential qualities, all employees of the District shall maintain high standards in their school relationships. These standards shall include, but not be limited to those developed by the Education Standards and Practices Board and the Administrators Code of Ethics.

It is further expected that all staff will abide by the rules and regulations of the Board of Education as set forth in board policy. Failure to do so shall be deemed sufficient cause for dismissal as outlined under Century Code 15.1-15-07.

CODE OF CONDUCT  
OFF STAFF COACHES/ADVISORS  
(Adopted 11-20-06)

Coaches are teachers of our most valuable asset, our young people. Coaches whether they have a teaching credential or not have a responsibility to their young charges to provide the best instruction possible in the delivery of their coaching instruction for their sport and activity.

Fundamental to the mission and purpose of public schools is instruction in being a good citizen as well as learning the skills necessary to live and work in our society.

Good coaching thus entails the modeling of good citizenship at all times to our young people as well as teaching sportsmanship, discipline, teamwork, healthy living and care of the body as well as the mind, and the fundamentals of the sport or activity.

All coaches are thus expected to:

- Model good citizenship including refraining from the use of bad language.
- Exhibit good sportsmanship at all times on the field or during practice
- Abstain from the use of tobacco and alcohol at all times when in the presence of students.
- Abide by State laws pertaining to alcohol and tobacco at all times.
- Respect the confidentiality of students. Do not share school record information or other personal student information with anyone who does not have a need to know.
- Report instances of child abuse or neglect immediately to the proper school supervisor and or human services.
- Refrain from any and all physical discipline of students as per board policy.
- Follow the Athletic Directors guidelines for proper practice times, length of practice, number of participants and curriculum.
- Supervision must continue at all times when students are present.
- Ensure that facility is secured at the close of activity.

## **CONFIDENTIALITY**

Any person working for or providing services to the District has a responsibility to protect the privacy of students and their parents. This responsibility applies to time spent at school as well as away from school. Questions from the general public concerning students or staff should be referred to an administrator.

### **Federal Requirements**

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

### **Information Release**

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

### **Violations**

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

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### **Complementing Policies**

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

**End of Jamestown Public Schools Policy DEBA.....Adopted:2-6-2017**



## **EMPLOYEE SPEECH**

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

### **Speech Made as an Employee**

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

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

### **Speech Made as a Private Citizen**

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

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

### **Other Provisions**

In addition to the requirements established by this policy, the District has a policy on confidentiality that governs on- and off-duty speech of district employees. The District also prohibits use of district owned or created material such as, but not limited to, the district's logo or copy trademark without first obtaining the permission of the

Superintendent. Failure to obtain such permission may result in disciplinary action in accordance with the district's copyright policy.

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Complementing Policies

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

**End of Jamestown Public Schools Policy DEBF ..... Adopted:2-6-2017**

Descriptor Code: DEAC

**STAFF DRESS CODE**

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

**End of Jamestown Public School Policy DE.....Adopted: 7-18-2016**

### **SUPERVISION & EVALUATION**

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

The building principal shall assign each classified employee a direct supervisor. Teachers shall be under the direct supervision of the administrator assigned responsibility to them by the building principal.

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

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

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

**End of Jamestown School District Policy DFA.....Adopted: 11/2/2015**

## REASSIGNMENT AND TRANSFERS

The assignment, transfer, and promotion of personnel is a management function vested exclusively in the Board. The Board shall not negotiate away this authority.

The Board grants to the district administrator authority to assign and/or transfer teaching personnel.

Teachers may apply for voluntary reassignment and/or transfer. Such requests will be made in writing to the district administrator, stating the grade and/or subject desired and the school or schools to which transfer is requested. Such requests will be considered when scheduling is made but this consideration is not intended to limit the flexibility of the administration.

Declining enrollments, or other factors, such as but not limited to, program changes or reductions, funding provisions, or program improvement may require considering transfers which are not initiated by the certificated contracted employee.

Whenever possible staffing plans should be completed by April 15th and individuals shall be notified by the principal and/or program director of intended reassignment. ("Intended reassignment" does not designate the new assignment - it simply says a new assignment may be made.)

Certificated contracted employees considered for reassignment may request a meeting with the district administrator, at which time the employee will be able to state concerns relative to reassignment.

Concerns of the certificated contracted employee will be given consideration in reassignment; however, the overriding consideration shall be establishing staffing patterns to best serve the students of the district.

Within an individual school, a principal will have the right to reassign classes and courses, provided this is done with full regard to the teacher's area of certification.

## GRIEVANCE

The School Board has developed the following policy. It is not part of the negotiated agreement and the Board reserves exclusive right to interpret or modify its grievance policy, subject only to provisions that the Board has agreed to through the negotiations process.

### Section I:

A "Grievance" shall mean an allegation by a teacher that there has been to him a personal loss, injury, or inconvenience because of a violation, misinterpretation, or inequitable application of the negotiated agreement.

A grievance, to be considered under this procedure, must be initiated by the teacher within ten (10) school days from the time when the teacher knew, or should have known, of its occurrence.

### Procedure

- A. Failure at any step of this procedure to communicate the decision on a grievance within the specified time limits permits the aggrieved teacher to proceed to the next step.

Failure at any step of the procedure to appeal a grievance to the next step within the specified time limits shall be deemed to be acceptance of the decision rendered at that step.

- B. It is understood that the grievant shall, during and notwithstanding the pendency of any grievance, continue to observe all assignments and applicable rules and regulations of the Board until such grievances and any effect thereof have been determined.
- C. Any teacher who has a grievance shall generally discuss it first with his/her principal, or immediate superior, in an attempt to resolve the matter informally at that level.

If, as a result of the discussion, the matter is not resolved to the satisfaction of the teacher, within five (5) school days, he/she may set forth his/her grievance in writing to the principal specifying:

1. The nature of the grievance,
2. The nature or extent of the injury, loss or inconvenience,
3. The results of previous discussions,
4. His/her dissatisfaction with decisions previously rendered, and
5. The desired remedy.

The principal or director should communicate his/her decision to the teacher in writing within five (5) school days of receipt of the written grievance.

Descriptor Code: DGA continued

The teacher, no later than five (5) school days after receipt of the principal's or director's decision, may appeal the principal's or director's decision to the district administrator or appropriate designee.

If the grievance is not resolved to the teacher's satisfaction, he/she, no later than five (5) school days after receipt of the district administrator's decision, may request a review by the School Board.

The request shall be submitted in writing through the district administrator who must attach all related papers and forward the request to the School Board. The Board, or a committee thereof, will review the grievance and may, at the option of the Board, hold a hearing with the teacher. A decision should be rendered within five weeks of receipt of the grievance by the Board. The teacher and the supervisor have the right to have a representative present if they so desire.

School Board members, administrators, or teachers shall not discriminate against one another because of the exercise of their rights under this grievance procedure.

Neither the grievance nor the decision shall become a part of the teacher's personnel file.

Legal Ref: Section VI. E. Page 7 of the Salary Schedule Provision

Descriptor Code: DGB

#### EMPLOYEE ASSISTANCE PLAN

The policy of Jamestown Public Schools will be to assist, in a strictly confidential manner, employees who are experiencing problems of physical illness, mental or emotional illness, finances, marital or family distress, alcoholism, drug abuse, legal problems, or other concerns that are adversely affecting the employee's job performance. Other than coverage provided under health insurance or approved leave policy to qualified staff, the financial costs are the responsibility of the staff person.

Legal Ref: NDCC 44-04-18.1



PROFESSIONAL DEVELOPMENT  
(Adopted 4-21-08)

The Board requires all licensed personnel to participate in professional development.

**Inservice & Licensure Renewal Requirements**

Licensed employees are responsible for acquiring necessary college courses and inservice training required for renewal and ensuring that licensing/credentialing is renewed before the date of expiration. College credit may be substituted for inservice training only as approved by the Superintendent and at the ratio of 1 semester hour for 16 clock hours. College credits and inservice hours with verification shall be reported to the Business Manager who shall keep a record of each teacher's hours earned.

Teachers not meeting the inservice requirements established by Department of Public Instruction may be recommended for non-renewal.

**Professional Development Plan**

The Superintendent shall develop a professional development plan that contains all the components required by law and is based a District need assessment, which will be conducted through methods such as but not limited to surveys and/or input from instructional staff. The Superintendent shall establish professional development goals based on the findings of the needs assessment. Professional development activities will be aligned with these goals and may include inservice workshops, a professional library, short-term professional leave, and assistance from consultants. All professional development activities shall be within District budgetary perimeters.

The professional development plan shall be evaluated in accordance with law, and the Superintendent shall establish specific plan evaluation criteria. Student achievement and performance shall be one factor used in evaluating the plan.

Descriptor Code: DI

## PERSONNEL RECORDS

(Revised 4-21-07)

Personnel records shall be maintained in two areas. Those records required for payroll purposes and for record keeping under the Fair Labor Standards Act and other laws pertaining to payroll record keeping will be maintained by the Business Manager. All personal information as defined by law will be maintained in this file including but not limited to records of medical treatment and use of employee assistance programs. Only employees who have a need to know in order to perform their duties will have access to this information. All other personnel records will be maintained in the Superintendent's office.

It is deemed to be a Class B misdemeanor for any person in any public school district in this state to maintain a secret personnel file concerning any teacher or teachers to which said teacher or teachers do not have access.

The Superintendent shall keep a personnel folder for each employee, licensed and support staff. The folder shall contain such information as is required by law and shall include performance evaluations, the Business Manager's record of the license held for all licensed personnel, an itemized list of all documents in the file, and a record of access including the date of review and identity of persons reviewing the file if they choose to identify themselves. This file must be open and accessible during reasonable office hours of the District.

The background check adjudicator shall seal and mark confidential all state and federal criminal history records and, if applicable, credit history records and motor vehicle records. These records shall be stored in a secured area.

Records relating to alcohol and controlled substance use/testing shall be maintained in accordance with federal regulations. Statistical records and reports shall be maintained and made available to the Federal Highway Administration for inspection or audit in accordance with federal regulations.

Employment references, transcripts, and other material used in the process of hiring will be destroyed unless the applicant requests the items be returned and provides a self-addressed stamped envelope.

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

Transcripts used in the process of hiring will be returned to the employee. Certificated staff will be required to have them available for accreditation purposes as needed.

With the exception of the Superintendent's folder, the folder shall be maintained in the District administrative office and shall be available during school hours for review by members of the public under the following procedures:

- A. The request to review an employee's record may be made in writing, in person, or by phone. Written requests shall become a part of the file.
- B. The file may be viewed in the administrative office. A school district employee other than the employee whose file is being reviewed shall be present during the review of the file to maintain the security of the file's contents.
- C. Copies of any documents in the file will be made upon request and a reasonable charge to the person requesting them. The charge may include the cost of materials, use of equipment, and labor for making the copies, but not time spent in locating the file. The cost of mailing may also be included in the charge if the copy is to be mailed. This charge shall be applied uniformly and without discrimination.
- D. The employee shall be notified that the file will be reviewed or has been reviewed.
- E. The Superintendent or Business Manager may seek legal advice on matters pertaining to the review, but access may not be unreasonably delayed.

Records of medical treatment or use of employee assistance programs is not a part of the personnel record and shall not be released without written consent of the employee.

The Superintendent's folder will be maintained by the Business Manager and review of the Superintendent's folder shall follow the same procedures. The Board President may serve as the school employee who is present during the viewing of the file.

#### Former Employees

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

Transcripts used in the process of hiring will be returned to the employee. Licensed staff will be required to have them available for accreditation purposes as needed.

#### Title I Requirements

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

#### Removal of Material

Removal of material from a teacher's personnel file will be handled in accordance with state law.

Legal Ref: NDCC Ch. 15.1-17  
NDCC 44-04-18  
NDCC 44-04-18.1

Teachers' Personnel Files  
Access to public records  
Public employee personal, medical, and employee  
assistance records – Confidentiality

Descriptor Code: DIB

RIGHTS OF TEACHERS TO REVIEW MATERIALS  
PLACED IN THEIR PERSONNEL FILE

- A. Teachers have the right to request an administrative review of the materials in their files and to request removal of any material that they consider to be in error or inappropriate, with the exception of the formal evaluation required by law.
- B. The teacher will make a written request to the district administrator for a review of the material in question stating specifically why it is believed there has been an inappropriate placement in the personnel file or an error in the material.
- C. The teacher may submit a written notation regarding any material in his/her personnel file and the same shall be attached to the material in question.
- D. Irrelevant and outdated materials, including files of personnel separated from the district for more than six years, may be removed at the discretion of the administrator.
- E. If the teacher is not satisfied with the administrator's decision, the teacher may request in writing, and must receive, a formal review of the placement of the material by the School Board. This review shall be at an open public meeting of the Board.
- F. A complaint made against a teacher or person for whom the teacher is administratively responsible, by any parent, student or other person, shall promptly be called to the attention of the teacher if said complaint is to be placed in the teacher's personnel file.
- G. Upon written request, the teacher shall be furnished a reproduction of any material in his/her personnel file excluding references and information given at the time he/she was being evaluated for employment. Copies of any documents in the file will be made upon request and at reasonable charge to the person requesting them. The charge may include the cost of materials, use of equipment, and labor for making the copies, but not time spent locating the file. This charge shall be applied uniformly and without discrimination.
- H. An attempt will be made to contact authors of confidential pre-employment references to inform them of the North Dakota open records law. Reference material will be returned only upon request of the author.
- I. Transcripts used in the process of hiring will be returned to the employee. Certificated staff will be required to have them available for accreditation purposes as needed.

Legal Ref: NDCC 15.1-17-03; NDCC 44-04-19

Descriptor Code: DIB/DBFB

**RIGHTS OF THE ADMINISTRATION TO REMOVE  
MATERIALS FROM PERSONNEL FILES**

The district administrator or his designate shall periodically review the material in the personnel files and may remove and destroy irrelevant, inappropriate or outdated materials, including files of personnel separated from the district for more than six years. Current employees shall be notified prior to removal of documents from their files.

Descriptor Code: DJA

**SUBSTITUTE TEACHERS**  
(Revised 3-20-06)

Substitutes

Individuals employed as substitute teachers will be assigned in accordance with the type of teaching certificate and preparation in the teaching field whenever possible.

Payment for Substitute Teachers

- a. Payment for substitutes will follow the established current substitute pay schedule, with no other payroll benefits. It is the responsibility of the principal to keep track of the substitute's time and prepare a monthly report that will be submitted to the Payroll Clerk for payment according to the timesheet schedule.
- b. Substitute pay shall be established annually by the Board. Substitute pay deduction from regular teaching salaries for personal leave will be the same as the substitute pay.

Legal Ref: NDCC 15.1-13-17 through NDCC 15.1-13-19

Substitute Teacher Applications

The Board grants the District Administrator authority to approve new substitute teacher applications on a temporary basis. Final approval will be granted by the School Board.

Descriptor Code: DJB

### PART-TIME TEACHERS SALARY HIRED ON THE SALARY SCHEDULE

Grades 7 through 12: Time is based on a six period day of one hour per period -360 minutes. Preparation time will be pro-rated for five academic classes. The teacher may be assigned a home room or other supervision duties before and after school hours based on school day assignment.

Elementary K through 6: Time is based on 30 clock hours of teaching per week. The teacher may be assigned supervision duties before and after school hours based on school assignment. Music specialist FTE is based on 25 clock hours of teaching time and physical educational specialist FTE is based on 30 clock hours of teaching time.

### PART-TIME AND ONE-YEAR CONTRACT TEACHERS

It is understood that part-time teachers are not assured of a full-time position in the future with the Jamestown Public Schools. The hiring practices of the Jamestown Schools is to hire the best qualified person for a given position. Being hired for a part-time position does not necessarily qualify an instructor for permanent employment or a full-time position.

### PART-TIME TEACHERS BEING HIRED FOR FULL-TIME CONTRACTS

When teachers of part-time programs, not on salary schedule, are hired to fill full-time regular positions, they will be placed on the experience step of the salary index as decided on an individual basis by the district administrator.

Descriptor Code: DJC

### POLICY FOR REQUESTING TEACHER AIDES

A teacher who deems an aide necessary shall address his/her request to the principal in writing, setting forth such facts he/she believes justifies the need for the aide. Such request shall be forwarded to the district administrator forthwith, who shall either grant or reject such request as expeditiously as reasonably possible.



**REDUCTION IN FORCE**  
(revised May 18, 2009)

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

**Criteria**

The Board, with the Superintendent's assistance, shall select teacher(s) to be nonrenewed due to reduction in force in accordance with the following criteria:

1. Attrition, including retirements and resignations.
2. When attrition is not sufficient to alleviate the necessity for reduction in force. The Board shall retain the teacher who has taught in the District for the greater period of time.
3. When teachers within the same amount of experience in the district, the Board shall retain the teacher with superior academic and professional preparation beyond minimum licensure requirements in his/her teaching field.

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

Descriptor Code: DKB

## DISMISSAL

### Discharge of District Administrator

Throughout the term of his or her contract the district administrator shall be subject to discharge for good and just causes, provided, however, that the action shall be in accordance with North Dakota law.

Legal Ref: NDCC 15.1-14-04

### Discharge of Professional Staff

In cases involving dismissal or instances in which a professional staff member is not re-employed, final action shall rest with the School Board. Procedures as outlined by North Dakota Statutes shall apply.

Legal Ref: NDCC 15.1-15-07

### Discharge of Support Staff

The decision whether or not to re-employ Support Staff shall rest with the district administrator. The administrator shall also have the authority to discharge Support Staff for cause. In doing so, the administrator shall give due process as may be required by law.

Legal Ref: Cleveland Board of Education vs Lauderhill:  
470 US\_\_\_, 84 LEd 22 494, 106 5 Ct.\_\_\_\_

Descriptor Code: DKBA

SEPARATION OF AT-WILL EMPLOYEES  
(Revised 8-15-11)

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

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

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

Descriptor Code: DKD

RETIREMENT (Revised 2001-2002)

(Date change to notification-Section D- 2005-2006)

(Does not apply to support staff)

(Staff covered by the Negotiated Agreement should refer to that document.)

DEFINITION AND GENERAL PROVISIONS:

Early retirement is a plan whereby an employee (as defined herein) may receive a predetermined (one-time) payment if they choose to retire early. For purposes of this policy, employee is defined as a professional certificated staff member who is eligible for participation in the North Dakota Teacher's Fund For Retirement (TFFR). The amount of the payment will be determined by a formula including the years of service, the number of years since becoming eligible for retirement under the rules of the Teacher's Fund For Retirement, and the amount of the employee's contract for the final year of service.

Early retirement is designed to be beneficial to both the employee and the district. The plan provides a positive method for dealing with declining enrollments and the resulting need to reduce staff.

Early retirement is fully voluntary, and no employee shall be required or coerced in any manner to retire early under the provisions of this policy. However, all persons who desire early retirement and are eligible may make application. The School Board will consider all such requests, but approval of any or all requests will depend on the availability of funds, the number of applicants, and such other factors as the Board, in its sole discretion, may deem important.

ELIGIBILITY CRITERIA

The plan is available to (full-time) employees who have met the following criteria for eligibility:

The employee has completed a total of 10 years of full-time service (or the equivalent years of part-time) to the Jamestown Public School District. Full-time is defined as service in a qualified position designated as full-time by the district and which provides a full-time rate of compensation per the district's salary plan for the position. Full-time service must also meet the criteria for a full year of service is defined by the district and the North Dakota Teachers' Fund For Retirement (TFFR). (Part-time is defined to mean half-time or more. Years of service are not required to be continuous years of service. Five of the ten years of service must be continuous, full-time service immediately preceding the date of retirement.)

The employee has attained the earliest occurring of the following eligibility standards of the Teacher's Fund For Retirement of North Dakota for a normal (unreduced) service retirement.

- A. The employee has a combined age and years of credited service equal to 85 and at least 5 years of teaching credit.
- B. The employee is 65 years of age and at least 5 years of teaching credit.

Descriptor Code: DKD continued

- C. The employee must submit written verification of the years of creditable service from the Teacher's Fund For Retirement, effective on the date of retirement from Jamestown Public School District to document that the employee meets one of the two eligibility standards to normal service retirement.
- D. To be valid, all eligibility provisions to participate in the early retirement plan must be met on or before the effective date of retirement from the Jamestown Public Schools.

The employee shall notify the district in writing of his/her intention of retiring no later than December 15 immediately prior to the year retirement begins. Employees who elect to avail themselves of this policy are personally responsible for determining what affect early retirement will have on their coverage under TFFR, Social Security, and any other programs for which they may be eligible.

A properly completed application and subsequent approval by the school board of an employee's early retirement request shall constitute a legally binding resignation and a waiver of the person's continuing contract and non-renewal rights.

Employees terminating employment due to a disability are not eligible for any early retirement payment under the provisions of this policy, unless contracted prior to incurring the disability.

#### INCENTIVE FOR EARLY RETIREMENT

The formula for computing the incentive amount shall be as follows:

$$\begin{array}{ccccccccc} \text{_____} & \% & \times & \$ & \text{_____} & = & \$ & \text{_____} & \times & \text{_____} & \% & = & \$ & \text{_____} \\ \text{Years} & & & & \text{Final} & & & \text{Incentive} & & \text{Reduction} & & & \text{Amount} \\ \text{Service} & & & & \text{Contract} & & & \text{Amount} & & \text{Factor} & & & \text{Employee} \\ \text{District} & & & & \text{Amount} & & & & & \text{(Schedule \%)} & & & \text{Receives} \end{array}$$

The percentage granted for years of service in Jamestown Public Schools will be as follows: 80% for 10 years of service; 85% for 11-15 years of service; 90% for 16-20 years of service; 95% for 21-29 years of service; 100% for 30 or more years of service. Years of service shall be (full-time) service as defined under the eligibility criteria #1.

Final contract amount is the current annual salary amount a person receives on the district's salary schedule considering years of experience and level of education. The final contract amount used in making early retirement payment calculations shall not include amounts paid for extra duty assignments and/or summer employment.

#### REDUCING FACTOR: YEAR OF ELIGIBILITY AND INCENTIVE REDUCTION

## SCHEDULE

Year of eligibility is defined as the year (date) when the employee meets the earliest occurring of the two eligibility standards of the Teachers' Fund For Retirement (TFFR) for a normal service

Descriptor Code: DKD continued

retirement (as defined under Eligibility #2). If the employee applies for the Early Retirement Plan after his/her first year of eligibility, the employee will receive a reduced incentive amount, as determined by the following schedule:

YEAR OF RETIREMENT	REDUCING FACTOR
Year of Eligibility	100 % of Incentive
Year of Eligibility +1	95 % of Incentive
Year of Eligibility +2	90 % of Incentive
Year of Eligibility +3	85 % of Incentive
Year of Eligibility +4	80 % of Incentive
Year of Eligibility +5	75 % of Incentive
Year of Eligibility +6	70 % of Incentive
Year of Eligibility +7	65 % of Incentive
Year of Eligibility +8	60 % of Incentive
Year of Eligibility +9	0 % of Incentive

The early retirement payment will be paid as follows: thirty (30) percent of said payment to be paid on or about July 20 of the year the early retirement is effective, and seventy (70) percent on or about January 20 of the following year.

### PROCEDURE, APPLICATION, AGREEMENT AND PAYMENT SCHEDULE

The administration shall prepare application and agreement forms, a procedure, and a payment schedule for Board approval. The procedure shall include:

- A. Specific reference to ADEA rights or claims.
- B. A length of time that is at least 21 days in which the employee may consider the availability of the incentive before making application.
- C. A statement of the employee's right to revoke the agreement within 7 days of signing it.

The application form and agreement shall include:

- A. A waiver of all rights to a continuing contract and all fringes and benefits and a

statement that this waiver applies only to rights or claims arising on or before the date the agreement is executed.

- B. Advice to consult with an attorney prior to execution of the application and agreement.
- C. Notice of the employee's right to revoke the agreement within 7 days of signing it.

Descriptor Code: D-1

### MARRIED STAFF MEMBERS

The following guidelines are understood when husband and wife are employed for full-time positions in the Jamestown Public Schools: It is recommended that husband and wife are ordinarily not to be hired in the same department or in the same building.



### CO-CURRICULAR ASSIGNMENTS

Hiring:

The District Administrator shall have the authority to hire off-staff coaches and assign co-curricular duties to professional staff members who are already under a teaching contract. The District Administrator shall consult with the Activity Committee prior to hiring head coaches.

Releasing:

The District Administrator shall have the authority to release off-staff coaches and professional staff members, who are already under a teaching contract, from their co-curricular duties for the following season; however, the Activity Committee shall be consulted prior to replacing any coach and/or advisor.

Descriptor Code: D-3

### PROFESSIONAL DUES

Teachers wishing to have dues deducted from their payroll shall record this request on the Personal Information Sheet (Form P233). No changes will be accepted after the first week of school.

Legal Ref: NDCC 15.1-16-11

## **SECTION E - POLICIES AFFECTING STUDENTS**

### **STATE LAW**

The laws of the State of North Dakota and the decisions of the courts relative to the attendance and regulation of pupils apply to the students of this district.

## **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 Superintendent and approval must be obtained prior to displaying the object, decoration, or document. Any such display shall meet the following criteria:

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

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Complementing Policies

- DEAC, Staff Dress Code
- FFH, Student Dress Code

**End of Jamestown Public Schools Policy ABBE .....Adopted: 2-6-2017**

WELLNESS POLICY  
(Adopted 4-17-06)

Legal Reference PL 108-265 - The Child Nutrition and WIC Reauthorization Act of 2004

I. PHYSICAL FITNESS/ACTIVITY

The primary goal of physical fitness is to provide opportunities for every student to develop the knowledge and skills for specific physical activities, maintain physical fitness, regularly participate in physical activity, and understand the benefits of a physically active and healthy lifestyle.

A. Effective Physical Fitness/Education:

For most classrooms, it is recommended that student to teacher ratio be 25:1.

At a minimum, students should have 60 minutes of physical activity throughout the day.

Recommended:

K-5 210\* minutes of activity per week, 60 of which is physical education class

6 90 minutes of physical education a week

7-8 50 minutes of physical education a day

9-12 required 1 ½ credits to graduate

*\*These other minutes will come from recess. On "rain days" activities should be encouraged to be fitness oriented (marching in place, follow the leader, jump rope in place without the actual rope, stretching, etc.)*

- B. Students should be given the opportunities for physical activity during the school day through daily recess periods, elective physical education classes, walking programs, and the integration of physical activity into the academic curriculum. Students should be given opportunities for physical activity through a range of after school programs including intramurals, interscholastic athletics, competitive sports, and physical activity clubs. Schools should work with the community to create an environment that is safe and supports of opportunities for students to be physically active when commuting to and from school.

Other school-based activities designed to promote student and staff wellness: The district may implement additional programs that help create a school environment that conveys consistent wellness messages and is conducive to healthy eating and physical activity. It is recommended that each staff member get 30 minutes daily activity outside of the school. Some examples are

gardening, shoveling snow, walking, housework, etc. Everyday exercise for staff and students (such as biking or walking to school, walking between classes, promoting safer routes for pedestrians and walkers in and around the school, and walking or biking safety training and policies) should be encouraged.

## II. NUTRITION EDUCATION CURRICULUM

- A. Students in grades pre-K-12 receive nutrition education that is interactive and teaches the skills they need to adopt healthy eating behaviors.
- B. Nutrition education is offered in the school dining room as well as in the classroom, with coordination between the foodservice staff and teachers.
- C. Students receive consistent nutrition messages throughout schools, classroom, and cafeterias.
- D. Nutrition is integrated into the health education or core curriculum (e.g. math, science, language arts).
- E. Nutrition education is taught by staff with appropriate training.
- F. Schools are encouraged to enroll as Team Nutrition Schools, and they conduct nutrition education activities and promotions that involve parents, students, and the community.

## III. Other School Activities

Students' lifelong eating habits are greatly influenced by the types of foods and beverages available to them. The following guidelines have been established to address foods and beverages available outside the school meal program. The goals are to increase nutrient density, decrease fat and added sugars, and moderate portion size.

- A. Refreshments or treats, brought into the classroom, both during school and after school, are strongly recommended or encouraged to be healthy alternatives. Beverages should consist of water, 50-100% juice, low-fat or fat-free milk or flavored milk and electrolyte replacement drinks. Food items are recommended to be healthy alternatives. (See Appendix A for suggestions: Healthy School Parties and Healthy Snacks)
- B. When food or beverage items are sold or offered (vending, concessions, school store, etc.), a minimum of 20% healthy alternatives are encouraged to be offered. School stores will market and promote healthy food choices or non-food items. (See Appendix B for suggestions: Vending/Concession Healthy Alternatives). Note that food sales are restricted during meal service operation times.

- C. Organizations are highly encouraged to use non-food items, healthier food ideas, or activity related fundraisers (See Appendix C for suggestions: Fundraisers for Healthy Schools).
- D. The District will annually provide Appendix A, B and C to parents, teachers, students, and staff through the August back to school issue, school newsletters, etc.

## OTHER SCHOOL ACTIVITY APPENDIX A HEALTHY SCHOOL PARTIES AND CELEBRATIONS

Schools can play a major role in helping students become fit, healthy and ready to learn. One way to accomplish this is for foods offered in schools to support lessons learned in the classroom regarding nutrition and physical activity. What better venue than schools, which have a greater impact on children, to support the message that proper nutrition and physical activity are a key part of a healthy lifestyle? Positive examples of making healthy eating choices and encouraging physical activity should be visible throughout the school. Parties and after school events offer opportunities for schools to reinforce the message that making healthy food choices and being physically active means a healthier body and a sharper mind.

Snack ideas for school and classroom parties: Of course, the foods offered at school parties should add to the fun, but try to avoid making them the main focus. Remember, schools are responsible for helping students learn lessons about good nutrition and healthy lifestyles, and students should practice these lessons during school parties.

The following is a list of healthy snack choices to consider for classroom events. Serving healthy foods and incorporating physical activities make a powerful statement. Actions speak louder than words, lead by example:

- Fresh fruit and vegetables
- Baked chips
- Yogurt
- Low-fat popcorn
- Bagels with low-fat cream cheese
- Low-fat Granola Bars
- Trail mix
- Soft pretzels
- Apples with caramel
- Bread sticks with pizza sauce
- Baby carrots with low-fat dip
- Pizza (no extra cheese)



- Animal crackers
- Cereal bar
- String cheese
- Pudding
- Muffins (cupcake size)
- Fudge bars
- Single-serve low-fat or fat free milk (regular or flavored)
- Bottled water (including flavored water)

OTHER SCHOOL ACTIVITY  
APPENDIX B  
HEALTHY SNACKS IDEAS

Guidelines: Aim for 60 – 120 calories, whole grain, low-fat (3 grams or less per serving)

- Fresh fruit like apple slices, orange slices, banana, pear, grapes
- Fresh vegetables like carrots, broccoli, cauliflower
- Baked tortilla chips and salsa
- Yogurt
- Light popcorn
- Bagel bites
- Granola bars
- Trail mix
- Pretzels
- Animal crackers
- Cereal bar
- String cheese
- Mini muffins
- Milk
- Fruit juice (50-100% juice)
- Flavored low calorie water
- Graham crackers
- Whole grain crackers
- Whole grain breadstick
- Vanilla wafers
- Saltines
- Whole-grain fruit bar
- Corn Nuts
- Rice cakes
- Whole grain, lightly sugared cereal
- Celery with peanut butter
- Single serving canned fruit (natural or lite syrup)
- Dried fruit
- Fruit-based snacks

OTHER SCHOOL ACTIVITY  
APPENDIX C  
FUNDRAISERS FOR HEALTHY SCHOOLS

Healthier Food Ideas:

- \*Fresh fruit
- \*Gift baskets of cheese
- \*Low-fat pretzels
- \*Specialty shaped pastas
- \*Popcorn
- \*Nuts
- \*Bottled water

Fun Fundraisers:

- \*Dances
- \*Talent Show
- \*Magic Show
- \*Singing telegrams
- \*Milk mustache photos
- \*Valentine's Day flowers
- \*Balloon bouquets

Activity-Related Fundraisers:

- \*Skate night
- \*Walk-a-thon, jump rope-a-thon
- \*Golf tournament
- \*Bowling night

Community-Related Fundraisers:

- \*Gift wrap
- \*Car washes
- \*Emergency kits for cars
- \*Recycling cans/ink cartridges

Show-Your-School Spirit Fundraisers

With School Name/Logo:

- \*Mugs
- \*Megaphones
- \*Stadium cushions
- \*T-shirts & sweatshirts
- \*License plate frames
- \*Hats
- \*Magnets

Material Fundraisers:

- \*Bath accessories
- \*Candles
- \*Jewelry
- \*First aid kits
- \*Holiday ornaments
- \*Plants, flowers & bulbs
- \*Books & calendars
- \*Greeting cards, stationery
- \*Magazines

#### IV. NUTRITION STANDARDS:

##### A. Quality School Meals:

Jamestown Public School District offers breakfast and lunch and may offer after school snack programs. Full reimbursable meals are provided at all grade levels in the least stigmatizing manner preventing the identification of students who are free and reduced. At the Middle School and High School all individual food items (ala carte snacks) sold in addition to the reimbursable meal meet nutritional guidelines (See Appendix A).

Child Nutrition Program is administered by qualified staff that participates in professional development activities.

Menus meet nutrition standards established by the USDA, conform to good menu planning principles, are tasty, attractive and served at the proper temperature. Menus are planned with input from students at all grade levels.

Food and beverages of minimal nutritional value should not be sold in competition with school meals during school breakfast and lunch hours. (See Appendix B) All profits for foods other than those of minimal nutritional value (such as subs/sloppy joes, etc.) sold in areas where program meals are served or eaten must accrue to the food service program.

School personnel and parents serve as good role models and encourage students to participate in the school lunch and breakfast programs.

##### B. Pleasant Eating Experiences:

A pleasant eating environment has been shown to positively influence students' eating habits. Jamestown Public Schools encourage the following:

1. Students are provided with adequate time to eat meals: at least 10 minutes for breakfast and 20 minutes for lunch (from the time the student is seated). School personnel assist students in developing healthy practices of hand washing before eating.
2. Food is not used as a reward or punishment for student behaviors.
3. All dining areas are attractive and have enough space for seating of all students. Drinking fountains will be available for students at meal time.
4. Socializing is encouraged among students and adults. Adults who supervise are encouraged to be good role models. Parents are encouraged to eat with students in the cafeteria.
5. Recess for elementary students is scheduled before lunch so children will come to lunch less distracted and ready to eat.

V. PLAN FOR MEASUREMENT/IMPLEMENTATION

An evaluation/assessment component shall be established by the Wellness Committee for the purpose of determining effectiveness of this policy.

The Committee shall report to the Superintendent regarding the implementation, management and enforcement of this policy. The Superintendent shall report to the School Board yearly on the District's programs and efforts to meet the purpose and intent of this policy.

NUTRITION STANDARDS – QUALITY SCHOOL MEALS  
APPENDIX A

Ala Carte Guidelines for Jamestown Public School Lunch Program

Ala Carte snacks will not be sold at the elementary level. Hot ala carte food is not recommended. Full reimbursable meals are encouraged at all grade levels for breakfast and lunch. At the Middle School only limited amount of snack items will be offered with a limit of 2 items per student purchase. All snack items sold will be limited to a single portion!

All individual food items sold in addition to the reimbursable meal must meet the following nutritional standards:

1. Not more than 35% total calories from fat (excluding peanuts or seeds), and items must be an appropriate serving size.
2. Not more than 10% total calories from saturated fat.
3. Calcium fortified juices when available.
4. Sugar cannot be the first ingredient.

Any new snack/beverage items, price change or portion size must be approved by the Dietitian/Director of Food Service.

Sweets: Bigger is not Better - Only baked goods from our kitchen will be served:

Cookies – 1 ½ oz.

Muffins and cinnamon/caramel rolls – 2-3 oz.

Brownie and Rice Krispy bars (single serving)

Beverages – Juices must contain 50% juice, serving size 8-12 oz. Water must have no caloric content if a sweetener is added. Water is not limited in size. No sport drinks or ice tea with caffeine will be allowed. Calcium fortified juice will be served when available. Skim or 1% milk, white or flavored, will be available. Single servings of milk are also encouraged.

Ice Cream Novelties – Single serve ice cream cups, sherbet, popsicles will be served. All novelties must be approved by the Dietitian/Director of Food Service.

Potato Chips – No potato chips are served at the Middle School. Only baked single serving potato chips are sold at the High School. All chips must meet the fat percent guidelines as noted above.

All cereal bars, pop tarts, and snack chips (Chex Mix) are single serving and must meet fat percent guidelines as noted above.

Students are allowed once through the snack bar line.

NUTRITION STANDARDS – QUALITY SCHOOL MEALS  
APPENDIX B

Foods of Minimal Nutritional Value as Defined by USDA

These foods may not be sold to students on a school campus during meal service hours:  
Breakfast and Lunch.

- A. All carbonated beverages – no product shall be excluded because it contains nutrients added to the beverage such as vitamins, minerals and protein.
- B. Flavored ice – the exception is products that contain fruit or fruit juice.
- C. Chewing gum
- D. Candy – any processed foods made predominantly from sweeteners or artificial sweeteners.
- E. Jellies and gums – a mixture of carbohydrates combined to form a stable gelatinous jelly like character that are flavored and colored, including gum drops, jelly beans, and fruit slices. The exception is products that contain fruit or fruit juice as the first ingredient.
- F. Hard candy – a product made from sugar (sucrose) and corn syrup that may be flavored and colored, is hard and includes items such as: sour balls, lollipops, fruit balls, candy sticks, mints, jaw breakers, sugar wafers, rock candy, cinnamon candies, breath mints, and cough drops.
- G. Fondant – this product includes candy corn and soft mints.
- H. Licorice – this product is made from sugar and an extract from the licorice root.
- I. Spun candy – this product includes taffy.
- J. Candy coated popcorn – popcorn that is coated with a mixture of sugar and corn syrup.

Descriptor Code:     ACCA

**SEXUAL OFFENDERS ON SCHOOL PROPERTY**  
(Board Adopted 9-17-07, revision to NDCC reference on 12-07-07)

**DEFINITIONS:**

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.

**NONPARENT SEXUAL OFFENDERS:**

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

- a. When she/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.

**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:

- To transport his/her child to and/or from school. The parent sex offender will only be permitted to transport his/her own child.
- To attend a conference to discuss his/her student's progress, placement, or individual education plan (IEP).
- 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.

**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



Descriptor Code: ACCA continued

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 the 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 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 the placement.

#### 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 she/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 shall establish a system for identifying sexual offenders and will inform known sexual offenders of this policy. 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.

Legal Ref: NDCC 12.1-20 Sexual Offender Presence Near Schools Prohibited  
NDCC 12.1-32-15 Offenders Against Children and Sexual Offenders

## INFECTIOUS AND COMMUNICABLE DISEASES

### Students:

The intent of the instructional program on significant contagious diseases is to provide 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 appropriate to specified grade levels. Instruction will begin in Grade K and continue through Grade 12.

Appropriate curriculum will be designated including a scope and sequence to assure that all students receive age-appropriate education. The District Administrator or his designee is charged with recommending revisions in the program to the School Board to update and modify the curriculum as new information about significant contagious diseases is made available. Any curriculum and materials developed for use in this program will be approved for medical accuracy by the Department of Public Instruction and/or the State Department of Health according to the guidelines furnished by the Center for Disease Control.

Prior to the start of the student instructional program, and at any time thereafter, parents and guardians of students who will be involved with the curriculum and materials will have an opportunity to preview the curriculum and materials in a specific program being presented. Thereafter, any parent or guardian may review the curriculum and materials at any time including any revisions in the program to update and modify the curriculum as new information about significant contagious diseases is made public.

The school district, at least one month prior to teaching significant contagious diseases prevention education in any classroom, will conduct for the parents and guardians of the students involved, during weekend and evening hours, at least one presentation concerning the curriculum and materials that will be used for such education.

### Cross Ref:

Policy IX.J.	Infectious and Communicable Diseases
Policy DAB	Recruitment
Policy DBB	Recruitment and Selection of Instructional Staff
Policy DCB	Recruitment and Hiring
Policy FBBB/GBEI	Education of Exceptional Students
Policy GBEBD	Teaching about AIDS
Policy HFAA	Selecting Provider of Professional Services
Policy IC	Transportation
Policy K	General Public Relations
Policy LEE	Relations with Health Department

### STUDENTS WITH CONTAGIOUS DISEASES - Adolescent Unit School:

Children and Adolescent Unit School staff will follow all North Dakota State Hospital

policies/procedures concerning prevention and control of infections in staff and patients. Prevention and control procedures will be part of inservice to staff at the beginning of each school year.

## **Technology Acceptable Use Agreement for Students (Revised April 2014)**

The Jamestown School District's technology resources shall be used for educational purposes consistent with the district's mission and goals, district policies, state laws, and federal laws. The Jamestown Board of Education will provide the opportunity and the training for students to appropriately use the district's technology resources.

Technology resources provided by the district include but are not limited to:

- Computers and related peripherals
- Printers of all types
- File and application servers
- Telephones, and voice mail systems
- Local and wide area networks
- Internet access
- Email accounts
- IVN or interactive learning opportunities
- Televisions, VCR's, and DVD players
- Camcorders and digital cameras
- Copy machines

The efficient application of these resources requires the cooperative effort of district support personnel, staff and students.

This agreement governs issues unique to technology resources and works in accordance with district policies.

### **Personal Technology Resources**

Jamestown Public School students and parents/guardians fully acknowledge that the use of a personal device on the premises of JPS is subject to all guidelines, rules, and regulations governing responsible use as established by the Jamestown Public Schools. It is further understood that the use of a personal device is restricted to those activities as required or related to the student's program of study and any other use may be subject to disciplinary action including the loss of device use privileges. Students will not access web sites with inappropriate content using a 3G or 4G connection. Students and parents understand and agree that JPS is NOT responsible for any damage or theft that may occur to the device while on school property.

Descriptor Code: ACDA continued

By logging on the JPS wireless guest network, students are accepting the terms of the JPS Technology Use Agreement. The JPS wireless network will provide filtered Internet access just like the network for JPS devices.

## **Expectations and Use Requirements**

The Jamestown Public School District expects users to exhibit responsible behaviors when using district technology resources. Use of district technology resources is a privilege that may be revoked if the expectations are not followed. These expectations include:

- Use of technology resources to support the educational mission of the district in an ethical manner. The district does not allow the use of defamatory, inaccurate, abusive, obscene, profane, sexually oriented, threatening, racially offensive, or illegal material at any time in the school environment.
- Adherence to other district policies as they apply to technology resources.
- Compliance with all local, state and federal laws. This includes laws regarding computer hacking, software piracy, copyright infringement, willfully circumventing the network filters, and other illegal behaviors.

## **Privacy**

Individual privacy is not guaranteed when using Jamestown Public School District technology resources. Files and communications may be reviewed to maintain system integrity and to ensure that users are adhering to the acceptable use agreement and guidelines. Individuals should respect the privacy of other users and not intentionally seek private information. The district will cooperate with local, state, and federal authorities when necessary.

## **Security**

Security systems help maintain the integrity of district technology resources. Any attempts to circumvent, disable, or misuse security systems are prohibited. If users identify a security problem, they should notify their supervising teacher or the district technology staff.

## **Internet Safety and Use of Filters**

The Jamestown Public School District maintains technology protection measures in operation at all times for the safety of minors with respect to computers with Internet access. The district makes all reasonable attempts to prevent computer access to visual depictions that are obscene, pornographic, or harmful to minors; and maintains the operation of such technology protection measures during the time that any of its computers are in use. The terms “obscene”,

Descriptor Code: ACDA continued

“child pornography”, “sexual act”, and “sexual contact” are defined as provided in the Child Internet Protection Act.

The Internet offers many valuable educational resources for users, but there are also safety issues that should be considered. Internet safety tips include:

- Keep your personal information and passwords private. Always check with an adult before giving out information online, such as your name, address, phone numbers, passwords or other personal information about yourself.
- Don’t read emails or download attachments from people you don’t know. It is an easy way to infect your computer with a virus or be lured to an objectionable website.

- Understand that nothing done on the Internet is private. Records exist that document everything you do while online.
- Tell a trusted adult or supervisor if someone says or sends you something that you consider inappropriate. Do not respond to the person either directly or indirectly.
- Never meet “online-only” friends in person. The people you meet online may be very different people in person. You have no way to confirm the real identity of someone you meet online.
- Practice proper etiquette while online and avoid conflicts with other users.

Although the district provides a filtering system to limit user access to potentially objectionable material, no filtering system can provide complete protection and it is the user’s responsibility to use Internet resources appropriately. Students using Internet resources should be supervised at all times. Problems with the filtering system should be reported immediately to the supervising teacher or to the district technology staff.

Administration will use its discretion on the educational values of Internet resources and may restrict/allow access accordingly.

Potentially objectionable material includes, but is not limited to:

- Visual depictions that are obscene or depict pornography as defined by the Child Internet Protection Act
- Violence/violent behavior
- Illicit drugs/drug culture
- Gambling
- Alcohol/tobacco
- Excessive email/chat rooms/blogs/websites
- Materials harmful to minors
- Hacking information

### **Electronic Mail and Internet Use**

The Jamestown Public School District provides email accounts and Internet access for students. Considerations when using these resources include:

- Users must adhere to the Technology Acceptable Use Agreement at all times when using the Internet and/or district email, including after hours, weekends and/or holiday use.
- Users are prohibited from using district email or Internet access for commercial or personal gain.

- Users are prohibited from using district email or Internet access for unethical or illegal behaviors or activities that are contrary to any district policy.
- Material hosted on district servers and published on the Internet will be reviewed for appropriateness. Criteria will include student safety, student privacy, and educational value.
- Materials that represent Jamestown Public Schools and are hosted on non-district servers should adhere to the Technology Acceptable Use Agreement.
- Student email accounts will be provided through EduTech on request. Students are not allowed to access non-approved email accounts while in school. Student accounts may be revoked if used inappropriately as outlined in the EduTech Acceptable Use Policy or the Jamestown Public Schools Technology Acceptable Use Agreement.

### **Vandalism**

Vandalism includes any malicious attempt to harm or destroy any Jamestown Public School District equipment or software or the data of another user on computers, local networks, or global networks. Vandalism is prohibited and may result in cancellation of privileges or other disciplinary action.

### **Disciplinary Actions**

The technology resources of the Jamestown Public School District are provided to better enable the users to accomplish the educational goals and mission of the district. The district may suspend, terminate, or revoke a user's access to the district's technology upon violation of the district Technology Acceptable Use Agreement and/or administrative regulations. The building administrator is responsible for applying restrictions when the Technology Acceptable Use Agreement has been violated, including the misuse of personal technology used in school.

Possible restrictions for any actions that violate the Technology Acceptable Use Agreement include but are not limited to:

- Loss of access privileges to technology resources
- Removal of students from classes with loss of credit
- Expulsion
- Restitution for damages to software, hardware, or other technical equipment
- Restitution for costs associated with repair of equipment or software
- Restitution for costs related to improper use of district telephone or voicemail systems
- Involvement of local, state, or federal law enforcement

- Other disciplinary actions deemed appropriate by the building administrator/supervisor

Prior to a suspension or revocation of the use of technology resources, the building administrator will inform the user of the suspected violation and give the user an opportunity to present an explanation.

The user may appeal the suspension or revocation within seven (7) calendar days.

#### **Legal Disclaimer**

The Jamestown Public School District makes no warranties of any kind, whether expressed or implied, for the service it is providing. The district will not be responsible for any damages users may suffer. This includes loss of data resulting from delay, non-delivery, miss-deliveries, or service interruptions; damages to personal property used to access school computers, networks, or online resources; or unauthorized financial obligations resulting from use of school accounts to access the Internet. Use of any information obtained via the Internet is at your own risk. Jamestown Public Schools specifically deny any responsibility for the accuracy or quality of information obtained through its services.

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

Potentially objectionable material includes, but is not limited to:

- ❖ Visual depictions that are obscene or depict pornography as defined by the Child Internet Protection Act
- ❖ Violence/violent behavior
- ❖ Illicit drugs/drug culture
- ❖ Gambling
- ❖ Alcohol/tobacco
- ❖ Excessive email/chat rooms/blogs/websites
- ❖ Materials harmful to minors
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- ❖ using the Internet and/or district email, including after hours, weekends and/or holiday use.
- ❖ Users are prohibited from using district email or Internet access for commercial or personal gain.
- ❖ Users are prohibited from using district email or Internet access for unethical or illegal behaviors or activities that are contrary to any district policy.
  - ✓ Material hosted on district servers and published on the Internet will be reviewed for appropriateness. Criteria will include student safety, student privacy, and educational value.
  - ✓ Materials that represent Jamestown Public Schools and are hosted on non-district servers should adhere to the Technology Acceptable Use Agreement.
- ❖ Student email accounts will be provided through EduTech on request. Students are not allowed to access non-approved email accounts while in school. Student accounts may be revoked if used inappropriately as outlined in the EduTech Acceptable Use Policy or the Jamestown Public Schools Technology Acceptable Use Agreement.

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The building administrator is responsible for applying restrictions when the Technology Acceptable Use Agreement has been violated. This includes personal technology used in school. Possible restrictions for any actions that violate the Technology Acceptable Use Agreement include but are not limited to:

- ❖ Loss of access privileges to technology resources
- ❖ Removal of students from classes with loss of credit
- ❖ Expulsion
- ❖ Restitution for damages to software, hardware, or other technical equipment
- ❖ Restitution for costs associated with repair of equipment or software
- ❖ Restitution for costs related to improper use of district telephone or voicemail systems

- ❖ Involvement of local, state, or federal law enforcement
- ❖ Other disciplinary actions deemed appropriate by the building administrator/supervisor

Prior to a suspension or revocation of the use of technology resources, the building administrator will inform the user of the suspected violation and give the user an opportunity to present an explanation.

- The user may appeal the suspension or revocation within seven (7) calendar days.

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

JAMESTOWN PUBLIC SCHOOL DISTRICT  
TECHNOLOGY ACCEPTABLE USE AGREEMENT

Parent/Guardian of \_\_\_\_\_:

As the parent/guardian of this student, I have read and understand the Jamestown School District's Technology Acceptable Use Agreement. I understand that the Jamestown District's technology is to be used for educational purposes, and that the Internet is for the purpose of providing worldwide access to information and resources of educational value. While the Jamestown District has taken precautions to restrict access to controversial material, it is impossible to fully eliminate access to all controversial materials on the Internet. The Jamestown District also recommends supervision of children's Internet use outside of school.

I hereby give my permission for my child to access the Internet via the Jamestown School District's technology.

Parent/Guardian Signature \_\_\_\_\_

Date: \_\_\_\_\_

Descriptor Code: DEBA

## CONFIDENTIALITY POLICY

Only persons who have a "need to know" for purposes of providing direct educational services may have access to student information.

Exceptions are items regarded as directory information. Federal regulations define this as "information contained in an education record of a student which would not generally be considered harmful or an invasion of privacy. Directory information includes, but is not limited to the student's name, address, telephone listing, date and place of birth, major field of study, participation in officially recognized activities and sports, weight and height of members of athletic teams, dates of attendance, degrees and awards received, and the most recent previous educational agency or institution attended."

This policy applies to all persons working in the Jamestown Public School system. School Board members, administrators, teachers, student teachers, college practicum students, teacher assistants, therapists, volunteers, other support staff, et. al. are bound by this policy. Violation may result in legal action against the district and/or loss of federal funding. Therefore, any violation will be referred to the appropriate administrator for disciplinary action and/or possible termination of employment.

## PART-TIME STUDENTS

Jamestown Public Schools accepts part-time students under twenty-one years of age who are attending other schools in this School District and whose parents reside regularly in this district. Such students must register at least one week prior to the first day of school each semester. Further, a written request from the administrator of the student's school, setting forth the subject or subjects desired and the availability of the student, will be necessary before registration.

Permission will be granted to attend Jamestown Schools as a part-time student providing classroom space is available.

All students registering for courses requiring consumable materials must pay the regular fees as collected by the classroom teacher and a deposit for books borrowed from the district's bookstore.

Part-time students must expect to learn and follow all rules and regulations of their host school. Serious deviation will mean suspension of the student's part-time privileges

## ESTABLISHING NEW SPECIAL EDUCATION PROGRAMS

The Jamestown School District currently provides a wide variety of services to students with disabilities throughout the district. Students with prevalent disabling conditions and low incidence disabling conditions are served both within the state and out of state according to individual needs.

In determining new special education programs for those children with disabling conditions identified as low incidence, (occurring at a very low percentage in relationship to the total school population, e.g., 1% or less) and including emotionally disturbed, autistic, severely multi-handicapped, visually impaired, and hearing impaired and those children with prevalent handicapping conditions including EMH, TMH, LD and speech therapy, the following criteria will be used:

- A. The Jamestown School District will provide appropriate education and related services to students with disabilities based on the Individualized Education Plans indicating a need for such services. The multi-disciplinary team will design an individualized education plan for each student with input from parents.
- B. The special education unit and the multi-disciplinary team (including parents) will determine what services are needed and what types of classroom experience is needed, self contained, resource or residential care. Following this step it will be determined if there are appropriate programs available in the unit for the child with disabilities.
- C. If the student's educational and related needs can be met in the regular classroom using supplementary instructional methods (modified programs and related services including LD, Speech, PT and OT) this will be implemented. If the student is enrolled in a regular school program and requires services not currently available within the special education unit, every attempt will be made to contract with other units, private individuals or organizations.
- D. The instructional program, equipment and special methods will be stated in the individual education plan.
- E. If there are no existing programs within the unit for the individual students, the special education unit will attempt to find appropriate programs within a 100 mile radius of the home district. These programs may be in public school districts, private schools, group homes or state institutions. The special education unit will assist in the boarding care arrangements if necessary.

FIRST AID AND EMERGENCY CARE  
(Revised 6-20-06)

The school is responsible for giving first aid or emergency treatment only in case of sudden illness or injury to a pupil or a member of the staff. Further medical attention in the case of a pupil is the responsibility of the parent or guardian, or the person designated for emergencies; and, in the case of a member of the staff, of the particular individual.

Each principal or designee will be charged with directing the immediate care of an ill or injured person who comes within her/his area of responsibility.

At each school, procedures for the proper handling of such emergencies will be developed and made known to the staff. Procedures will incorporate the following requirements:

- A. No treatment except first aid, Cardiopulmonary Resuscitation (CPR) and Automated External Defibrillator (AED) is permitted in schools. The school's responsibility is to place the ill or injured student in the care of the home or family physician as soon as possible.
- B. Teachers or other trained persons will be responsible for administering first aid, CPR and AED.
- C. A master first aid kit will be kept and properly maintained in each school.
- D. No prescription drugs will be administered by school personnel unless authorized by a physician. No over the counter drugs will be authorized unless written permission is granted by parents.
- E. Parents will be asked to sign and submit an emergency medical authorization which will indicate the procedure they wish the school to follow in the event of a medical emergency involving their child.
- F. Parents of children with allergies must provide the school with an individualized action plan prepared by their physician.
- G. In all cases, where the nature of an illness or an injury appears serious, the parent or guardian will be contacted, if possible, and the instructions on the child's emergency card followed. In extreme emergencies, arrangements usually may be made for a child's immediate hospitalization whether or not the parent or guardian can be reached.
- H. No child who is ill or injured will be sent home alone, unless the illness is minor and the parent or guardian has been informed in advance.

Descriptor Code: E-4

### CHILD ABUSE AND NEGLECT REPORTING ACT

It shall be the policy of the Jamestown School System that all employees shall cooperate in fulfillment of the Child Abuse and Neglect Reporting Act.

Legal Ref: NDCC 31-01-06.1; NDCC 50-25.1-03; NDCC 50-25.1-04; NDCC 50-25.1-10;  
NDCC 50-25.1-13; NDCC 50-25-1-14



Descriptor Code: E-5

### TEXTBOOKS (revised 11-15-04)

The Jamestown Schools furnish all textbooks and workbooks in grades K-12. Students will be charged a fee for misused, damaged or lost textbooks.

All consumable materials are purchased by the patrons. Consumable materials are defined as items for which the student makes a project in class and they keep the project at its completion. An example might be a sewing or wood project.

## SPECIAL EDUCATION STUDENT RECORDS

The District shall notify the parents of children in special education when personally identifiable information collected, maintained, or used by the District are no longer needed to provide educational services to the child. The contents of a pupil's Special Education Services Record except for a permanent record of the student's name, address, and phone number, his or her grades, attendance record, classes attended, grade level completed, and year completed, shall be destroyed when the information is no longer needed to provide educational services to the child if the parents request destruction. If the parents do not request destruction, the Director of Special Education shall determine on a case by case basis whether to retain the entire record, taking into consideration the protection against improper and unauthorized disclosure and the child's potential need for the records, such as social security benefits.

Legal Ref: 20 USC 1412 Individuals with Disabilities Education Act; 20 USC 1232g.  
Family Educational Rights and Privacy Act; P.L. 93-380 Family  
Educational and Privacy Act 1994; 45 CFR Part 99, Regulations

**SCHOOL ASSIGNMENT & CHOICE**

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

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

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

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

**School Choice**

Parents of students attending a Title I school identified under law as in need of improvement, under corrective action, under restructuring, persistently dangerous, and/or parents of students who become a victim of documented violence while at school shall:

1. Receive notification in accordance with law;
2. Be given the option of transferring their child to another district school;
3. Be given the option of transferring their child to a school outside the District if the District does not have more than one school offering the student's grade level and/or the District does not have another school defined under applicable law as safe and meeting adequately yearly progress.

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

- FAB-E, Student Rights Under the Equal Opportunities Act

**End of Jamestown School District Policy FAB .....Adopted: 11/2/2015**

**STUDENT RIGHTS UNDER THE EQUAL OPPORTUNITIES ACT**

**20 U.S.C. 1703**

No State shall deny equal educational opportunity to an individual on account of his or her race, color, sex, or national origin, by—

- (a)** The deliberate segregation by an educational agency of students on the basis of race, color, or national origin among or within schools;
- (b)** The failure of an educational agency which has formerly practiced such deliberate segregation to take affirmative steps, consistent with part 4 of this subchapter, to remove the vestiges of a dual school system;
- (c)** The assignment by an educational agency of a student to a school, other than the one closest to his or her place of residence within the school district in which he or she resides, if the assignment results in a greater degree of segregation of students on the basis of race, color, sex, or national origin among the schools of such agency than would result if such student were assigned to the school closest to his or her place of residence within the school district of such agency providing the appropriate grade level and type of education for such student;
- (d)** Discrimination by an educational agency on the basis of race, color, or national origin in the employment, employment conditions, or assignment to schools of its faculty or staff, except to fulfill the purposes of subsection (f) below;
- (e)** The transfer by an educational agency, whether voluntary or otherwise, of a student from one school to another if the purpose and effect of such transfer is to increase segregation of students on the basis of race, color, or national origin among the schools of such agency; or
- (f)** The failure by an educational agency to take appropriate action to overcome language barriers that impede equal participation by its students in its instructional programs.

**End of Jamestown Public School District Exhibit FAB-E**

### RELEASE OF STUDENT RECORDS

Student records shall be made available to an outside person or agency only under the following conditions:

- A. A "Release of Information" request is received by school officials duly signed by a parent of the student, or legal guardian, or by a student of legal age (18 years or older).
- B. A "Request for Information" is received by school officials in the form of a specific request from the court, a court order, or a subpoena duces tecum. Only information requested shall be provided and the parents and/or students shall be notified of all such orders in advance of compliance with the order.
- C. A "Request for Transcript" is received by school officials from receiving school. Only information such as grades, attendance records, and group test scores should be included. Transcripts may also be sent to prospective employers at the request of the student or parents. Psychological reports and health records cannot be released without having been specified in the signed "Release of Information" request as per #1 above.
- D. In instances where requests for information might come from an outside agency such as the VA, working for the welfare of a student, the agency will file a release from the student (if of legal age) or parent or guardian. In lieu of such a release, a form signed by a judge (not necessarily in the form of a subpoena) would suffice, provided the parent, student, or guardian is notified that such a form has been received.
- E. Instances where requests for information come from the Comptroller General of the United States, the Secretary of Education, an administrative head of an education agency or State educational authorities in connection with the audit and evaluation of federal programs or for the enforcement of federal legal requirement which relate to such programs, only that data which does not include information (including social security numbers) which would permit the personal identification of such students or their parents shall be released. The only exception shall be when the collections of a personally identifiable data are specifically authorized by federal law.

A student of legal age or the parent or legal guardian of a minor student shall have access to a student's records at any time during the school day upon reasonable notice to the principal. Absent a court order to the contrary, divorced parents of a student shall have equal access to their child's educational records.

Legal Ref:	20 USC 1232g(b)(4)(A)	Family Educational Rights and Privacy Act
	PL 93-380	Family Educational Rights and Privacy Act of 974
		45 CFR 99.30 and 99.31 Regulations 45 CFR 99.2
		Definition of "Parent"

Descriptor Code: FCAA

**ACCOMMODATING STUDENTS WITH SPECIAL DIETARY NEEDS**  
(Board Adopted 9-18-06)

The School Board believes all students, through necessary accommodations where required, should have the opportunity to participate fully in all school programs and activities.

In some cases, a student's disability may prevent him/her from eating meals prepared for the general school population. Substitutions to the regular meal will be made for students who are unable to eat school meals because of their disabilities, when that need is certified in writing by a physician. Meal service shall be provided in the most integrated setting appropriate to the needs of the student with a disability.

The nature of the student's disability, the reason the disability prevents the student from eating the regular school meals, including foods to be omitted from the student's diet, indication of the major life activity affected by the disability, the specific diet prescription along with the substitution(s) needed should be specifically described in a statement signed by a licensed physician. The district, in compliance with USDA Child Nutrition Division guidelines, will provide substitute meals to food-allergic students based upon the physician's signed statement. Care will also be taken to consider these students when planning field trips and/or classroom treats.

The Board recognizes that students with documented life-threatening food allergies are considered disabled and are covered by the Americans With Disabilities Act, Public Law 93-112, and Section 504 of the Rehabilitation Act of 1973. A clearly defined "504 Accommodation Plan" will be developed and implemented for all such identified students in which necessary accommodations are made to ensure full participation of identified students in student activities. Such plan shall be signed by the appropriate staff, the parent/guardian of the student and the student's physician.

All schools are responsible for developing and implementing guidelines for the care of food-allergic students. Such guidelines shall include, but not be limited to, staff development, strategies for identifying students at risk for life-threatening allergic reactions, means to manage the student's allergy including avoidance measures, designation of typical symptoms, and dosing instructions for medications.

Cross Ref: Policy FEAA Administering Medicine to Students  
Policy FHCB Bus Conduct  
Policy GBG Field Trips

Legal Ref:

42 U.S.C. 12183(b)

20 U.S.C. 1232g

20 U.S.C. 1413

Americans With Disabilities Act 1973 Rehabilitation Act,  
Section 504 FCS Instruction 783-2, Revision 2

Family Education Rights and Privacy Act

Individuals with Disabilities Education Act

## GUIDELINES

### ACCOMMODATING STUDENTS WITH SPECIAL DIETARY NEEDS

In order to properly implement the policy pertaining to the management of food allergies, the following administrative regulations are hereby established:

1. Each school shall establish a method of ensuring that relevant information is transmitted to all supervising persons of an identified student. It is incumbent upon the school to notify any person who may be supervising a student with identified food allergies, especially those which may be life-threatening, including but not limited to peanut allergies.
2. The primary concern of the school is the prevention and appropriate treatment of potentially severe allergic reaction, anaphylaxis.
3. Parents with allergic children must provide the school with an individualized action plan prepared by the student's physician.
  - a. Parents and guardians should be notified at registration and in student parent handbooks that if their child has special dietary needs they need to complete and/or have their physician complete the special dietary needs form. (See Appendix G)
  - b. The principal will keep the form on record with the student's file and provide a copy to food service.
  - c. The principal will note any changed on a yearly basis and alert staff of the dietary needs/modifications and any medical precautions/training necessary.
  - d. At risk students should have some means of identification, such as a medical alert bracelet.
  - e. Most food-allergic children bring their lunch from home. However, guidelines established by the USDA Child Nutrition Division in charge of school lunches requires school food service staff to provide substitute meals to allergic students if the physician of the student sends written instructions certifying the child's allergy, what foods are to be avoided and safe substitutions.
  - f. A no-food trading policy will be enforced.
4. Parents will be encouraged to review/preview menus in order to select safe foods their child may eat.
5. Consider the following avoidance strategies due to the fact that risk can never be fully eliminated in the school environment:
  - a. Parents should be encouraged to instruct their children in how to avoid contact with substances to which they are allergic.
  - b. Carefully monitor identified children, especially in the younger grades.
  - c. Allergic children should consider eating foods that are only prepared at home.
  - d. Students should be encouraged not to exchange foods or utensils with other students.
  - e. Surfaces, toys, and equipment should be washed clean of allergy containing foods.

Descriptor Code: FCAA-AR continued

- f. Food personnel should be instructed about necessary measures required to prevent cross contamination during food handling, preparation and serving of food.
  - g. Check hand soap ingredients to be sure it does not contain peanut oils.
  - h. Establish a buddy system for identified students.
  - i. Provide staff updates at monthly faculty meetings.
- 6. Provide training for staff in basic first aid, resuscitative techniques and in the use of epinephrine auto injections.
  - 7. Epinephrine should be kept in close proximity to students at risk of anaphylaxis, and in all cases where it is administered the student must be sent to the hospital immediately.



Descriptor Code: ACBD

## **Administering Medicines to Students**

(Adopted 8-4-2014)

The Jamestown Public School Board has established a program for providing medication to students that includes authorizing individuals to provide medication to a student if the individual has received education and training in medication administration and has received written consent of the student's parent or guardian. (NDCC 15.1-19-23)

Students who must depend on receiving prescription medication during school hours for medical reasons must have a written order from a physician, dentist, or other legally designated health care professional giving specific directions for taking the medication. Such written order may be the prescription label on the original pharmacy labeled container.

The administration of aspirin/Tylenol, or generic equivalents, at school is not approved without the prior consent of a parent or legal guardian. Other over-the-counter medication may be administered only with written consent of the parent or legal guardian.

Any medication, which is ordered to be administered at school, may only be given using procedures developed by the administration and approved by the board.

End of Policy Code.ABCD.....Policy Code.ABCD

CONCUSSION MANAGEMENT  
(Adopted July 18, 2011)

The District shall comply with the concussion management program requirements contained in law (NDCC 15.1-18.2). **For the purpose of implementing the concussion management program law**, the Board has established the following definitions and requirements.

Coach: This term shall include those assigned coaching duties, assistant coaching duties, and the athletic director except in the following circumstances. District students and minors serving in a coaching or assistant coaching capacity shall not have authority to determine if a student should be removed from play due to a possible concussion but are required to report any known sign, symptom, or report of a student's concussion as soon as possible to an adult official, coach, or athletic trainer so that a removal decision can be made. District students and minors serving in coaching or assistant coaching capacity are furthermore not authorized to receive documentation from a health care provider authorizing a player to return to play. Such authorization must be provided to an adult coach or athletic trainer.

Health care provider: In order to qualify as a health care provider who can examine a concussion and authorize an athlete's return to play, an individual must be authorized to diagnosis and treat concussions. This excludes healthcare workers such as, but not limited to, EMTs, nursing assistants/aides, licensed practical nurses, and registered nurses.

Official: The District shall comply with the definition of official under law, but shall exclude from this definition the following. District students and minors serving in an officiating capacity shall not have authority to determine if a student should be removed from play due to a possible concussion but are required to report any known sign, symptom, or report of a student's concussion as soon as possible to an adult official, coach, or athletic trainer so that a removal decision can be made.

Parent includes biological and/or legal guardians.

School-sanctioned athletic activity is a sport that:

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

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

and students/parents have viewed required informational material on concussions prior to beginning the activity.

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

The concussion management program shall contain all components required by law. It shall be placed in an administrative regulation.

Complementary Documents

FCAF-AR, Concussion Management Program

**CONCUSSION MANAGEMENT PROGRAM**

(Adopted July 18, 2011)

*NOTE: Items designated with a \* are from a National Federation of State High School Associations document entitled "Concussion in Sports: What You Need to Know" written by Dr. Michael Koester, Jennifer Adams, and Angie Webster and available at [www.nfhslearn.com](http://www.nfhslearn.com).*

**Concussion Signs and Symptoms**

The signs and symptoms of a concussion are as follows:

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

**Requirements when Signs & Symptoms are Observed/Reported:****1. Removal**

An official shall remove from competition and a student's coach or athletic trainer shall remove from practice, training, or competition a student:

- a. That reports any sign or symptom of a concussion;
- b. That exhibits any sign or symptom of a concussion; or
- c. When a licensed, registered, or certified health care provider (whose scope of practice includes recognition of concussion signs and symptoms) has notified the coach, official, or athletic trainer that the student has reported or exhibited a sign or symptom of a concussion.

**2. Examination**

A student removed from practice, training, or competition for one or more of the reasons above must be examined as soon as practical by a licensed, registered, or certified health care provider whose scope of practice includes diagnosis and treatment of concussions.

### **When to Call for Emergency Assistance\***

If an athlete exhibits the following symptoms, a district employ, sports authority (e.g., coach, assistant coach, trainer, referee) or designee should call 911 for emergency medical assistance.

The athlete lost consciousness or has a decreasing level of consciousness;

- The athlete has symptoms of a concussion and his/her conditions appear to be worsening;
- The athlete's neurological function is deteriorating or mental status changes (lethargic, confused, agitated, difficulty maintaining focus/arousal)
- The athlete's respiration is decreasing or irregular;
- The athlete exhibits any sign or symptom of associated injuries, spine or skull fracture, or bleeding;
- The athlete exhibits seizure symptoms/activity.

### **Transportation when Emergency Assistance is NOT Activated**

Under no conditions should a student with a suspected head injury be sent home or allowed to drive. An athlete removed from play in accordance with this procedure whose condition appears stable (i.e., not worsening) should be transported by his/her parent to a medical facility as soon as possible. If the student's parent is unavailable, the coach shall make arrangements to have the student transported to a medical facility by a school employee as soon as possible. The coach or designee shall make a continued effort to notify the student's parent of student's possible injury, transportation arrangements, and destination.

### **3. Return to Play Requirements**

A student who is removed from play in accordance with this procedure will not be allowed to return to practice, training, or competition until the student or the student's parent obtains written authorization from a licensed, registered, or certified health care provider whose scope of practice includes the diagnosis and treatment of concussion and provides that authorization to the student's coach or athletic trainer.

### **4. Training**

Upon initial employment (or selection, in the case of volunteers) or at the time the concussion management program is initially implement (for existing staff) and every two years thereafter, each district coach, official, and athletic trainer shall receive training regarding the nature and risk of concussions. The Superintendent shall determine the method most suitable for carrying out this training requirement and should place, in each applicable personnel file, documentation of the date(s) the staff member completed concussion training.

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

Descriptor Code: FCBA

**EXCUSING STUDENTS FROM THE BUILDING**  
(Revised 5-15-06)

The ability to set the procedures to excuse students from the building rests entirely with the principals/activity director, career and technology director and district administrator. The authority to excuse students from the building may be delegated to a building facilitator or designee. No teacher has the right to send students on errands off the premises or to excuse students from the building. (See Administrative Guidelines of Procedures used in Excusing Students from Schools K-12)

RESTRAINT OR SECLUSION POLICY  
(Adopted 5-20-2013)

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

**Definitions**

For the purposes of this policy:

- *Dangerous behavior* is violent, disturbed, or depressed behavior which may **immediately** result, or has resulted, in harm to that person or other persons.
- Chemical restraint is medication used to control behavior or restrict freedom of movement that is not a standard treatment for the student's medical or psychological condition.
- *Mechanical restraint* is any device or object used to restrict or limit a student's body movement or any normal function of any portion of his/her body to prevent or manage dangerous behavior. Mechanical restraints are prohibited in Jamestown Public Schools. Mechanical restraints do not include devices used by trained school personnel or by a student him/herself for approved therapeutic or safety purposes for which devices were designed and, if applicable, prescribed.
- *Physical restraint* is the use of physical intervention intended to hold a student immobile or limit a student's movement by using body contact as the only source of restraint to de-escalate dangerous behavior. This definition excludes physical prompts and physically escorting a student so long as the physical prompt/escort does not render a student immobile.
- *Behavioral intervention strategies* shall not be construed to mean a name-brand method of identifying and assessing students potentially in need of a behavioral intervention plan. Under this policy, it is defined as methods used to identify students who exhibited past incidents of dangerous behavior or exhibit the potential to engage in such behavior in the future. Superintendent shall determine the appropriate scope and method of conducting a needs assessment for implementation of behavioral intervention strategies under this policy and should document completion of this assessment.
- *Seclusion* is placing a student in a room or limited space alone to de-escalate dangerous behavior except for the presence of a staff monitor who shall monitor the student directly in the space or immediately outside it. This definition excludes timeouts, disciplinary sanctions designed to penalize students by separating them from the student population (such as, but not limited to, detention and in-school suspension), and alternative placement (which is often used to separate the student from the student population for safety reasons).

- *Timeout* is a behavior intervention strategy that occurs when the ability of a student to receive normal reinforcement in the environment is restricted. Timeout may be inclusionary (where the student remains in sight and sound of others in the classroom) or exclusionary (where the student leaves the learning environment and goes to another location but is not isolated and prevented from leaving). Timeouts are not a form of seclusion.

### **Behavioral Intervention Strategies**

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

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

### **Prohibitions**

The Jamestown prohibits district employees, contractors, volunteers, and other individuals serving or working in any capacity for the District (hereafter district staff) from use of any form of restraint and/or seclusion on students except when the following conditions are met and then only in compliance with this policy: An emergency situation necessitates the use of physical restraint or seclusion to control violent, disturbed, or depressed behavior which may immediately result, or has resulted, in harm to that person or other persons.

The District further prohibits district staff from the following:

1. Using restraint and seclusion interventions simultaneously except when necessary, temporary measure (e.g., to evacuate a classroom, restrain a secluded student who is exhibiting self-destructive behavior)
2. Using restraint or seclusion to discipline a student
3. Using restraint or seclusion as a behavioral intervention when:
  - a. Behavior does not pose an immediate risk of harm or has not resulted in harm to the student or others



4. Using mechanical restraints
5. Using chemical restraints
6. Using a physical restraint or seclusion technique that restricts breathing or ability to communicate (e.g., requiring a student to lie down or covering a child's face)
7. Using a restraint or seclusion technique that will knowingly cause harm to a child. An exception to this provision may be warranted if a district staff member is attempting to obtain possession of a weapon or other dangerous object within the control of a student, is attempting to stop a physical altercation between the student and another individual, or is acting in self-defense and inadvertently causes harm to the student in the process. Administration shall investigate anytime a student was harmed during restraint or seclusion to determine the appropriateness of the intervention technique under the circumstances.
8. Using physical restraint or seclusion for longer than when the dangerous behavior has subsided.

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

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

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

seclusion intervention does not substantially depart from accepted professional judgment, practice, or standards.

11. A review of physical restraint or seclusion interventions used to respond to the child in the past. Any interventions that were ineffective should be modified using the above criteria.
12. Whether parents have authorized the proposed physical restraint or seclusion intervention. Such authorization is required and should be documented in a BIP, IEP, or 504 Plan.

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

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

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

### **Staff Training**

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

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

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

Whenever any student is placed in seclusion or is restrained, the intervening staff member shall contact the building principal or designee as soon as practical. The building principal or designee shall determine if the seclusion or restraint is necessary and compliant with this policy; determine the appropriate duration of the physical

restraint or seclusion, not to exceed the length of the school day; and shall at least issue his/her decision in writing.

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

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

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

### **Policy Violations**

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

### **Policy Adoption & Review**

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

1. Frequency of use of restraint or seclusion
2. Outcomes of restraint or seclusion interventions
3. Demographics of students subject to restraint or seclusion, programs/settings in which such interventions are used, and frequency of each staff member's use of these interventions to determine if policy is applied consistently
4. Whether use of restraint or seclusion is reported accurately and consistently
5. Whether data collected on restraint and seclusion are used to plan behavioral intervention strategies and staff development
6. Whether policy continues to protect students and staff
7. Whether policy is still aligned with any applicable law

### **EDUCATION OF PREGNANT AND PARENTING STUDENTS**

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

#### **Attendance Standards for Pregnancy and Post-Pregnancy Conditions**

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

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

#### **Accommodations for Pregnant Students**

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

#### **Alternative Curricular Participation**

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

#### **Medical Documentation Requests and Participation in Physical Activities**

Pregnant students involved in programs involving physical activity will be required to provide medical documentation certifying fitness for participation **only** on the same basis as the District requires such documentation from other students. Any medical

documentation required for a pregnant student to participate in physical activities shall be no more stringent than when medical documentation is required to be provided by any other student as a condition of participation in physical activities.

### **Disclosure**

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

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

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### **Complementary Documents**

- AAC, Nondiscrimination & Anti-Harassment Policy
- AAC-BR, Discrimination & Harassment Grievance Procedures
- FFB, Attendance & Absence

**End of Jamestown Public School District School Board Policy FDD.....Adopted: 11/2/2015**

**EDUCATION OF SPECIAL EDUCATION/DISABLED STUDENTS**

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

## GUIDANCE PROGRAM

Guidance is an important, personalized aspect of the educational program. To ensure that this service is provided to all students, a guidance program will be established in each school. The goal of each program will be to provide activities and experiences that will help all students work toward a realization of their potential.

While counselors will continue to have primary responsibility for the delivery of guidance services, others will share in this task. Teachers, other staff members, and parents and community personnel should work as a team to serve the guidance needs of the student body. In the process of applying this team effort, the priorities of students and their parents must receive primary consideration.

Included in the guidance program will be individual and group activities that will help students develop positive relationships with others, improve their understanding of self in terms of interests, abilities, achievements, and values, and formulate educational and career plans. Learning decision-making skills and becoming proficient in their use are essential to the student and should be a component of the guidance program.

The principal and/or vocational director will be responsible for the development, implementation, and evaluation of the guidance program.

Legal Ref: NDCC 31-01-06.1

## STUDENT EDUCATION RECORDS AND PRIVACY

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

### Definitions

- *Directory information* is defined as personally identifiable information contained in a student education record that is generally considered **not** harmful or an invasion of privacy if disclosed and includes:
  - a. Address
  - b. Date and place of birth
  - c. Dates of attendance
  - d. Degrees, honors, and awards received
  - e. Grade level
  - f. Most recent school attended
  - g. Name (first and last)
  - h. Participation in officially recognized activities and sports
  - i. Photograph
  - j. School email address
  - k. Student identification number if it cannot be used alone to access an educational record and is not the student's social security number
  - l. Telephone listing
  - m. Weight and height of members of athletic teams
- *Education record* is defined as any record that directly relates to a student and is maintained by the District or by a party acting for the District. This definition excludes law enforcement records and records in the sole possession of the maker used only as a memory aid.<sup>2</sup>
- *Eligible student* means a student who has reached the age of 18.<sup>3</sup>
- *FERPA* stands for the Family Educational Rights and Privacy Act.
- *Legitimate educational interest* is defined as access that is needed in order for a school official to fulfill his/her professional responsibility.<sup>4</sup>
- *Parent* means a parent of a student and includes a natural parent, a guardian, or an individual acting as a parent in the absence of a parent or a guardian.

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<sup>2</sup> 34 CFR 99.3

<sup>3</sup> 34 CFR 99.3

<sup>4</sup> [https://nces.ed.gov/pubs2004/privacy/section\\_4b.asp](https://nces.ed.gov/pubs2004/privacy/section_4b.asp)



- *Permanent record* is defined as a record containing a student's name, address, phone number, record of grades, years enrolled, courses attended, and grades completed.
- *Personally Identifiable Information* (PII) includes information maintained in the student's education record that could be used alone or in combination to trace a student's identity directly or indirectly and would allow a reasonable person, who does not have personal knowledge of the relevant circumstances, to identify the student with reasonable certainty.
- *Record* means any information recorded in any way including, but not limited to, handwriting, print, computer media, video or audio tape, film, microfilm, and microfiche.<sup>5</sup>
- *School official* is defined as an individual who has a legitimate educational interest in accessing student educational records and is affiliated with the District in one of the following capacities:
  - a. An individual employed by the District in an administrative, instructional, or support staff position
  - b. School board members
  - c. Contractors, consultants, volunteers, service providers, or other party with whom the school or District has outsourced institutional services or functions for which the school or District would otherwise use employees; records provided to these third parties must remain directly under the district's control for purposes of maintenance and use and the third party must agree to comply with 34 C.F.R. 99.33(a). Examples include, but are not limited to, school resource officers, interns, student teachers, the district's attorney, PowerSchool, SLDS, learning management software, hot lunch tracking software, and district alert systems.<sup>6</sup>

### **Designation and Responsibilities of Privacy Officers**

The Superintendent or designee shall serve as Chief Privacy Officer. In this role, the Superintendent is responsible for submitting to the Board for approval student information sharing requests from third-party individuals/entities other than parties to which the District reports student information under law. The Superintendent shall also maintain a master list of all individuals and entities having access to student information, including school district personnel listed by title. To ensure this list remains current and is manageable to maintain, it shall not contain names of individuals who have access to data.

The Superintendent may designate privacy officers at the district and building level. These privacy officers are responsible for:

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<sup>5</sup> 34 CFR 99.3

<sup>6</sup> 34 CFR 99.31(a)(1) and 06/28/06 FERPA Opinion

(<http://www2.ed.gov/policy/gen/guid/fpco/ferpa/library/clarkcty062806.html>)

1. Maintaining a list of school personnel by title who have access to student information; this list shall be provided to the Superintendent each time it is updated;
2. Submitting to the Superintendent for board approval new requests to share student information with third-party individuals and entities other than parties to which the District reports student information under law;
3. Ensuring that access to student information is granted only to the extent there is a legitimate educational interest and in accordance with this policy and any applicable agreements;
4. Enforcing this and other applicable district confidentiality and data protection policies;
5. Providing a list of students who have opted-out of directory information to classroom teachers and other district staff who have a need to know.

### **Information Release Safeguards**

#### **1. Access by Parents and Eligible Students**

To ensure compliance with parental and eligible student access requirements under FERPA:

- a. The District shall comply with a request by a parent or eligible student to access education records within a reasonable period of time, not to exceed 45 days after receipt of a request.
- b. The Board shall develop procedures for a parent/guardian/student to review and amend educational records. These procedures shall include procedures to verify the identity of a requesting parent/eligible student. The regulations shall be delineated in board approved regulations and disseminated annually in accordance with law.<sup>7</sup>

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

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

ensure the teacher complies with any parental consent requirements and directory information opt-out requests before using the tool.

**3. Data Breaches**

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

**4. Information Storage and Destruction**

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

**5. Directory Information**

The District may disclose directory information without parental/eligible student consent if it has given parents/eligible students a reasonable amount of time to opt-out of directory information release. Opt-out notices should be provided at the beginning of the school year and when a student otherwise enrolls in the District. These notices shall contain a reasonable deadline of at least 10 days for parents/eligible students to opt out.<sup>8</sup>

The Board approves release of directory information as follows:

- a. Publication on the district's website
- b. To board-approved vendors for purposes of sale of school-related items such as, but not limited to, yearbooks, school pictures, graduation items, district apparel, and book orders
- c. To military and college recruiters in accordance with applicable laws (NDCC 15.1-07-25.1 and 20 U.S.C. 7908)
- d. To official district newspaper for purposes of recognizing student accomplishments and coverage of extracurricular events
- e. To school-affiliated groups for purposes of communicating and fundraising
- f. To school-sponsored student publications including, but not limited to, newspapers and yearbooks
- g. When the Board receives and approves a directory information release request; directory information shall only be released and used for purposes specified in the release request and the Superintendent shall add approved requestors to the district's master list of individuals and

entities having access to student information. The Board shall develop criteria in regulations for approving and denying these requests.<sup>9</sup>

Any district employee who wishes to disseminate student directory information to a third party shall contact his/her privacy officer. The privacy officer shall determine if the Board has previously approved such release and, if not, deny the request or submit it to the Superintendent for board approval. Upon board approval, the Superintendent shall instruct the privacy officer to ensure compliance with any opt-out requests made by parents.

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

Any third party requesting or receiving access to student PII must receive board approval unless the third party is required to receive PII under state or federal law.<sup>10</sup> Any school employee who wishes to share PII with a third party shall contact his/her privacy officer. The privacy officer shall determine if the Board has previously approved such release and, if not, deny the request or submit it to the Superintendent for board approval. Upon board approval of any PII release request, the applicable privacy officer shall inform the requestor of any parental consent requirements (see #7) and ensure the requestor complies with such requirements.

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

- a. The District receives information under 42 U.S.C. 14071 and applicable federal guidelines about a student who is a registered sex offender under section 170101 of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 14071), and the District has a need to disclose the student's status as a sex offender for safety purposes<sup>11</sup>
- b. In connection with a health or safety emergency under the conditions described in 34 C.F.R. 99.36<sup>12</sup>
- c. If records have been de-identified by the District; third party individuals and entities that receive de-identified information shall be included on the district's master list of individuals and entities having access to student information<sup>13</sup>
- d. To a school official who has a legitimate educational interest in the education records if the following conditions are satisfied:
  - i. Access shall be limited to only information the school official has a legitimate need to know
  - ii. School officials shall use the information only for the purposes for which the disclosure was made and shall not redisclose the

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<sup>9</sup> 34 CFR 99.37(d)

<sup>10</sup> SB 2326

<sup>11</sup> 34 CFR 99.31(a)(16)

<sup>12</sup> 34 CFR 99.36

<sup>13</sup> 34 CFR 99.31(b)(1) and SB 2326

- information to any other party without proper consent or legal authority
- iii. Titles of individuals and entities considered school officials shall be included on the district's master list of individuals and entities having access to student information<sup>14</sup>
  - e. To a court without a court order or subpoena when the District initiates legal action against a parent/student or a parent/student initiates legal action against the District<sup>15</sup>
  - f. To accrediting bodies for purposes of accreditation<sup>16</sup>
  - g. To an organization conducting a study for the District to develop, validate, or administer a predictive test; administer student aid programs; or improve instruction so long as the organization has entered into a written agreement with the Board in accordance with law; if the organization is conducting a survey of students, the District shall ensure parents are notified in compliance with policy GCC and shall obtain parental consent, if applicable (see #7)<sup>17</sup>
  - h. To another school in which the student seeks, intends to, or is already enrolled<sup>18</sup>
  - i. To authorized representatives of the Comptroller General of the United States, the Attorney General of the United States, the U.S. Secretary of Education, and state and local educational authorities for audit or evaluation of federal or state supported education programs or for the enforcement of or compliance with federal legal requirements that relate to those programs<sup>19</sup>
  - j. To comply with a judicial order or lawfully issued subpoena; the District must make reasonable attempt to contact the parent/eligible student before disclosure unless the court order instructs otherwise<sup>20</sup>
  - k. To the parents of an eligible student who is also a "dependent student" as defined in IRS Section 152<sup>21</sup>

The District will take measures necessary to ensure that individuals and entities to which PII is released shall only have access to information necessary to fulfill their responsibilities under law and to the District. Measures may include, but not be limited to, controlling access to computer data through password restrictions,

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<sup>14</sup> 34 CFR 99.31(a)(1)

<sup>15</sup> 34 CFR 99.31(a)(9)(iii)(A)

<sup>16</sup> 34 CFR 99.31(a)(7)

<sup>17</sup> 34 CFR 99.31(a)(6)

<sup>18</sup> 34 CFR 99.31(a)(2)

<sup>19</sup> 34 CFR 99.31(a)(3)

<sup>20</sup> 34 CFR 99.31(a)(9)

<sup>21</sup> 34 CFR 99.31(a)(8)

controlled access to paper records, and ensuring that any information access agreements required by law are properly executed by the Board.<sup>22</sup>

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

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

- a. The Board has approved release of PII to an individual or entity not meeting the definition of school official under law and/or not meeting an exception to the parental consent requirement under FERPA
- b. The Board has approved release of directory information, other than or in addition to name, or PII to an online service provider for commercial purposes and the impacted students are under 1323
- c. When administering a survey funded in whole or in part by the U.S. Department of Education and concerning any of the following areas:
  - i. Political affiliations or beliefs of the student or the student's parent
  - ii. Mental or psychological problems of the student or the student's family
  - iii. Sex behavior or attitudes
  - iv. Illegal, anti-social, self-incriminating, or demeaning behavior
  - v. Critical appraisals of other individuals with whom respondents have close family relationships
  - vi. Legally recognized privileged or analogous relationships, such as those of lawyers, physicians, and ministers
  - vii. Religious practices, affiliations, or beliefs of the student or student's parent
  - viii. Income (other than that required by law to determine eligibility for participation in a program or for receiving financial assistance under such program)<sup>24</sup>

If the District is unable to obtain this consent, it shall not release the impacted student's information.

## **504 Plans and Individual Educational Programs (IEPs)**

Sharing of student information necessary for developing, amending, or implementing an IEP or 504 Plan and sharing student information needed to determine eligibility for special education or disability services are not subject to board approval requirements in NDCC Ch. 15.1-07-25.3 because the District provides these services in fulfillment of requirements under state and federal law.

## **Policy Violations**

Failure by a district employee or volunteer to comply with this policy, other district confidentiality requirements, or any improper disclosure of student information by a

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<sup>22</sup> 34 CFR 99.31(a)(3)(ii)

<sup>23</sup> Children's Online Privacy Protection Act, 16 CFR 312

<sup>24</sup> Protection of Pupil Rights Amendment, 20 U.S.C. § 1232h; 34 CFR Part 98

school employee or volunteer shall result in disciplinary action up to and including dismissal in accordance with applicable law. Failure by a third party to comply with this policy, any information-sharing agreements between the District and third party, or any improper disclosure of student information by the third party may result in termination of the third-party's access to student information and termination of the district's agreement with the third party if permitted under the terms of such agreement.

### **Training**

School officials employed or volunteering for the District shall receive information and/or training on confidentiality requirements pertaining to student education records and consequences for breaching confidentiality. The District shall also provide training to applicable school personnel on the procedures for requesting to release student information contained in this policy.

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

- ACE, Violent & Threatening Behavior
- FACB, Transfer & Withdrawal Records
- FGA-BR, Student Education Records Access & Amendment Procedure
- FGA-E, Notice for Directory Information
- FGA-E2, Model Notice of Rights Under FERPA for Elementary and Secondary Schools
- FGA-E3, FERPA Release Form for Parents
- FGA-E4, Notice of Executive Session Tape on File
- FGA-E5, Student Information Sharing Request
- FGA-E6, Model form for Disclosure to Parents of Dependent Students
- FGA-E7, School Officials' Guide to FERPA and Data Privacy
- FGA-E8, Parties Approved to Receive Student Data

**End of Jamestown District Policy FGA.....Adopted:1/18/2016**

## STUDENT EDUCATION RECORDS ACCESS & AMENDMENT PROCEDURE

### **Reviewing an Educational Record**

The District will comply with a parent/guardian/eligible student's right to inspect educational records. This right will be granted using the following procedure:

1. A request to view an educational record shall be granted by the deadline in law (45 days).
2. A request may be made orally or in writing to the building principal.
3. The principal shall notify the parent/guardian/eligible student of the time and place when a record may be inspected.
4. The building principal shall require the requestor to submit/show a form of state or federally-issued identification to verify the identity of the requestor if the requestor is unknown to the principal.
5. The principal or designee shall be present when the parent/guardian/eligible student reviews the record.
6. If circumstances prevent a parent/guardian/eligible student from reviewing the educational record at the school office, the District shall prepare and mail a copy of the record or make alternative arrangements for the parent/guardian/eligible student to review the record. Any expense incurred from copying and/or mailing a record may be charged to the parent/guardian/eligible student at state rates, except as prohibited by law.

### **Amending an Educational Record**

A parent/guardian/eligible student has the right to request an amendment to any portion of the educational record s/he believes to be inaccurate, misleading, or in violation of the student's right to privacy. A parent/guardian /eligible student shall use the following procedure to dispute or request an amendment to an educational record. This procedure shall not be used to dispute a grade, disciplinary decision, or opinions/reflections of a school official contained in an educational record.

1. Any request to amend an educational record shall be made in writing and submitted to the building principal.
2. The principal shall review the request within a reasonable time and approve or deny it. The principal's decision shall be submitted to the parent/guardian/eligible student. If the principal denies the amendment request, s/he shall inform the parent/guardian/eligible student of his/her right to request an appeals hearing.
3. Requests for an appeals hearing shall be submitted to the Superintendent. The hearing shall be held within a reasonable time after the appeal request has been made.
4. The Superintendent shall serve as the hearing officer. A representative of the parent/guardian/eligible student's choosing may accompany the parent/guardian/eligible student at the parent/guardian/eligible student's expense. The parent/guardian/eligible student shall have a full and fair opportunity to present evidence related to the amendment request.



5. The Superintendent's decision is final and binding and shall be submitted to the parent/guardian/eligible student at a reasonable time after the hearing.
6. If the Superintendent denies the amendment request, s/he will notify the parent/guardian/eligible student within a reasonable time of his/her right to submit a written response commenting on the contested material and/or explaining the disagreement with the hearing officer's decision. This written response shall be retained and, when applicable, disseminated in accordance with law.

**End of Jamestown Board Reg. FGA-BR.....Approved: 1/18/2016**

**CRITERIA FOR APPROVING AND DENYING DIRECTORY INFORMATION AND PII  
RELEASE REQUESTS**

**Finding Alternatives to Release**

Whenever possible, the Board should identify alternatives to releasing directory information and personally identifiable information (PII) such as, but not limited to, asking the requestor to disseminate material directly through the school and/or de-identifying information before release.

**Reasons for Release**

Release of directory information and PII should further the district's mission and/or support the development of students, a specific district school, the District, or a school-sponsored program. Release requests meeting these criteria shall not be denied based on viewpoint expressed or organization represented by the requestor.

**Criteria for Denying Release**

Directory information and PII releases requested for the following purposes are outside the scope of and/or violate the district's mission and shall be denied:

- a. Attacks ethnicity, race, religion, or other class protected by law;
- b. Promotes violence, terrorism, or other illegal activities, including, but not limited to, tobacco, drug, and/or alcohol use by minors;
- c. Is obscene or pornographic as defined by community standards;
- d. May substantially disrupt the educational environment;
- e. Poses a direct threat to the safety of students;
- f. Infringes on the rights of students including, but not limited to, material that is potentially libelous or invades privacy; or
- g. Has a political purpose defined as any activity undertaken in support of or in opposition to a statewide initiated or referred measure, a constitutional amendment or measure, a political subdivision ballot measure, or the election or nomination of a candidate to public office.

**End of Jamestown Board Reg. FGA-BR2.....Approved: 1/18/2016**

Descriptor Code: FGA-E

#### NOTICE OF DIRECTORY INFORMATION

The Family Educational Rights and Privacy Act (FERPA), a Federal law, requires that Jamestown Public School, with certain exceptions, obtain your written consent prior to the disclosure of personally identifiable information from your child's education records. However, Jamestown Public School may disclose appropriately designated "directory information" without written consent, unless you have advised the District to the contrary in accordance with district procedures.

The primary purpose of directory information is to allow the Jamestown Public School to include this type of information from your child's education records in certain school publications. Examples include:

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

Directory information, which is information that is generally not considered harmful or an invasion of privacy if released, can also be disclosed to outside organizations without a parent's prior written consent. Outside organizations include, but are not limited to, companies that manufacture class rings or publish yearbooks. In addition, two federal laws require school districts receiving assistance under the Elementary and Secondary Education Act of 1965 (ESEA) to provide military recruiters, upon request, with three directory information categories--names, addresses and telephone listings--unless parents have advised the school district that they do not want their student's information disclosed without their prior written consent.

If you do not want Jamestown Public School to disclose directory information from your child's education records without your prior written consent, you must notify the District in writing by September 1st. Jamestown Public School has designated the following information as directory information: *Note: an LEA may, but does not have to, include all the information listed below. This list must be consistent with policy.*

1. Address
2. Date and place of birth
3. Dates of attendance
4. Degrees, honors, and awards received
5. Grade level
6. Most recent school attended
7. Name
8. Participation in officially recognized activities and sports
9. Photograph

10. School email address
11. Student identification number if it cannot be used alone to access an educational record and is not the student's social security number
12. Telephone listing
13. Weight and height of members of athletic teams

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Request to Withhold Directory Information for the \_\_\_\_\_ School Year:

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

Student's Name: \_\_\_\_\_

School: \_\_\_\_\_

Grade: \_\_\_\_\_

Parent/Guardian

Signature: \_\_\_\_\_

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

**End of Jamestown Public School Exhibit FGA-E**

Descriptor Code: FGA-E2

## MODEL NOTIFICATION OF RIGHTS UNDER FERPA FOR ELEMENTARY AND SECONDARY SCHOOLS<sup>25</sup>

The Family Educational Rights and Privacy Act (FERPA) affords parents and students who are 18 years of age or older ("eligible students") certain rights with respect to the student's education records. These rights are:

1. The right to inspect and review the student's education records within 45 days after the day the Jamestown Public School receives a request for access. Parents or eligible students should submit to the school principal or appropriate school official a written request that identifies the records they wish to inspect. The school official will make arrangements for access and notify the parent or eligible student of the time and place where the records may be inspected in accordance with board regulation FGA-BR.
2. The right to request the amendment of the student's education records that the parent or eligible student believes are inaccurate, misleading, or otherwise in violation of the student's privacy rights under FERPA. Parents or eligible students who wish to ask the Jamestown Public School to amend a record should write the school principal or appropriate school official, clearly identify the part of the record they want changed, and specify why it should be changed. If the school decides not to amend the record as requested by the parent or eligible student, the school will notify the parent or eligible student of the decision and of their right to a hearing regarding the request for amendment. Additional information regarding the hearing procedures will be provided to the parent or eligible student when notified of the right to a hearing.
3. The right to provide written consent before the school discloses personally identifiable information (PII) from the student's education records, except to the extent that FERPA authorizes disclosure without consent. (See complete list on pp. 3-4 of this document).

One exception, which permits disclosure without consent, is disclosure to school officials with legitimate educational interests. A school official is a person employed by the school as an administrator, supervisor, instructor, or support staff member (including health or medical staff and law enforcement unit personnel, or a person serving on the Board. A school official also may include a volunteer or contractor outside of the school who performs an institutional service of function for which the school would otherwise use its own employees and who is under the direct control of the school with respect to the use and maintenance of PII from education records, such as an attorney, auditor, medical consultant, or therapist. A school official has a legitimate educational interest if the official needs to review an education record in order to fulfill his or her professional responsibility.

Upon request, the school discloses education records without consent to officials of another school district in which a student seeks or intends to enroll, or is already enrolled if the disclosure is for purposes of the student's enrollment or transfer.

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<sup>25</sup> This notice and the district's Notice of Directory Information must be issued to parents annually.

4. The right to file a complaint with the U.S. Department of Education concerning alleged failures by the Jamestown Public School to comply with the requirements of FERPA. The name and address of the Office that administers FERPA are:  
Family Policy Compliance Office  
U.S. Department of Education  
400 Maryland Avenue, SW  
Washington, DC 20202

### **Disclosure of PII without Consent**

FERPA permits the disclosure of PII from students' education records, without consent of the parent or eligible student, if the disclosure meets certain conditions found in §99.31 of the FERPA regulations. Except for disclosures to school officials, disclosures related to some judicial orders or lawfully issued subpoenas, disclosures of directory information, and disclosures to the parent or eligible student, §99.32 of the FERPA regulations requires the school to record the disclosure. Parents and eligible students have a right to inspect and review the record of disclosures. A school may disclose PII from the education records of a student without obtaining prior written consent of the parents or the eligible student:

1. To other school officials, as defined in #3 above, within the educational agency or institution whom the school has determined to have legitimate educational interests. This may include contractors, consultants, volunteers, or other parties to whom the school has outsourced institutional services or functions, provided that the conditions listed in §99.31(a)(1)(i)(B)(1) - (a)(1)(i)(B)(2) are met. (§99.31(a)(1))
2. To officials of another school, school system, or institution of postsecondary education where the student seeks or intends to enroll, or where the student is already enrolled if the disclosure is for purposes related to the student's enrollment or transfer, subject to the requirements of §99.34. (§99.31(a)(2))
3. To authorized representatives of the U. S. Comptroller General, the U. S. Attorney General, the U.S. Secretary of Education, or State and local educational authorities, such as the State educational agency in the parent or eligible student's State (SEA). Disclosures under this provision may be made, subject to the requirements of §99.35, in connection with an audit or evaluation of Federal- or State-supported education programs, or for the enforcement of or compliance with Federal legal requirements that relate to those programs. These entities may make further disclosures of PII to outside entities that are designated by them as their authorized representatives to conduct any audit, evaluation, or enforcement or compliance activity on their behalf. (§§99.31(a)(3) and 99.35)
4. In connection with financial aid for which the student has applied or which the student has received, if the information is necessary to determine eligibility for the aid, determine the amount of the aid, determine the conditions of the aid, or enforce the terms and conditions of the aid. (§99.31(a)(4))
5. To state and local officials or authorities to whom information is specifically allowed to be reported or disclosed by a state statute that concerns the juvenile

- justice system and the system's ability to effectively serve, prior to adjudication, the student whose records were released, subject to §99.38. (§99.31(a)(5))
6. To organizations conducting studies for, or on behalf of, the school, in order to: develop, validate, or administer predictive tests; administer student aid programs; or improve instruction. (§99.31(a)(6))
  7. To accrediting organizations to carry out their accrediting functions. (§99.31(a)(7))
  8. To parents of an eligible student if the student is a dependent for IRS tax purposes. (§99.31(a)(8))
  9. To comply with a judicial order or lawfully issued subpoena. (§99.31(a)(9))
  10. To appropriate officials in connection with a health or safety emergency, subject to §99.36. (§99.31(a)(10))
  11. Information the school has designated as "directory information" under §99.37. (§99.31(a)(11))

**End of Jamestown Public School Exhibit FGA-E2**

Descriptor Code: FGA-E3

Name of student: \_\_\_\_\_ Date of birth: \_\_\_\_\_

Name of child's school: \_\_\_\_\_ Grade level: \_\_\_\_\_

Child's mailing address: \_\_\_\_\_

Parent's mailing address (if different): \_\_\_\_\_

### **CONSENT TO RELEASE**

The Family Educational Rights and Privacy Act (FERPA) establishes certain rights for parents regarding the privacy of their child's educational record. While family members and other individuals serving in a parent's stead as caretaker may have an interest in the child's record, access to or release of the educational record is only by written parental consent. Parents may choose to complete and submit this FERPA Release Form to allow access or release of their child's educational record. A release form must be completed for each individual to whom a parent wishes to authorize access/ release of his/her child's educational records.

I \_\_\_\_\_ **[name of parent/legal guardian]** consent to release the information, as indicated below, to:

\_\_\_\_\_  
**individual's name].**

Relationship of this individual to the child:

Contact information for this individual:

(Address) \_\_\_\_\_

(Phone) \_\_\_\_\_ (Email) \_\_\_\_\_

**TYPE OF REQUEST (NOTE: By selecting the option to release records, the individual listed above will receive all correspondence related to the child's academic record that is mailed to parents):**

- ☐ Academic records: ☐ Access ☐ Release  
☐ Disciplinary records: ☐ Access ☐ Release  
☐ All information concerning my child's ☐ 504 Plan ☐ Individual Education Program  
☐ Access ☐ Release



☐ All other information placed in my child's education record (e.g., accident reports, emergency contact information, administrative notes, etc.): ☐ Access ☐ Release

**ACKNOWLEDGEMENT AND SIGNATURE**

I acknowledge by my signature that I understand that, although I am not required to release my child's records, I am giving my consent to release the information. This release will remain in effect while the child is enrolled in \_\_\_\_\_ Jamestown Public School unless I revoke such consent.

\_\_\_\_\_  
Parent's signature

\_\_\_\_\_  
Date

**RETURN FORM TO:**

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Date form was returned to school: \_\_\_\_\_  
Received by: \_\_\_\_\_

**End of Jamestown Public School Exhibit FGA-E3**

On \_\_\_\_\_(date) the Jamestown Public School Board held an executive session involving \_\_\_\_\_ (student's name). The reason for the executive session was (check one):

☐

Discussion student educational records, FERPA and NDCC 44-04-19.2 (1)

☐

Expulsion hearing, FERPA and NDCC 44-04-19.2 (1)

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

**End of Jamestown Public School Exhibit FGA-E4**

STUDENT INFORMATION SHARING REQUEST FORM

Name: \_\_\_\_\_

Organization (list school building if district employee): \_\_\_\_\_

Date of request: \_\_\_\_\_

1. Purpose of request:

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2. Information requested (e.g., names, email addresses, de-identified test scores, etc.):

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3. If request is for use of software, app, or an online tool, list name of tool, app, or software and manufacturer/developer

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4. Information will be collected from which grade levels and/or buildings (list)?

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5. Will information be collected only from certain categories of students? If yes, list (e.g., female, Caucasian, students receiving free or reduced meals):

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6. How long will the information be used (list dates)?

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7. Who will have access to the information?

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8. How will the information be collected (e.g., online survey, students complete online registration form, district prepares list)?

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9. Describe methods that will be used to protect the information from unauthorized access.

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10. Describe method for destroying information after no longer in use.

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In order to receive approval, the requestor must agree to the following:

1. The information requested shall be used only as delineated in #1 for the dates specified in #6 after which time the information will be destroyed in accordance with #10 at the requestor's expense. If the requestor is a district employee requesting to share student information with a third party, the third party shall be responsible for destroying the information at its expense after the deadline for use.
2. Only individuals listed in #7 shall have access to the information.
3. The requestor shall comply with any applicable parental consent requirements and/or opt-out requests for directory information.
4. The requestor shall complete any additional information sharing agreements required by law.
5. The Superintendent will be notified as soon as possible if the requestor suspects or knows that the student information was accessed by an unauthorized user or otherwise breached.

**NOTE: If you are a district employee requesting to share student information with a third party, the third party must sign this form or you must print the third-party's terms of service and attach them to this document in lieu of signing below.**

I agree, on behalf of my organization, to comply with the above requirements.

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Signature

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Date

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Print Name

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Organization

☐ Terms of service are attached in lieu of signature. Requestor is still responsible for compliance with any applicable parental consent requirements and notifying a privacy officer if terms of service are not followed by the third party. \_\_\_\_\_ (requestor's initials)

**For internal use only**

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Request approved by board?

☐ Yes, date: \_\_\_\_\_

☐ Parental consent will be required before requestor can access requested information

☐ Additional agreement required by law. These agreements are required when disclosure is to organizations conducting studies for or on behalf of the District or for purposes of a state or federal audit.

☐ No, date: \_\_\_\_\_

**End of Jamestown Public School Exhibit FGA-E5**

## MODEL FORM FOR DISCLOSURE TO PARENTS OF DEPENDENT STUDENTS

Student's First Name	Middle Initial	Last Name	
Street Address	City	State	Zip Code

Under the Family Educational Rights and Privacy Act (FERPA), the Jamestown Public School is permitted to disclose information from your education records to your parents (or one of your parents) if you are under 18 or if they claim you as a dependent for federal tax purposes. **If you will turn 18 this school year**, please indicate whether your parents claim you as a tax dependent.

Please check the appropriate box:

- ☐ Yes. I certify that my parents claim me as a dependent for federal income tax purposes.
- ☐ No. I certify that my parents do not claim me as a dependent for federal income tax purposes.

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

*If parents live at the same address, please list both in # 1.*

1. _____ Name(s)	2. _____ Name(s)
_____ Address	_____ Address
_____ City, State, Zip	_____ City, State. Zip
_____ Telephone	_____ Telephone

## SCHOOL OFFICIALS' GUIDE TO FERPA AND DATA PRIVACY POLICY

### Education Record

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**Definition:** *Education record* is defined as any record that directly relates to a student and is maintained by the District or by a party acting for the District. This definition excludes law enforcement records and records in the sole possession of the maker used only as a memory aid.<sup>26</sup>

**Why the definition matters:** Only information considered an education record is protected by the Family Educational Rights and Privacy Act (FERPA) and district policy. Information that is not considered an education record is **not** protected by law and is not governed by release requirements in policy or law.

### Scenarios

1. You keep a personal log of a student's behavior in class. Is this an education record?

☐ Yes                      ☐ No

**Answer and explanation:** No. The FERPA definition of education record excludes records that are kept in the sole possession of the maker of the record and are not accessible or revealed to any other person.

2. You exchange emails with another teacher about a student's performance. Are these emails education records?

☐ Yes                      ☐ No

**Answer and explanation:** Probably not but treat emails as education records until clear legal guidance is available. Only two courts outside of North Dakota have addressed this matter; therefore, North Dakota does not have clear legal precedent on how emails should be classified under FERPA.

3. As part of an assignment, you ask students to create a video and post them on a blog. Are these videos education records?

☐ Yes                      ☐ No

**Answer and explanation:** No. In *Owasso Independent School Dist. No. I-011 v. Falvo*, the Supreme Court found that students' assignments are not educational records under FERPA. However, if the blog host requires submission of student

directory information, other than or in addition to name, and/or personally identifiable information, this information is protected by law and may only be released in accordance with the district's student data privacy policy.

4. You have a conversation with a student about a classroom incident that was not documented in the student's education record. Is this conversation an education record?
- ☐ Yes                      ☐ No

**Answer and explanation:** No. In a 2006 opinion, the U.S. Department of Education (ED) clarified that FERPA applies to actual records not to information derived from a source other than the education record such as a conversation.

5. Your district has surveillance cameras installed in buses and in hallways. Is footage from these cameras education records?
- ☐ Yes                      ☐ No

**Answer and explanation:** Generally, no. Video footage captures everything and is therefore typically not considered an education record because it does not relate to a specific student. However, if video footage captures an incident that leads to disciplinary action, such as a fight, the footage becomes an education record for all students involved.

6. Your district tape records IEP meetings. Are these recordings education records?
- ☐ Yes                      ☐ No

**Answer and explanation:** Yes. See the ED Office of Special Education and Rehabilitative Services memo dated June 4, 2003.

7. Student attendance records are recorded and stored in PowerSchool. Are these data education records?
- ☐ Yes                      ☐ No

**Answer and explanation:** Yes. This information is considered personally identifiable information (PII) and can only be released if an exception applies under FERPA or with parental consent.

8. Parents are required to complete a student registration sheet at the beginning of the school year. Are these forms education records?
- ☐ Yes                      ☐ No



**Answer and explanation:** Yes. This information will be placed in the student's paper record and/or recorded in PowerSchool. While much of the information on this form is considered directory information, directory information may only be released in accordance with the student data privacy policy.

### **Directory Information v. Personally Identifiable Information (PII)**

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#### **Definitions:**

- *Directory information* is defined as personally identifiable information contained in a student education record that is generally considered **not harmful or an invasion of privacy if disclosed**.
- *Personally Identifiable Information (PII)* includes information maintained in the student's education record that could be used alone or in combination to trace a student's identity directly or indirectly and would allow a reasonable person, who does not have personal knowledge of the relevant circumstances, to identify the student with reasonable certainty.

**Why understanding the definition matters:** Directory information can be released without parental consent. PII can only be released if an exception under FERPA applies or parental consent is obtained. District policy contains release requirements for both PII and directory information. The release protocols for directory information are less stringent.

#### **In the following scenarios, is the information directory information or PII?**

1. The local newspaper contacts the school to request the names of students involved a fight at last night's football game.  
☐ Directory Information      ☐ PII

**Answer and explanation:** PII. Release of a student's name would be considered an invasion of the student's privacy because it would reveal portions of his/her disciplinary record.

2. A mother requests a list of names of all parents in her child's classroom and their email addresses.  
☐ Directory Information      ☐ PII

**Answer and explanation:** PII. FERPA regulations stipulate that parents' names are considered PII.

3. The local newspaper covers your local science fair, takes pictures of students involved, and asks for their names.  
☐ Directory Information      ☐ PII

**Answer and explanation:** Probably directory information but consult district policy.

FERPA classifies names and photographs as directory information if release does not infringe on students' rights to privacy. However, each school district policy defines directory information differently. The district's definition of directory information may be more restrictive than law.

4. A university researcher asks for a list of student tests scores and expulsion records broken down by student ID.

☐ Directory Information      ☐ PII

**Answer and explanation:** PII. Anytime test scores or disciplinary records can be linked to a specific student, release would infringe on student privacy.

5. Your district publishes a quarterly honor roll listing students' names and designating if they earned highest honors, high honors, or honors based on GPA ranges contained in district policy.

☐ Directory Information      ☐ PII

**Answer and explanation:** Probably directory information but consult district policy. FERPA classifies names and honors/awards received as directory information if release does not infringe on students' rights to privacy. However, each school district policy defines directory information differently. The district's definition of directory information may be more restrictive than law.

6. You are contacted by your local park district and asked to release the weights and heights of three students for purposes of a summer wrestling program.

☐ Directory Information      ☐ PII

**Answer and explanation:** PII. FERPA **only** classifies weights and heights as directory information if released in relation to participation in an athletic **team**. In this case, the students are participating in non-school sponsored athletic **program**.

7. A classroom parent requests the names and dates of birth of all your students for party planning purposes.

☐ Directory Information      ☐ PII

**Answer and explanation:** Probably directory information but consult district policy. FERPA classifies names and dates of birth as directory information if release does not infringe on students' rights to privacy. However, each school district policy defines directory information differently. The district's definition of directory information may be more restrictive than law.

8. A teacher from one of your student's former schools contacts you to request the student's grades to determine if her school's response to intervention (RTI) program is working.

☐ Directory Information      ☐ PII

**Answer and explanation:** PII. A specific student's grades are considered PII.

### **School Board Consent**

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**Legal requirements:** Under state law, school boards must approve release of student data to third parties. Local policy clarifies that student data are limited to directory information, other than or in addition to name, and PII.

#### **Is school board consent required to release student educational records under the following scenarios?**

1. You are using a new app that requires students to submit their names and email addresses to a third-party developer. Is approval required?

☐ Yes      ☐ No

**Answer and explanation:** Yes. Policy requires that any third-party receiving directory information, other than or in addition to student names, or PII must be approved by the school board. School boards are required to create a master list of all third parties who have been approved to receive student information. NDSBA advises consulting this list before submitting an information sharing request to the school board to avoid duplicative requests.

2. A parent requests names and addresses of all the students in your classroom for purposes of holding a classroom computer fundraiser.

☐ Yes      ☐ No

**Answer and explanation:** Yes. Policy requires that any third-party receiving directory information, other than or in addition to student names, or PII must be approved by the school board. School boards are required to create a master list of all third parties who have been approved to receive student information. We advise consulting this list before submitting an information sharing request to the school board to avoid duplicative requests.

3. You would like your students to complete a classroom survey on their opinions about e-cigarettes for your health class.

☐ Yes      ☐ No

**Answer and explanation:** No. The survey is for classroom purposes only, and this information will not be shared with a third party.

## **When is Parental Consent Required to Release PII**

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**FERPA regulations:** School districts are required to obtain parental consent to release PII unless an exception applies under FERPA. Such exceptions include, but are not limited to:

- l. In connection with a health or safety emergency under the conditions described in 34 C.F.R. 99.36<sup>27</sup>
- m. To a school official who has a legitimate educational interest in the education records if the following conditions are satisfied:
  - iv. Access shall be limited to only information the school official has a legitimate need to know
  - v. School officials shall use the information only for the purposes for which the disclosure was made and shall not redisclose the information to any other party without proper consent or legal authority
  - vi. Titles of individuals and entities considered school officials shall be included on the district's master list of individuals and entities having access to student information<sup>28</sup>
- n. To an organization conducting a study for the District to develop, validate, or administer a predictive test; administer student aid programs; or improve instruction so long as the organization has entered into a written agreement with the Board in accordance with law; if the organization is conducting a survey of students, the District shall ensure parents are notified in compliance with policy GCC and shall obtain parental consent, if applicable<sup>29</sup>
- o. To another school in which the student seeks, intends to, or is already enrolled<sup>30</sup>
- p. To the parents of a student who is under 18 or a student who is over 18 and is a "dependent student" as defined in IRS Section 152<sup>31</sup>

## **Is parental consent required in the following scenarios?**

- 1. A school board member contacts you to request documentation on a student disciplinary incident that led to suspension. The board member states that he needs

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<sup>27</sup> 34 CFR 99.36

<sup>28</sup> 34 CFR 99.31(a)(1)

<sup>29</sup> 34 CFR 99.31(a)(6)

<sup>30</sup> 34 CFR 99.31(a)(2)

<sup>31</sup> 34 CFR 99.31(a)(8)

this information to prepare to serve as a hearing officer at the student's expulsion hearing.

Is parental consent required to release this information? ☐ Yes ☐ No

**Answer and explanation:** Yes, based on the timing of the request. A school official must have a reasonable need to know in order to be granted access to PII. In this case, the school board member's request appears to meet this criterion; however, the school board member is not privy to this information from the student's educational record prior to the expulsion hearing. All the facts should be presented during the hearing and expulsion decisions should be based solely on the facts as presented.

2. You are approached at the grocery store by the aunt of one of your students. She indicates that she helped her nephew prepare for his English exam and asks how he did.

Is parental consent required to release this information? ☐ Yes ☐ No

**Answer and explanation:** Yes. The student's aunt does not meet FERPA's definition of parent. Under FERPA, parent means a parent of a student and includes a natural parent, a guardian, or an individual acting as a parent in the absence of a parent or a guardian.

3. One of your students was the victim of bullying, and the victim's parents contact you to inquire about the outcome of the bullying investigation. They specifically want to know if the bully was disciplined. You received a copy of the investigation report and consequently know that the bully was suspended and an expulsion hearing is currently being scheduled.

Is parental consent required to release this information? ☐ Yes ☐ No

**Answer and explanation:** Yes. FERPA does not permit you to inform the victim's parents about specific discipline given to another child with the exception of information needed to protect the health and safety of other students or individuals.

4. You coach football, and one of your students is injured during practice. When first responders arrive, they ask you if the student has any known allergies or medical conditions.

Is parental consent required to release this information? ☐ Yes ☐ No

**Answer and explanation:** No. "If the educational agency or institution determines that there is an articulable and significant threat to the health or safety of a student or other individuals, it may disclose information from education records to any

person whose knowledge of the information is necessary to protect the health or safety of the student or other individuals.”

**End of Jamestown Public School Exhibit FGA-E7**

**PARTIES APPROVED TO RECEIVE STUDENT DATA**

<b>Individual/Entity</b>	<b>Date of Board Approval</b>	<b>Reason requested (if applicable)</b>	<b>Parental Consent Required to Release</b>
ACT		Assessments	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No FERPA exception applies
Associated Press		Student recognition	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No No, if directory information only; check for opt out requests
College Board (PSAT, SAT)		Assessments	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Consent provided when students register for exams directly through College Board
College recruiters			<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Directory information only—check for opt out requests
Comptroller General of U.S.		For audit or evaluation of federal or state supported education programs or for the enforcement of or compliance with federal legal requirements that relate to those programs	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No FERPA exception
EduTech			<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No School official exception
Head Start		For enrollment purposes and providing special education services	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Healthcare providers		Health and safety emergencies; screening and developing IEPs, 504 Plans, and behavioral intervention plans;	<input checked="" type="checkbox"/> Yes <input checked="" type="checkbox"/> No No, in the event of an emergency; Yes, for all other

		providing medication	reasons
Law enforcement		Health and safety emergencies; school resource officers	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No FERPA exceptions
Medicaid		Medicaid school-based services	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Military recruiters			<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Directory information only—check for opt out requests
ND DPI	N/a, required by law		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
NDHSAA		Extracurricular participation	<input checked="" type="checkbox"/> Yes <input checked="" type="checkbox"/> No No, if directory information only—check for opt out requests; Yes if PII is requested
North Dakota Center for Distance Education		Provision of educational services	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No School official exception
North Dakota Child Protective Services (state, local, and regional offices)		Child abuse/neglect reporting	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Exception under ND law
North Dakota Department of Career and Technical Education			<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Exception under ND law
North Dakota Department of Health and local health units		Reporting significantly contagious and infectious disease as required by law	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Exception under ND law
North Dakota University System	N/a, required by law	NDCC 15.1-07-25.1	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Directory information only—check for opt out requests
NWEA		Assessments	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No FERPA exception applies
Outside school		For enrollment and	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No



districts		transfer purposes	FERPA exception applies
Parents of an eligible student who is also a "dependent student" as defined in IRS Section 15232		N/A	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No FERPA exception applies
Pearson		Assessments	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No FERPA exception applies
PowerSchool	N/a, required by law	NDCC 15.1-07-33	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No School official exception
PTO		Communication with parents/ fundraising	<input checked="" type="checkbox"/> Yes <input checked="" type="checkbox"/> No Yes, if parent names will be released. No, if directory information only.
Renaissance Learning		Supplemental Programs and Assessments	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No School official exception
SLDs	N/a, required by law		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Smarter Balance	N/a, required by law		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
State or federal court system		When the District initiates legal action against a parent/student or a parent/student initiates legal action against the District or to comply with a judicial order or lawfully issued subpoena	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No District must attempt to contact parents when releasing information under a court order or subpoena unless the court instructs otherwise
U.S. Department of Education		For audit or evaluation of federal or state supported	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No FERPA

		education programs or for the enforcement of or compliance with federal legal requirements that relate to those programs	exception
U.S. Department of Justice		For audit or evaluation of federal or state supported education programs or for the enforcement of or compliance with federal legal requirements that relate to those programs	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No FERPA exception
<b>Blackboard Connect</b>		Alert notification system And District App	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No School official exception
<b>Jamestown Dollar for Scholars</b>		Scholarships	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Depends on data requested
<b>Google apps</b>		Non Public per/teacher sharing of educational work	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
<b>Jostens</b>		Graduation vendor	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Directory information only—check for opt out requests
<b>James Valley Career and Technology Center, University of Jamestown and NDSSS</b>		Dual credit	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No School official exception
<b>Jamestown Sun</b>		Student recognition	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No No, if directory information only; check for opt out requests
<b>KQDJ, KSJB, KFGO, KVOX, WDAY, Prairie Public Radio</b>		Student recognition	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No No, if directory information only; check for opt out requests
<b>Dakota Central, KCSI TV, and KVLV TV</b>		Student recognition	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No No, if directory information only; check for opt out

			requests
<b>E-Funds</b>		Family payments	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No School official exception
<b>South East Education Coop.</b>		Regional Education Association	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No School official exception
<b>James River Special Education</b>		For special education/disability services	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No School official exception
<b>Dietrich, Neis</b>		Student transportation	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No School official exception
<b>Meal Plus</b>		Meal Tracking System	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No School official exception
<b>ESG</b>		Assessment	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No School official exception
<b>Pearson, McGraw Hill, McDougal Littell, Voyager Sopris, Spelling City, Measure Up Live, IXL, Read Naturally, Houghton Mifflin Harcourt</b>		On Line Textbooks and Resources.	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No School official exception
<b>Lifetouch, King Photograph</b>			<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Directory information only—check for opt outs

**SCHOOL OFFICIALS WHO RECEIVE STUDENT DIRECTORY AND/OR PERSONALLY IDENTIFIABLE INFORMATION**  
(List by title—list below is sample)

<b>Title</b>	<b>Directory and/or PII</b>
Activities director	<input checked="" type="checkbox"/> Directory <input checked="" type="checkbox"/> PII
Attendance secretary	<input checked="" type="checkbox"/> Directory <input checked="" type="checkbox"/> PII
Bus drivers	<input checked="" type="checkbox"/> Directory <input checked="" type="checkbox"/> PII
Business Manager	<input checked="" type="checkbox"/> Directory <input checked="" type="checkbox"/> PII
Coaches and advisors	<input checked="" type="checkbox"/> Directory <input checked="" type="checkbox"/> PII
Counselor	<input checked="" type="checkbox"/> Directory <input checked="" type="checkbox"/> PII
Interventionist	<input checked="" type="checkbox"/> Directory <input checked="" type="checkbox"/> PII

Librarian	<input checked="" type="checkbox"/> Directory	<input checked="" type="checkbox"/> PII
Paraprofessionals	<input checked="" type="checkbox"/> Directory	<input checked="" type="checkbox"/> PII
Principals	<input checked="" type="checkbox"/> Directory	<input checked="" type="checkbox"/> PII
School board members	<input checked="" type="checkbox"/> Directory	<input checked="" type="checkbox"/> PII
School food services staff	<input checked="" type="checkbox"/> Directory	<input type="checkbox"/> PII
School nurse	<input checked="" type="checkbox"/> Directory	<input checked="" type="checkbox"/> PII
School psychologist	<input checked="" type="checkbox"/> Directory	<input checked="" type="checkbox"/> PII
Social worker	<input checked="" type="checkbox"/> Directory	<input checked="" type="checkbox"/> PII
Special education director	<input checked="" type="checkbox"/> Directory	<input checked="" type="checkbox"/> PII
Speech language pathologist	<input checked="" type="checkbox"/> Directory	<input checked="" type="checkbox"/> PII
Student teachers	<input checked="" type="checkbox"/> Directory	<input checked="" type="checkbox"/> PII
Substitute teachers	<input checked="" type="checkbox"/> Directory	<input checked="" type="checkbox"/> PII
Superintendent	<input checked="" type="checkbox"/> Directory	<input checked="" type="checkbox"/> PII
Teachers	<input checked="" type="checkbox"/> Directory	<input checked="" type="checkbox"/> PII
Technology director	<input checked="" type="checkbox"/> Directory	<input checked="" type="checkbox"/> PII
Volunteers	<input checked="" type="checkbox"/> Directory	<input type="checkbox"/> PII
Assistant coaches and advisors	<input checked="" type="checkbox"/> Directory	<input checked="" type="checkbox"/> PII
Assistant principal	<input checked="" type="checkbox"/> Directory	<input checked="" type="checkbox"/> PII
Assistant superintendent	<input checked="" type="checkbox"/> Directory	<input checked="" type="checkbox"/> PII
Human resources director	<input checked="" type="checkbox"/> Directory	<input checked="" type="checkbox"/> PII
Lunch and playground supervisor	<input checked="" type="checkbox"/> Directory	<input checked="" type="checkbox"/> PII
Medication aide/assistant	<input checked="" type="checkbox"/> Directory	<input checked="" type="checkbox"/> PII
School resource officers	<input checked="" type="checkbox"/> Directory	<input checked="" type="checkbox"/> PII
Instructional Coach	<input checked="" type="checkbox"/> Directory	<input checked="" type="checkbox"/> PII

**End of Jamestown Pubic School District Exhibit FGA-E8**

Descriptor Code: FGBB

**STUDENT PRAYER DURING NON-INSTRUCTIONAL TIME**  
(adopted 2-15-10)

Students are permitted to engage in religious expression during non-instructional time (i.e., before school, after school, during lunch and recess, and while not engaged in school activities). Religious expressions permitted include, but are not limited to: prayer, scripture reading, and/or grace before meals. Individual students may engage in these activities; however, the exercise of constitutional rights of religious expression may not be engaged in when the expression disrupts educational activities or extracurricular activities.

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

## **STUDENT PUBLICATIONS & FREEDOM OF EXPRESSION POLICY**

**Adopted 8-13-2015**

School-sponsored media as defined by NDCC Ch. 15.1-06 shall be supervised by a student media advisor but shall not be reviewed by an administrator unless the publication is believed to contain restricted content as listed below.

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

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

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

Description Code: GABBA

**CHILDFIND REFERRAL PROGRAM  
FOR STUDENTS WITH DISABILITIES**  
(Adopted 3-15-10)

Every child with a disability residing within the Jamestown Public School District is entitled to a free, appropriate public education. A comprehensive program to locate children with disabilities residing within the school district is an on-going commitment of the Board.

Referrals for special education programs may be made by classroom teachers, guidance counselors, or other school personnel through the principal of the school in which the child is enrolled or may be requested by the child's parent. All procedures relative to the assessment and placement of children with disabilities will comply with the regulations of federal and state law and the Department of Public Instruction. The special education program shall consist of special classes, special equipment, and itinerant services as needed.

Descriptor Code: GCBA

### MARKING PERIOD

The nine week grading period will be implemented with the understanding mandatory mid-term reporting (4 1/2 weeks) will occur for students who are deficient ("D" or below achievement, working tangibly below ability, in violation of or in danger of being in violation of attendance or discipline standards).

Legal Ref: NDCC 15.1-09-33



## **PROTECTION OF PUPIL RIGHTS AMENDMENT & THIRD-PARTY RESEARCH ON STUDENTS**

Surveys and educational studies can serve as a valuable tool for determining student needs and developing educational services.

Because of the possibility of a large number of outside requests to conduct surveys and research studies, the Superintendent shall only bring to the Board for approval<sup>33</sup> requests that at least meet the following criteria:

1. The study/survey is conducted for the purpose of improving the education or general welfare of students.
2. The party proposing the study/survey has a purpose and mission that is in keeping with the district's mission, goals, and objectives.
3. The study/survey proposal is sufficient in scope and depth to justify the use of the time and effort of district students and staff.
4. The party conducting the study/survey will provide a copy of the survey instrument and/or any instructional material that will be used including, but not limited to: textbooks, teachers' manuals, films, software, and/or other supplementary material. Such material must be provided prior to the initiation of the survey/study and in a timely manner, allowing the Superintendent and other relevant school officials ample opportunity to review such material, bring approval recommendations to the Board, and comply with any applicable parental notification and consent requirements under the Protection of Pupil Rights Amendment (PPRA) if the survey concerns a protected area or is for marketing purposes.<sup>34</sup>
5. Neither the study/survey nor its findings are reasonably predicted to exploit or compromise the safety of district students and staff.
6. The party conducting the study/survey agrees to provide a copy of the outcome/results to the District within a reasonable time after the study/survey's completion.

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<sup>33</sup> See NDCC 15.1-07-25.3

<sup>34</sup> **Protected areas** are as follows:

1. Political affiliations or beliefs of the student or student's parent;
2. Mental or psychological problems of the student or student's family;
3. Sex behavior or attitudes;
4. Illegal, anti-social, self-incriminating, or demeaning behavior;
5. Critical appraisals of others with whom respondents have close family relationships;
6. Legally recognized privileged relationships, such as with lawyers, doctors, or ministers;
7. Religious practices, affiliations, or beliefs of the student or student's parent; or
8. Income, other than as required by law to determine program eligibility.

**Parental consent requirements:** If a survey on a protected area is funded in whole or in part by a program of the U.S. Department of Education (ED), parental consent is required for students to participate. If a survey relates to a protected area and is funded by a source other than ED or if a survey on any topic is conducted for marketing purposes, schools must provide parents with advance notice of the survey and an opportunity to opt out.

Before recommending to the Board for approval a study/survey, the Superintendent shall also take into account the amount of instructional time the survey/study will consume, if it will unduly disrupt the educational environment, the level of supervision the District will have to provide to third parties conducting the survey/study, the amount of protected/confidential information that will be gathered, and whether or not the agency conducting the survey/study has developed appropriate safeguards for collection, protection, disclosure, and use of protected/confidential information.

Teachers may use surveys in classes to determine student knowledge and/or attitudes prior to teaching **[about a particular subject] [a particular unit], [provided that administrative approval has been given and]** provided that responses will not be used in a manner that would breach student confidentiality requirements under law and/or district policy.

### **Protection of Pupil Rights Amendment (PPRA)**

The District shall comply with PPRA, which affords parents specific rights with relation to conducting surveys, collecting and using student information for marketing purposes, and conducting certain physical exams.

Under PPRA, parents are afforded the following rights:

- Receive advance notice of any survey related to a protected area<sup>35</sup> and an opportunity to opt in their child if the survey is funded by the U.S. Department of Education (ED) or opt out their child if the survey is not funded by ED
- Receive advance notice of any survey that will be used for marketing purposes and an opportunity to opt out their child
- Upon request, inspect a survey created by a third party or a survey that will be used for marketing purposes before the survey is administered or distributed by a school to a student; parents must file such requests with the building principal, and the building principal or designee will mail, email, or arrange for a parent to inspect the survey at school within a reasonable timeframe after receiving the request
- Upon request, inspect any instructional material used as part of the educational curriculum for his/her child; parents must file such requests with the building principal, and the building principal or designee will mail, email, or arrange for a parent to inspect the instructional material at school within a reasonable timeframe after receiving the request
- Receive advance notice of any nonemergency physical exam and an opportunity to opt out except when the physical exam is required by law

Whenever administering or overseeing a survey or physical exam of students, the District will comply with student confidentiality requirements in law and applicable district policy.

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

- FGA, Student Education Records

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<sup>35</sup> See footnote one for a definition of protected area.

- GAAA, Curriculum Design & Evaluation
- GCC-E, Model Notification of Rights Under the Protection of Pupil Rights Amendment

**End of Jamestown Public School Policy GCC.....Adopted: 1/18/2016**

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

PPRA affords parents certain rights regarding our conduct of surveys, collection and use of information for marketing purposes, and certain physical exams. These include the right to:

1. Consent before students are required to submit to a survey that concerns one or more of the following protected areas ("protected information survey") if the survey is funded in whole or in part by a program of the U.S. Department of Education (ED):
  - a. Political affiliations or beliefs of the student or student's parent;
  - b. Mental or psychological problems of the student or student's family;
  - c. Sex behavior or attitudes;
  - d. Illegal, anti-social, self-incriminating, or demeaning behavior;
  - e. Critical appraisals of others with whom respondents have close family relationships;
  - f. Legally recognized privileged relationships, such as with lawyers, doctors, or ministers;
  - g. Religious practices, affiliations, or beliefs of the student or parents; or
  - h. Income, other than as required by law to determine program eligibility.
2. Receive notice and an opportunity to opt a student out of:
  - a. Any other protected information survey, regardless of funding;
  - b. Any non-emergency, invasive physical exam or screening required as a condition of attendance, administered by the school or its agent, and not necessary to protect the immediate health and safety of a student, except for hearing, vision, or scoliosis screenings, or any physical exam or screening permitted or required under State law; and
  - c. Activities involving collection, disclosure, or use of personal information obtained from students for marketing or to sell or otherwise distribute the information to others.
3. Inspect, upon request and before administration or use:
  - a. Protected information surveys of students;
  - b. Instruments used to collect personal information from students for any of the above marketing, sales, or other distribution purposes; and
  - c. Instructional material used as part of the educational curriculum.

These rights transfer from parents to a student who is 18 years old or an emancipated minor under State law.

Jamestown Public School District has developed and adopted policies, in consultation with parents, regarding these rights, as well as arrangements to protect student privacy in the administration of protected information surveys and the collection, disclosure, or use of personal information for marketing, sales, or other distribution purposes.

Jamestown Public School District will directly notify parents of these policies at least annually at the start of each school year and after any substantive changes. Jamestown Pubic School District will also directly notify, such as through U.S. Mail or email, parents of students who are scheduled to participate in the specific activities or surveys noted below and will provide an opportunity for the parent to opt his or her child out of participation of the specific activity or survey. Jamestown Public School District will make this notification to parents at the beginning of the school year if the District has identified the specific or approximate dates of the activities or surveys at that time. For surveys and activities scheduled after the school year starts, parents will be provided reasonable notification of the planned activities and surveys listed below and be provided an opportunity to opt their child out of such activities and surveys. Parents will also be provided an opportunity to review any pertinent surveys.

Following is a list of the specific activities and surveys covered under this requirement:

1. Collection, disclosure, or use of personal information for marketing, sales or other distribution.
2. Administration of any protected information survey not funded in whole or in part by ED.
3. Any non-emergency, invasive physical examination or screening as described above.

Parents who believe their rights have been violated may file a complaint with:

Family Policy Compliance Office  
U.S. Department of Education  
400 Maryland Avenue, SW  
Washington, D.C. 20202-8520

**End of Jamestown Public School District Exhibit GCC-E**

## **SECTION F – ENROLLMENT AND ATTENDANCE REQUIREMENTS**

Descriptor Code: FAAA

### **OPEN ENROLLMENT** (Revised 3-15-10, Reviewed 1/16/2017)

Open enrollment applications received from residents of other North Dakota school districts will be acted upon by the Board at a regular or special meeting prior to the deadline established by law. All applications will be reviewed and acted upon in the same chronological order as they were received.

The Board will not deny an application on the basis of previous academic achievement, participation in extracurricular activities, disabilities, English language proficiency or previous disciplinary proceedings.

The District will not give or offer to give remuneration or directly or indirectly exert influence upon the student or the student's family, in order to encourage participation in the open enrollment program.

The Business Manager or designee will notify the parent or guardian and the resident district of the acceptance or rejection of an application within the deadline established by law.

The District reserves the right for the Superintendent to assign a building and to determine the class schedule for students who are accepted under this policy.

The District will not be responsible for transportation of resident students who have enrolled in other districts through the open enrollment process or for students from other districts admitted through open enrollment, but may provide bussing on a case by case basis.

Legal Ref: NDCC Ch. 15.1-31-01 through NDCC 15.1-31-07

## EARLY ENTRANCE

(Revised 2-20-12)

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

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

### **Fees:**

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

### **Transfer Students:**

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

Descriptor Code: FAB

ELEMENTARY SCHOOL ATTENDANCE AREA  
(revised 7-21-04)

Jamestown Public School System does not permit district wide open enrollment for its elementary program grades one through five. Elementary students are assigned to attendance areas. Students must have written approval from the District Administrator to attend an elementary school outside of their assigned attendance area.

Request for a waiver to the attendance policy will be considered on a case by case basis. A significant need must be proven in order to receive a waiver to the attendance policy.

The District Administrator may approve requests that prove to be beneficial to the district as a whole. For example, requests that balance the enrollment may be approved. However, requests may not be approved if they have a negative impact on the district as a whole. Requests shall not be approved if they increase class size above the accreditation standards.

If students receive a waiver to the attendance policy, they shall only be eligible for transportation if they meet the established transportation requirements.

If a family moves during the school year, the students may continue to attend the school for the remainder of the school year unless class size is adversely affected. The students shall transfer to the new attendance area the next school year.

Cross Ref: Policy IXX. E. 3.  
Legal Ref: NDCC 15.1-09-33



PLACEMENT AND ADJUSTMENT OF TRANSFER STUDENTS  
(Adopted 2-20-12)

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

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

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

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

## STUDENTS EDUCATED IN HOME SCHOOLS

(revised May 19, 2003)

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

Students who are being home-educated are eligible to participate in individual classes within the Jamestown Public School District curriculum and in all extra-curricular activities on the same basis as students who are enrolled in the Jamestown Public Schools as long as space is available.

The parent of any student seeking to transfer from home-education to the Jamestown Public Schools will provide the district with proper documentation. This documentation will include:

1. An outline of the course material covered in each subject,
2. A list of the course objectives,
3. A written description on how the course objectives were met, and
4. A transcript of the student's performance in grades nine through twelve.

Upon receipt of this documentation, the superintendent of Jamestown Public Schools, or his designee, will determine the amount of credit to be given for course work done in a home education setting. This same process will be used to determine the acceptance of any course work for high school credit from a home education setting. This documentation must assure the District that the standards of the district's grading system have been met. These records, along with those of the standardized achievement tests that have been filed with the district, will be considered in placing the child in appropriate classes.

Student thought to be individuals with disabilities as defined by PL94-142, Section 504, and/or North Dakota law will be referred for testing and will receive an assessment within 30 days of the time the child was referred.

Evaluation resources used to determine placement will be the current achievement test and the building administrator's recommendation for each required subject for the particular grade being transferred into. Course selection shall include at least one full unit of credit in English, Math, Social Science, and Science even if the student transfers in for his/her senior year. The credit for senior year status must be taken in classes appropriate to that grade level.

No certificates or diplomas will be awarded to home-educated students by the Jamestown Public School District. Students must enter the regular Jamestown Public School program and complete all the necessary requirements to be eligible for a diploma from Jamestown High School.

Legal Ref: NDCC CH. 15.1-20-04 Home Education  
Cross Ref: School Board Policy Handbook Section IX. Policies  
Affecting Students, F. Graduation, parts 1, 2, 3, and 4.

## **EDUCATION OF THE HOMELESS STUDENTS**

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

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

### **Dispute Resolution**

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

### **Homeless Student Liaison**

The Board designates Superintendent or designee as the homeless student liaison. This individual shall perform all duties required by law, including participation in professional development and technical assistance activities.

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#### **Complementing Policy**

- FDB-BR, Education of the Homeless Dispute Resolution Procedure

**End of Jamestown Public Schools Policy FDB.....Adopted:12/9/2009, Revised 2/6/2017**

**EDUCATION OF THE HOMELESS  
DISPUTE RESOLUTION PROCEDURE**  
(adopted 10-20-08)

**District Resolution Procedure**

The Board has adopted the following dispute resolution procedure for disputes related to the inner-district placement of homeless students:

1. A parent/guardian/unaccompanied student wishing to dispute the Superintendent's school placement decision shall contact the homeless student liaison to file an appeal.
2. The homeless student liaison shall notify the Superintendent of the appeal, and the Superintendent shall take measures necessary to immediately enroll the homeless student in the school in which s/he is seeking enrollment, pending resolution of the dispute.
3. The homeless student liaison shall present the appeal to the Board in a timely manner.
4. The Board will make an independent school placement determination based on feasibility and the student's best interest. When making this determination, the Board shall at least consider the following criteria:
  - The age of the student;
  - The distance of the commute;
  - The impact of the commute on a student's education;
  - The student's safety;
  - If the student has special needs and which school best serves those needs;
  - The amount of time left in the school year.
5. The Board shall issue a placement determination within 30 days of receiving the appeal request. The determination shall be made in writing and issued to the parent/guardian/unaccompanied student who initiated the appeal.

**State Resolution Procedure**

The Board has adopted the following dispute resolution procedure for individuals who have exhausted the district level appeals process and/or for disputes that involve more than one school district:

1. A parent/guardian/unaccompanied youth shall inform the homeless liaison in the district of residence of his/her intent to file a state level placement appeal.
2. The homeless liaison shall assist the parent/guardian /unaccompanied youth with filing the appeal and notify the state homeless coordinator of the appeal.
3. The homeless student liaison shall notify the affected Superintendent(s) of the appeal, and the Superintendent(s) shall take measures necessary to immediately enroll the homeless student in the school in which s/he is seeking enrollment, pending resolution of the dispute.
4. The homeless liaison in the affected district(s), the enrollment officer in the affected district(s), parents of the student, homeless service providers, and the state homeless coordinator shall meet at the direction of the state coordinator to resolve the issue.
5. The District will comply with the state homeless coordinator's placement determination.

EDUCATION OF MIGRANT STUDENTS  
(Adopted 12-7-09)

The Superintendent will develop and implement a program to ensure that migratory students receive appropriate services in the same manner as other students selected to receive services. The program shall contain a means to:

1. Identify migrant students and assess their educational and related health and social needs.
2. Provide a full range of services to migrant students including applicable Title I programs, special education, gifted education, vocational education, language programs, counseling programs, and elective classes.
3. Provide migrant children with the opportunity to meet the same statewide assessment standards that all children are expected to meet.
4. Provide advocacy and outreach programs to migrant children and their families and professional development for district staff.
5. Provide parent/guardians an opportunity for meaningful participation in the program.

**Parent Involvement in the Migrant Education Program (MEP)**

The District in conjunction with parents/guardians of migrant students shall develop a parental involvement plan and compact, which shall be adopted by the Board. The MEP parental involvement plan shall contain procedures for consulting and communicating with parent(s)/guardian(s) about student achievement and the migrant program's development, implementation, operation, and evaluation.

## FOREIGN EXCHANGE STUDENTS

(revised 10-16-06)

In order to promote cultural awareness and understanding and to provide diverse experiences to district students, the Board may admit foreign exchange students in to the schools of the District.

The Board may accept only foreign exchange students who meet the established guidelines for admission to District schools.

The Board may accept exchange students on a J-1 Visa who reside within the District as participants in group-sponsored exchange programs approved by the Board. The Board may waive tuition for five students on a J-1 Visa, with a target goal of a maximum of one student per country.

The Board may accept privately sponsored exchange students on a F-1 Visa for attendance only in secondary schools upon payment of tuition at the established district rate; tuition payments may not be waived. The period of attendance shall not exceed twelve months.

The Board shall not be responsible for health insurance or health benefits for exchange students. Exchange students on a F-1 Visa shall provide proof of a valid health insurance plan that includes benefits to cover repatriation and medical evacuation. The health plan must be on file in the district administrator's office before the exchange student is enrolled.

The Board reserves the right to limit the number of foreign exchange students admitted to the schools. The Superintendent or designee shall be responsible for determining the visa status and eligibility of foreign exchange students applying for admission to District schools.

All potential organizations or individuals applying for admissions shall forward the request to the Superintendent or designee by July 1 proceeding the school year of attendance.

Foreign exchange students shall comply with all immunization requirements for students. Once admitted, all exchange students shall be subject to all district policies and regulations governing students.

Admission of foreign exchange students shall be subject to the following guidelines:

- A. Students shall be at least sixteen years and no more than eighteen years of age at the time of enrollment and shall be sufficiently fluent in English.
- B. Students may not be a graduate of their native school system.
- C. Students will be considered for admittance only when space is available.
- D. Resident host families shall submit a statement accepting responsibility for the student and verifying they are serving as a volunteer host without personal profit.
- E. Students shall be encouraged to participate in all student activities and athletics, provided all eligibility criteria are met.
- F. Exchange students have the rights and privileges of a resident student during the period of enrollment.

Legal Ref: 8 U.S.C. § 1101 Illegal Immigration Reform and Immigration Responsibility Act of 1997 4-98

Descriptor Code: FEA

## ADULT EDUCATION

The Superintendent of Schools has final authority to approve or disapprove all adult education courses offered by the District or the James Valley Multi-District Career and Technology Center.

## ATTENDANCE & ABSENCES

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

### Section I: Definitions

- A. For purposes of compulsory attendance reporting under NDCC 15.1-20-02.1 (1-2):
- *Excused absence* is an absence that the District will not use in determining if a compulsory attendance violation occurred. Any absence may be excused if it is supported by either a verbal or written excuse supplied by the student's parent, teacher, or school administrator.
  - *Unexcused absence* is any absence not supported by the verbal or written excuse required for an excused absence.
- B. For the purposes of imposing academic disciplinary sanctions under Section III of this policy as authorized by NDCC 15.1-20-02.1(3):
- *Approved absence* is an absence that the District believes is necessary and/or unavoidable and has received administrative approval. Necessary and/or unavoidable absences may be caused by illness, injury, family emergency, religious observance or instruction, suspension, participation in a school-related activity, court appearances when subpoenaed, or other reasons deemed necessary and/or unavoidable by the building principal or Superintendent. Students granted approved absences shall not be subject to the consequences contained in Section III of this policy. The Superintendent or designee shall develop criteria for requesting and granting an approved absence and shall establish make-up work requirements.
  - *Unapproved absence* is defined as an absence that does not meet the above criteria for approved absences. If a student is absent for an unapproved reason, the parent/guardian shall still be responsible for calling the principal's office to explain the absence, and the student will be subject to the consequences contained in Section III of this policy.

### Section II: Documentation Requirements

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

1. Medical documentation from an appropriate licensed healthcare provider;
2. A copy of a court summons or subpoena;
3. An obituary for funeral leave;
4. Verification of planned or executed family travel (e.g., a boarding pass);
5. A request from an official at the student's place of worship;
6. A request for an absence due to a curricular or extracurricular event submitted by the student's teacher, coach, or extracurricular advisor.



### **Section III: Accumulated Unapproved Absence**

The Board believes that unapproved absences are a form of misconduct and authorizes the Superintendent to establish grade-appropriate disciplinary consequences. Students will be afforded appropriate due process rights based on the severity of the disciplinary penalty that the District is considering imposing. Students shall be required to complete make-up work in accordance with administrative regulations.

### **Compulsory Attendance Violations**

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

### **Dissemination**

This policy shall be published in all student handbooks.

## STUDENT EDUCATION RECORDS

(Revised 5-7-12)

The District shall comply with all required components of the Family Educational Rights and Privacy Act (FERPA) and the Individuals with Disabilities Education Act (IDEA) when maintaining, retaining, granting access to, disseminating, and disposing of student educational records. In addition, the District shall comply with all notification requirements required by these laws.

### **Access**

The District shall grant access to student educational records to individuals as authorized by law. When applicable, appropriate consent will be obtained and/or agreements established to release records and the District will honor opt-out requests. The District shall comply with all recordkeeping requirements related to record access and disclosure as delineated in law.

School officials with a legitimate educational interest in a student's educational record shall be granted access to the portions of the record that they have a need to know. For the purpose of this policy, legitimate educational interest is defined as access that is needed in order for a school official to fulfill his/her professional responsibility. School official is:

- An individual employed by the District in an administrative, instructional, or support staff position.
- A person or company contracted by the District to perform instructional services and/or functions, including, but not limited to, attorneys hired by the District and data storage protection agencies;
- A consultant hired to perform institutional services and/or functions for the District;
- A threat assessment team (see Violent & Threatening Behavior policy for definition.
- School Resource Officer
- School Board members
- A volunteer that performs institutional services and/or functions for the district

A list of school officials shall be included in the district's annual FERPA notification.

School officials will receive appropriate training and information on privacy to ensure records are not misused. The District shall put reasonable methods in place to ensure that school officials only obtain access to educational records or portions of educational records in which they have a legitimate educational interest. These methods shall be delineated in administrative regulations.

### **Review and Amendments**

The Board shall develop procedures for a parent/guardian/student to review and amend educational records. These procedures shall be delineated in board-approved regulations and shall be disseminated annually in accordance with law.

### **Record Dissemination**

1. Other schools: When a student enrolls, intends to enroll, or has enrolled in another school, the District shall forward a copy of the student's educational record, including disciplinary records involving suspension and/or expulsion to the new school district without prior consent so long as disclosure is for enrollment or transfer purposes. The District shall retain the original student record.

2. Directory information: The Board defines directory information as a student's name, address, telephone number, date and place of birth, dates of attendance, electronic personal identifier, grade level, institutional electronic mail address, major field of study, most recent educational agency or institution attended, participation in officially recognized activities and sports, photograph, weight and height of members of athletic teams, degrees, honors, and awards received, and enrollment status as directory information. The District may release this information without a parent/guardian/authorized student's consent unless the parent/guardian/authorized student has requested to opt-out. Opt-out notices will be disseminated in accordance with law. The Board shall approve a list of entities to which directory information may be disseminated, which shall be included in the annual FERPA notice. The District shall provide applicable directory information to entities authorized to access directory information under FERPA and North Dakota law unless a parent/authorized student has opted out.
3. The District may release the contents of a student's educational record for reasons permitted by law, such as, but not limited to, health and safety reasons after taking into account the totality of circumstances and determining an articulable and significant threat to the health and safety of the student or others exists.
4. De-identified information may be released upon request if the request meets conditions permitting release of such information under law.
5. The District may or, when required by law, shall release students' personally identifiable information from student educational records to authorized representatives, as defined by FERPA, in accordance with P11 disclosure agreement requirements and other safeguard procedures mandated by FERPA regulations.

### **Record Retention & Destruction**

Permanent record is defined as a record containing a student's name, address, phone number, record of grades, years enrolled, courses attended, and grades completed.

All components of a student's educational record shall be retained for the duration required by state law after which only the permanent record will be retained; however, no record will be destroyed for which there is an outstanding request from a parent/student to review.

Special education records may be retained for a duration longer than required by law at the discretion of the special education director except that, in accordance with law, personally identifiable information in a special education record must be destroyed at the request of the parent (s). Parents of special education students shall be notified and their consent shall be obtained before the non-permanent components of a special education student's educational record are destroyed.

STUDENT EDUCATION RECORDS ACCESS & AMENDMENT PROCEDURE  
(Revised 5-7-12)

**Reviewing an Educational Record**

The District will comply with a parent/guardian/eligible student's right to inspect educational records. This right will be granted using the following procedure:

1. A request to view an educational record shall be granted by the deadline in law (45 days).
2. A request may be made orally or in writing to the building principal.
3. The principal shall notify the parent/guardian/eligible student of the time and place when a record may be inspected.
4. The principal or designee shall be present when the parent/guardian/eligible student reviews the record.
5. If circumstances prevent a parent/guardian/eligible student from reviewing the educational record at the school office, the District shall prepare and mail a copy of the record or make alternative arrangements for the parent/guardian/eligible student to review the record. Any expense incurred from copying and/or mailing a record may be charged to the parent/guardian/eligible student at state rates, except as prohibited by law.

**Amending an Educational Record**

A parent/guardian/eligible student has the right to request an amendment to any portion of the educational record s/he believes to be inaccurate, misleading, or in violation of the student's right to privacy. A parent/guardian/eligible student shall use the following procedure to dispute or request an amendment to an educational record. This procedure shall not be used to dispute a grade, disciplinary decision, or opinions/reflections of a school official contained in an educational record.

1. Any request to amend an educational record shall be made in writing and submitted to the building principal.
2. The principal shall review the request within a reasonable time and approve or deny it. The principal's decision shall be submitted to the parent/guardian/eligible student. If the principal denies the amendment request, s/he shall inform the parent/guardian/eligible student of his/her right to request an appeals hearing.
3. Requests for an appeals hearing shall be submitted to the Superintendent. The hearing shall be held within a reasonable time after the appeal request has been made.
4. The Superintendent shall serve as the hearing officer. A representative of the parent/guardian/eligible student's choosing may accompany the parent/guardian/eligible student at the parent/guardian/eligible student's expense. The parent/guardian/eligible student shall have a full and fair opportunity to present evidence related to the amendment request.
5. The Superintendent's decision is final and binding and shall be submitted to the parent/guardian/eligible student at a reasonable time after the hearing.
6. If the Superintendent denies the amendment request, s/he will notify the parent/guardian/eligible student within a reasonable time of his/her right to submit a written response commenting on the contested material and/or explaining the disagreement with the hearing officer's decision. This written response shall be retained and, when applicable, disseminated in accordance with law.

## **STUDENT HANDBOOKS**

The Superintendent or designee shall create student handbooks in conformance with the Department of Public Instruction's regulations. The Superintendent shall ensure that student handbooks do not conflict with district policy, state law, and/or federal law. The Board shall review student handbooks prior to dissemination.

Student handbooks shall be disseminated to each student at the beginning of the school year and to each new student upon enrollment in the District.

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

- FGDB-E, Department of Public Instruction Student Handbook Regulations

**End of Jamestown Public School District Policy FGDB Adopted: 3/1/2010 Reviewed 5/16/16**

## **DEPARTMENT OF PUBLIC INSTRUCTION STUDENT HANDBOOK REGULATIONS**

### **67-19-01-42. School policies - Handbooks.**

A school must provide to each student a current student and parent handbook that includes the school mission or philosophy, goals, objectives, student rights and responsibilities, and policies on parent and student issues that include attendance, discipline, promotion and retention, and graduation requirements.

End of Jamestown Public School District Exhibit FGDB-E.....Adopted 3/1/2010,Reviewed 5/16/16

## REGISTRATION POLICY

All registration requests for the next academic year will be considered to be final as of the last school day of the current academic year. Therefore, special permission must be received in writing from the principal before any registration forms can be altered. The principals may only grant approval of schedule changes for significant reasons. The administration will be required to monitor the policy and prepare an annual report.

### CLASS SIZE

Except for required courses of study which are offered to meet minimum legal curriculum and/or graduation requirements, the following guidelines will be used when scheduling the District's courses of study:

- A. Minimum class size for regular education and non-reimbursable vocational education - 18 students.
- B. Minimum class size for reimbursable vocational education courses - 9-12 students depending on the rate of state reimbursement.
- C. Special Education will be determined on a needs basis
- D. Summer school courses will be self supporting
- E. Interactive TV courses will be self supporting

The District Administrator has final authorization to approve the course offerings and/or grade level sections. He may waive minimum enrollment standards.

### LEGAL RESIDENCY REQUIREMENTS

A student will be considered to be a resident of the Jamestown Public School System if he/she meets one or more of the following requirements.

- A. He/she lives with a natural parent who resides within the boundaries of the Jamestown Public School District and that natural parent is legal guardian.
- B. He/she lives with a parent who has legal custody and the parent resides within the Jamestown Public School District, and a copy of the court custody agreement has been filed with the Jamestown Public School District Central Office.
- C. He/she lives with an adult who has legal guardianship, the adult resides within the boundaries of the Jamestown Public School District, and a copy of the legal guardianship form has been filed with the Jamestown Public School District Central Office.
- D. He/she is 18 years of age and has established his/her own residency within the Jamestown Public School District.
- E. He/she is living with a guardian appointed by the court and a copy of the court order is on file in the Jamestown Public School Central Office.

Students not meeting one or more of these requirements shall be classified as a non-resident and shall be required to comply with the tuition agreement policy. In the event of extenuating circumstances, the non-resident student may petition the Board to waive the tuition agreement requirements. Each case will be decided on an individual basis. The Board has exclusive authority to approve or disapprove each request for waiver of the tuition agreement requirements.

Legal Ref: NDCC 14-29-08; NDCC 15.1-29-05; NDCC 54-23.2-04.2; Breitbarth vs. Anderson

### TUITION CHARGE

Tuition shall be charged against the resident district or the parent of the student according to law for students who are not residents of the district. A tuition agreement shall be prepared and payment received at the beginning of the first semester and at the beginning of the second semester.

Legal Ref: NDCC 15.1-29-01 through NDCC 15.1-29-15; NDCC 15.1-31-01 through 15.1-31-07.



## NON-RESIDENT STUDENTS/POWER OF ATTORNEY

If a child enrolls in the school district merely for the purpose of obtaining school privileges, the law concerning payment of tuition governs.

If a school age child makes his/her home in our school district, whether with child's parents or other persons, and if Jamestown is the child's only home and is the place at which the child remains, when not called elsewhere for labor or special temporary service, the child is a resident for school purposes and may attend school without payment of tuition.

Power of attorney as outlined in NDCC 30.1-26-04, is intended to protect the child in emergency situations, such as to provide for health care. It is not intended to assert the residency rights of the child nor to alter the residency status of the child for a long or indefinite period of time.

Descriptor Code: F-4

#### FOREIGN LANGUAGE - EIGHTH GRADE LEVEL

After satisfactorily completing the second year of the foreign language course, two credits will be recorded on the student's cumulative record, of which one credit will count toward graduation requirements. The first and second year should be taken consecutively.

## HONORARY DIPLOMAS FOR VETERANS

It shall be the policy of this district to grant an honorary high school diploma to any World War II veteran who attended school in this district but did not graduate because of service in the United States armed forces between September 16, 1940 and December 31, 1946, and who was honorably discharged from the United States armed forces.

Legal Ref: NDCC 37-01-42 honorary high school diplomas - Veterans of World War II

## RECOGNITION OF STUDENT VOLUNTEER EFFORTS

Adopted February 21, 2005

A major thrust of public education is to prepare all students to be good citizens of our great nation. In order to encourage students to take an active interest in the many aspects of our community and to assist students in learning of the workings of Jamestown and the surrounding area and the relationship to the greater world, the Jamestown Board of Education will recognize student volunteer work that is performed by high school students.

Students who have accumulated 100 hours of administratively pre-approved and documented volunteer work for non-profit or governmental agencies or have provided some form of assistance to relief efforts shall be recognized by the Board on their high school transcript and at graduation.

Descriptor Code: F-7

### TRANSFER CREDITS

Jamestown Public School District accepts all credits properly designated for credit by another accredited school. An official transcript must come through the mail and be signed by a principal or his or her authorized agent. Grades and credits from an official transcript are accepted at face value.

## PROGRAMS FOR GIFTED AND TALENTED

The Board is committed to an educational program that recognizes the unique talents and needs of gifted and talented students. It will be the goal of the program to provide a multidimensional teaching approach involving special curriculum enrichment and acceleration of course content.

The Board strongly urges the staff to see that all roadblocks are cleared from the path of learners and that they are provided the opportunity to develop skills in inquiry and creative expression at a rate and to an extent appropriate to their abilities.

Students will be considered for placement in the program in accordance with scores on standardized achievement and intelligence tests, anecdotal records and recommendations of parents, teachers, principal and staff. The current emphasis is on the high ability/high achieving child.

The elementary program for the gifted and talented will be centered at multi-school locations. Scheduling and transportation arrangements will be made for pupils on an equitable basis. The secondary program shall be diverse.

Acceleration may be in grade level or in selected subjects.

Advanced College Placement may be used for those students who would benefit and qualify for such work.

Dual credit (high school and college) may be earned if the course is part of the approved post-secondary dual credit program in which the District participates.

Enrollment in the college course may be by residence or by correspondence. Enrollment shall be only by permission of the principal of the high school.

Independent Study Programs shall be encouraged to the extent that staffing allocations and program development will permit. The Board believes that independent study is a learning activity motivated largely by the learner's own aim to learn for personal satisfaction. It is a course of study which provides the learner with an opportunity to undertake an in-depth study of a particular interest somewhat independent of the class or other group instructional practices. It utilizes the services of teachers and other professional personnel as guides and resources and often involves school and community libraries and informational facilities. A program of independent study recognizes individual differences in interests and abilities and encourages student initiative and self-direction in learning.

Independent study may vary in length of time from study projects of several weeks within a given course to programs for a semester or year-long duration. Although guidance, contractual procedures, and assessment will be under the leadership of professional personnel at the school, independent study may take the student into the greater school community for experiences under

the co-sponsorship of people in other professions, business, government, or industry. Independent study should not be confused with work study, but should involve an intellectual approach to a problem or research project. The range of opportunities for independent study and eligibility shall be established by the professional staff of the school. Individual projects shall be subject to the approval of the principal.

A thoughtful independent study program should have the following goals:

- A. Expansion of the curriculum to better serve the school philosophy and objectives by providing the opportunity for students to develop their unique skills and interests, self-motivation, and responsibility, and by responding to individual maturation and readiness for new learning experiences.
- B. Opportunity for students to accept more responsibility for their education.
- C. Response to student needs for deeper research into areas of interest, new skills, new behaviors, variety, relevancy, and renewed interest in learning.
- D. Provision of an atmosphere and curriculum conducive to laying the foundations for continued self-education in the future.
- E. Opportunities for independent learners to act as tutors, be discussion leaders, or teach within the classroom the new insights and/or skills learned.

At no time shall independent study replace the mastery of fundamental or basic skills in required subjects.

Placement in any gifted and talented program shall result from an individualized education program devised through the cooperation of the principal, the classroom teacher and the parent, with input as needed from special education personnel and other resource persons available to the school.

Legal Ref: NDCC 15.1-32-08 and NDCC 15.1-32-10

School Districts to provide special education

Cross Ref: Post-Secondary Enrollment Options/Dual Credit

SUMMER SCHOOL ATTENDANCE BY GRADUATED SENIORS  
(adopted 5-23-05)

Graduated Seniors may participate in regularly scheduled Jamestown Public School summer school activities that are provided to the students of the Jamestown Public Schools during the summer of the year in which they graduate from high school provided the following conditions are met:

1. High School students will have first priority for all seats, roles, or positions in classes or activities of the summer school. No high school student will be excluded from any seats, roles or positions.
2. There must be enough high school students enrolled to cause the summer school course to be offered as a credit course.
3. Graduated seniors must pay a minimum fee of fifty dollars plus any other expenses to cover full cost of participating in the program.
4. Graduated seniors, even though they are adults, must sign and follow all of the guidelines for conduct and the Code of Conduct that exists for regular high school students attending summer school. Violations will be cause for immediate removal from the course at the administrators' discretion without refund.



## **ACADEMIC FREEDOM**

Teachers shall abide by the curriculum standards adopted by the Board. They shall only select issues for study that contribute to the attainment of course objectives, are consistent with state standards and the district's mission, and are appropriate for classroom presentation. Teachers shall determine the appropriateness of a topic based on the following criteria:

1. There are adequate and age-appropriate materials available that will allow students to learn about all sides of an issue.
2. The topic is age-appropriate, considering the emotional, intellectual, and social capacities of the class as a whole.
3. Teachers are equipped personally and academically to present the topic objectively, allowing students to formulate their own opinions.

### **Controversial Topics**

Controversial topics are issues that are often a matter of opinion and are subjects of public dispute, debate, or contention. When a topic is of a controversial nature, teachers shall receive administrative approval prior to presenting it in the classroom.

Teachers may offer an opinion on issues discussed in the classroom provided that the teacher clarifies that the opinion should not be construed as an authoritative answer, that the teacher is speaking on his/her own—not the district's—behalf, and encourages students to form their own opinions, stressing that students are free to express their own views without fear of academic reprisal.

Teachers that violate this policy or whose speech compromises the district's ability to provide a safe and non-disruptive educational environment may be subject to disciplinary action up to and including discharge.

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### **Complementing Policies:**

- DEBF, Employee Speech
- GAAA, Curriculum Design & Evaluation
- GBAA, Teaching About Religion

**End of Jamestown Public Schools Policy GBA.....Adopted:2-6-2017**

**ENGLISH LEARNERS**  
(Revised 2-6-2017)

It is the policy of the Jamestown Public School District to provide the appropriate educational services as required by law. Students are guaranteed equal educational opportunities regardless of race, color, religion, gender, national origin, ancestry, disability, age, or other status protected by law. Students identified as lacking the necessary language proficiency to learn and interact in the classroom shall be provided necessary services.

The District provides appropriate educational services and parity in programs/services/resources provided to students who are Limited English Proficient (LEP) and/or English Learners (EL). The District has developed a plan that describes the process of identifying and assessing students who are LEP or EL. The plan is consistent with state and federal requirements.

The plan also includes a procedure for ensuring participation by identified students in state mandated assessments and a description of methods used to assist with language proficiency and academic achievement, including a description of the instructional model chosen, method of developing individual student instructional plans, teacher assessment, instructional planning, parental involvement, and program exit criteria. The plan assures that a trained ESL or bilingual education teacher shall oversee the LEP and EL program. The plan will be monitored to ensure that portions that fail to meet the needs of LEP and EL students are revised or discontinued.

Parents or guardians of EL and LEP student shall be notified upon identification and be informed of student's needs, services available, and annual progress in English and academic achievement. Parents or guardians shall be communicated with, to the extent practicable, in their native language or a language that they can understand.

### **ENGLISH LEARNERS (EL) COMMUNICATION PROCEDURE**

The following policies, forms, and rules shall be communicated in writing to EL and Limited English Proficient (LEP) students (and when applicable, their parents) in their language of origin. The District should maintain documentation verifying that students (or, when applicable, parents) have received and understand these documents. This communication should occur as soon as practical, except as otherwise specified below, subject to the availability of translation services. Any delays in providing such written communication to EL-students (and, when applicable, parents) should be documented in writing with an explanation of the reason for the delay and a description of how the District intends to accommodate and/or protect the student until this communication can occur.

1. School enrollment forms (forms will be translated on a case-by-case basis as needed)
2. All school district policies and regulations related to student conduct, student rights and responsibilities, and general student health and safety protocols (e.g., medication in schools, student supervision, etc.)
3. Documents pertaining to EL identification procedures, services, and opt-out procedures
4. Parental consent and waiver forms (forms will be translated on a case-by-case basis as needed)
5. All safety rules applicable to curricular and extracurricular activities in which an EL student participates (e.g., lab safety, shop safety, pool safety, extracurricular participation safety rules, etc.). These rules should be communicated prior to the student participating in the activity in which such rules apply.

**End of Jamestown Public School District Administrative Regulation GABAA-AR..2-6-2017**

## SEX EDUCATION

(Adopted 3-1-10)

Parents have the prime responsibility to assist their children in developing knowledge and moral values with regard to sex education. The schools shall support and supplement parents' efforts in the areas of family life and sex education by offering students factual information and opportunities to discuss concerns, issues, and attitudes inherent in family life and sexual behavior. Instruction dealing with family life and sex education, including sexually transmitted diseases, may be offered in several different courses and shall be offered in accordance with 20 U.S.C. 7906.

In **[elementary]** courses where human reproductive organs and their functions and processes are described, illustrated, or discussed, opportunity will be provided for all parents or guardians to request in writing that their children not attend. Instructional materials to be used in family life and sex education will be available for inspection by the parent or guardian during school hours prior to the commencement of the instructional program. Teachers who provide instruction in family life and sex education will have professional preparation in the subject area.

Descriptor Code: GABC-E

## SEX EDUCATION LAW

20 U.S.C. 7906

(Adopted 3-1-10)

### **Prohibitions**

None of the funds authorized under this chapter shall be used:

1. To develop or distribute materials, or operate programs or courses of instruction directed at youth, that are designed to promote or encourage sexual activity, whether homosexual or heterosexual;
2. To distribute or to aid in the distribution by any organization of legally obscene materials to minors on school grounds;
3. To provide sex education or HIV-prevention education in schools unless that instruction is age appropriate and includes the health benefits of abstinence; or
4. To operate a program of contraceptive distribution in schools.

### **Local control**

Nothing in this section shall be construed to:

1. Authorize an officer or employee of the Federal Government to mandate, direct, review, or control a State, local educational agency, or school's instructional content, curriculum, and related activities;
2. Limit the application of the General Education Provisions Act [20 U.S.C.1221 et seq.];
3. Require the distribution of scientifically or medically false or inaccurate materials or to prohibit the distribution of scientifically or medically true or accurate materials; or
4. Create any legally enforceable right.

## **TITLE PROGRAMS DISPUTE RESOLUTION PROCEDURE**

### **Process**

Any individual who believes that the Jamestown Public School District has violated the regulations or law governing a Title program should submit a complaint to the Title I Coordinator at 207 2<sup>nd</sup> Avenue SE, Jamestown, ND 58401 or call 701-252-1950. The Title I Coordinator shall investigate the complaint and provide the individual with a written response within 30 days or as soon as practicable.<sup>36</sup>

The complaint must include:

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

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

### **Reconsideration**

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

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

**End of Jamestown Public School District Policy GABDB .....Adopted:3-6-2017**

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<sup>36</sup> The 30 day deadline is recommended by NDSBA but not required by federal law.

**PATRIOTIC EXERCISES**  
(Adopted 4-5-10, Reviewed 1/16/2017)

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

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

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

POST-SECONDARY DUAL CREDIT  
(revised 2-10-03)

It is the belief of the Board that any student who is capable of, and wishes to do, college-level work while in high school should be permitted to do so and given assistance in enrolling in advanced courses. Therefore, the Jamestown Public School District will participate in the Post-secondary Enrollment Options Program allowed by North Dakota law. The Superintendent is authorized to enter into agreements with post-secondary institutions to provide post-secondary courses in the high school and to count post-secondary courses toward high school graduation.

Any 11th or 12th grade student whose admission to a college-level course is recommended by a counselor or principal and who maintains a minimum grade-point average of 3.2 may enroll in a course at any of the eligible institutions for post-secondary credit. Permission from the Superintendent will be required to apply the course toward high school graduation requirements. The Superintendent shall develop criteria for approval of courses. Although a course may count toward both high school graduation and post-secondary degree, no post-secondary course may be substituted for a required high school course unless approval is granted by the superintendent.

In addition to allowing students to enroll in college-level courses taught at post-secondary institutions, this District may offer courses that qualify for dual credit in cooperation with eligible institutions. Students enrolled in these courses may apply to the post-secondary institution for dual credit. Information about the requirements set forth by the post-secondary institution will be available from counselors and the teachers of the qualified courses.

Legal Ref:	NDCC 15.1-25-01	Post-Secondary Options Program
Cross Ref:	Policy GBEIA	Programs for Gifted and Talented

RETENTION POLICY  
(Revised 1-5-09)

Students are sometimes retained in a grade or subject area in an attempt to better prepare them for the demands of the next grade level. This is often seen as an extra year for them to mature and "catch up". However, extensive research utilizing a variety of statistical procedures provides no conclusive evidence that repeating a grade benefits students. In fact, retention can actually have a negative impact on academic achievement, self-esteem, and social-emotional adjustment. It also seems to be related to attendance problems and school dropout.

The Jamestown Public School District believes that students should have opportunity for success at each level of their educational experience. When students experience non-success, a variety of interventions should be attempted to accommodate individual learning styles and needs. These options shall include, but not be limited to:

- A. Summer school
- B. Instructional aides
- C. Further remedial assistance
- D. Early identification/intervention of individual needs

Retention should be viewed as a final alternative; after all other options have been exhausted. If retention is recommended, then the following procedures must be observed:

- A. That recommendation for retention must come out of the RTI (Response to Intervention) process.
- B. A plan of action to modify the instructional program for the following year will:
  - 1. be developed by the RTI (Response to Intervention Team) and
  - 2. be presented to the district administrator and the building principal.
- C. A conference will be held where parent(s), teacher, and principal discuss the options and plan of action.
- D. A written report will be given to the District Administrator for final approval.

Legal Ref: NDCC 15.1-09-33



## RANKING OF STUDENT

In order to qualify as a high ranking student, a senior must complete units in high school for three years and must attend Jamestown High School for the full senior year. This rank is to be based on full-time courses with the following point system: A-4, B-3, C-2, D-1. The total number of grade points is then divided by the total number of units the student has earned in full-time courses. The student with the highest quotient ranks first.

**GRADUATION**  
(revised 10-5-09)

**Basic Requirements:** All students who graduate from Jamestown Public Schools receive a diploma. Students will be eligible for graduation upon completion of a prescribed course of study approved by the Jamestown Public School Board in compliance with State of North Dakota requirements. A prescribed course of study shall have been completed when a student completes the transition plan on his/her individual education plan (IEP) or upon having passing grades in the required number of units of study noted below.

**The following units must be completed:**

Units of study requirements beginning with the freshman class of 2006-2007 (Class of 2010):

Language Arts	4 units	Science	2 units
Social Studies	4 units	Phys. Ed.	1 unit
Mathematics	3 units	Health	.5 unit
Business/Technology	.5 unit	Electives	7 units
Total		22 units	

Units of study requirements beginning with the freshman class of 2007-2008 (Class of 2011):

Language Arts	4 units	Science	3 units
Social Studies	4 units	Phys. Ed.	1 unit
Mathematics	3 units	Health	.5 unit
Business/Technology	.5 unit	Electives	6 units*
Total		22 units	

\* To include three units of Foreign Language, Fine Arts or Career Tech

Units of study requirements beginning with the freshman class of 2008-2009 (Class of 2012):

Language Arts	4 units	Science	3 units
Social Studies	4 units	Phys. Ed.	1 unit
Mathematics	3 units	Health	.5 unit
Business/Technology	.5 unit	Electives	6 units
Total		22 units	

\* To include three units of Foreign Language, Fine Arts or Career Tech

Units of study requirements beginning with the freshman class of 2009-2010 (Class of 2013):

Language Arts	4 units	Science	3 units
Social Studies	4 units	Phys. Ed.	1 unit
Mathematics	3 units	Health	.5 unit
Business/Technology	.5 unit	Electives	5.5 units
Personal Finance	.5 unit	Total	22 units

\* To include three units of Foreign Language, Fine Arts or Career Tech

**Optional High School Curriculum Requirements:** If after completing at least two years of high school a student has failed to pass at least one-half unit from three subsections in section 15.1-21.02.1 or has a grade point average at or below the twenty-fifth percentile of other students in the district who are enrolled in the same grade, the student may request that the student's career advisor, guidance counselor, or principal meet with the student and the student's parent to determine if the student should be permitted to pursue an optional high school curriculum, in place of the requirements set for in section 15.1-21-02.1.

If a student's parent consents in writing to the student pursuing the optional high school curriculum, the student is eligible to receive a high school diploma upon completing the following requirements:

1. Four units of English language arts from a sequence that includes literature, composition, and speech;
2. Two units of mathematics;
3. Two units of science;
4. Three units of social studies, which may include up to one-half unit of North Dakota studies and one-half unit of multicultural studies;
5.
  - a. One unit of physical education; or
  - b. One-half unit of physical education and one-half unit of health;
6. Two units of:
  - a. Foreign languages;
  - b. Native American languages;
  - c. Fine arts; or
  - d. Career and technical education courses; and
7. Any seven additional units.

Legal Ref: NDCC 15.1-21-04; NDCC 15.1-21-02; 15.1-21-02.3; Department of Public Instruction Regulations

Minimum Requirement for Attendance and Units of Credit (revised 12-17-07)

Students must attend high school for eight semesters excluding summer school and must carry a minimum of five units of credit per year while enrolled in high school.

Graduation from Jamestown High School requires attendance during the last semester of the senior year. Waiver of this regulation will be made only under emergency situations, such as illness, subject to approval of the Board. Students may enroll in college during their senior year with the following understanding:

- they meet the minimum credit graduation requirements
- they shall receive a final transcript and a diploma
- they will not take part in graduation exercises

APPLICATION FOR EARLY GRADUATION  
JAMESTOWN PUBLIC SCHOOLS  
(adopted 2-21-05)

Jamestown Public Schools will grant early graduation under limited circumstances to students who meet the following criteria. Students whose applications are accepted will be allowed to take part in graduation ceremonies and will receive a Jamestown High School Diploma.

1. For the purposes of this application, "Early Graduation" will be defined as completing class work at the conclusion of the 1<sup>st</sup> semester of the senior year or after the second semester of the junior year.
2. The student must have a Grade Point Average of 3.5 or better.
3. The student must have completed all graduation requirements by the end of the 1<sup>st</sup> semester of the senior year or after the second semester of the junior year.
4. The student must demonstrate an academic reason for requesting the early graduation.
5. The student must answer the questions and provide the information included on this form.
6. The student must attach a current transcript to this application.
7. The application must be filed with the Senior High Principal by May 1<sup>st</sup> of the year preceding graduation. The application must be typed and must be signed by the applicant and the parent or guardian, if the applicant is under the age of 18 at the time of application. The application will be considered by a committee consisting of the Senior High Principal, a guidance counselor, and at least two Senior High School teachers. All applicants will be notified of the decision of the committee by May 31<sup>st</sup> of the current school year.

Signature of Student: \_\_\_\_\_

Signature of parent or guardian: \_\_\_\_\_

(Required if the student is under 18 years of age at the time of filing.)

Name of student: \_\_\_\_\_

1. At the conclusion of the current school year, how many credits will you have earned toward graduation? \_\_\_\_\_
2. What is your desired early graduation date? \_\_\_\_\_
3. Please present a plan in the space below outlining the credits and classes you need to graduate. How will you meet the requirements for graduation? Any credits from outside Jamestown Public Schools must be approved by the principal.
4. Why do you wish to graduate early? You must include your academic plans for the future and explain why leaving Jamestown Senior High School at the time requested will assist you in those plans.
5. Please include any other information which may be of an extenuating circumstance and which will assist the committee in making a decision based on what is best for the student.

OFFICE USE ONLY: Date application submitted: \_\_\_\_\_

Decision of the Committee: \_\_\_\_\_ Approved \_\_\_\_\_ Denied

## GRADUATION CEREMONY

The graduation ceremony is to be a celebration of the achievements of the graduating class. Because it is a public event, graduation should be a dignified ceremony.

The high school principal shall be responsible for coordinating the ceremony and determining the program. He shall consult with the graduating class and may consult with staff, parents, etc. before selecting the persons who will be part of the ceremony. Speakers may be past graduates, current or former staff members, prominent citizens, or members of the graduating class who have demonstrated the ability to be positive leaders. A well prepared video of class achievements may be substituted for speakers.

The Superintendent of Schools and the School Board may assist in the program by presenting diplomas to the graduates. The assignment will rotate from year to year.

## SECTION G - POLICIES PERTAINING TO CONDUCT AND VANDALISM

Descriptor Code: ACEA

### ANTI-BULLYING POLICY (Board Revisions June 6, 2011)

#### **BULLYING**

The purpose of this policy is to assist the Jamestown Public School District, herein referred to as the District, in its goal of preventing and responding to acts of bullying. The District cannot monitor the activities of students at all times and eliminate all incidents of bullying between students, particularly when students are not under the direct supervision of school personnel. However, such conduct requires the District to take action to investigate, respond, remediate, and discipline those acts of bullying of which it has actual notice.

#### **DEFINITIONS**

##### **A. Bullying:**

1. Conduct that occurs in a public school, on school district premises, in a district owned or leased school bus or school vehicle, or at any public school or school district sanctioned or sponsored activity or event and which:
  - a. Is so severe, pervasive, or objectively offensive that it substantially interferes with the student's educational opportunities;
  - b. Places the student in actual and reasonable fear of harm;
  - c. Places the student in actual and reasonable fear of damage to property of the student; or
  - d. Substantially disrupts the orderly operation of the public school; or
2. Conduct that is received by a student while the student is in a public school, on school district premises, in a district owned or leased school bus or school vehicle, or at any public school or school district sanctioned or sponsored activity or event and which:
  - a. Is so severe, pervasive, or objectively offensive that it substantially interferes with the student's educational opportunities;
  - b. Places the student in actual and reasonable fear of harm;
  - c. Places the student in actual and reasonable fear of damage to property of the student; or
  - d. Substantially disrupts the orderly operation of the public school; or

##### **B. "Conduct" includes the use of technology or other electronic media.**

Bullying may involve, but is not limited to:

1. Unwanted teasing
2. Threatening
3. Intimidating
4. Stalking
5. Cyberbullying
6. Physical violence
7. Theft
8. Sexual, religious, or racial harassment
9. Public humiliation
10. Destruction of school or personal property
11. Social exclusion, including incitement and/or coercion
12. Rumor or spreading of falsehoods

- C. Cyberbullying:  
The use of technology as a mechanism for bullying;
- D. Bullying, Cyberbullying, and/or Harassment also encompasses:
1. Retaliation: To get revenge for a report of a violation of policy;
  2. Bad faith reporting a baseless act of bullying, harassment, or discrimination that is not made in good faith.
- E. Accused:  
Is defined as any District employee, consultant, contractor, agent, visitor, volunteer, student, or other person who is reported to have committed an act of bullying, whether formally or informally, verbally or in writing, of bullying.
- F. Complainant:  
Is defined as any District employee, consultant, contractor, agent, visitor, volunteer, student, or other person who formally or informally makes a report of bullying, orally or in writing, in accordance with the reporting procedures in this policy.
- G. Victim:  
Is defined as any District employee, consultant, contractor, agent, visitor, volunteer, student, or other person in the school or outside the school at school sponsored events, on school buses and at training facilities or training programs sponsored by the District, who is reported to have been the target of an act of bullying during any educational program or activity conducted by the District.

## **GENERAL STATEMENT OF POLICY**

- A. Bullying, by either an individual student or a group of students, is expressly prohibited on school district property or at school-related functions. This policy applies not only to students who directly engage in an act of bullying but also to students who, by their indirect behavior, condone or support another student's act of bullying. This policy also applies to any student whose conduct at any time or in any place constitutes bullying that substantially disrupts or creates a true threat.
- B. No teacher, administrator, advisor, coach, volunteer, contractor, or other employee of the school district shall permit, condone, participate in, or tolerate bullying.
- C. Apparent permission or consent by a student being bullied does not lessen the prohibitions contained in this policy.
- D. Retaliation against a victim, good faith reporter, or a witness of bullying is prohibited.
- E. False accusations or reports of bullying against another student are prohibited.
- F. A person who violates the above prohibitions shall be subject to discipline for that act in accordance with school district's policies and procedures. When disciplining, the school district may take into account the following factors:
1. The developmental and maturity levels of the parties involved;
  2. The levels of harm, surrounding circumstances, and nature of the behavior;
  3. Past incidences or past or continuing patterns of behavior;
  4. The relationship between the parties involved; and
  5. The context in which the alleged incidents occurred. Consequences for students who commit prohibited acts of bullying may range from positive behavioral

interventions up to and including suspension and/or expulsion. Consequences for employees who permit, condone, or tolerate bullying or engage in an act of reprisal or intentional false reporting of bullying may result in disciplinary action up to and including termination or discharge. Consequences for other individuals engaging in prohibited acts of bullying may include, but not be limited to, exclusion from school district property and events and/or termination of services and/or contracts.

- G. The District will act to investigate all actual notices of bullying and will discipline or take appropriate action against any student, teacher, administrator, volunteer, contractor, parent, or other employee of the school district who is found to have violated this policy.

## **TRAINING**

Training to identify, prevent, and respond to bullying will be conducted for students, parents, teachers, district staff, school administrators, counseling staff, bus drivers, school resource officers, contractors and school volunteers.

At the beginning of each school year, the school principal/designee and or district administrator shall provide awareness of this policy, and the process for reporting incidents, investigation and appeal, to students, school staff, parents, or other persons responsible for the welfare of a pupil through appropriate references in the Student and Employee Handbooks, the school website, and/or through other reasonable means.

## **REPORTING AN ACT OF BULLYING**

- A. Any other members of the school community who have credible information that an act of bullying has taken place at school/on school property/at a school sponsored event, etc., may file a report of bullying, whether a victim or witness.
- B. The principal of each school in the District shall prominently publicize to students, staff, volunteers, and parents, this reporting procedure and what actions may be taken.
- C. Administrators/principal/designee(s) shall document in writing and/or via the specified data system all complaints regarding bullying, as with all infractions, to ensure that problems are appropriately addressed in a timely manner, whether the report is made verbally or in writing.
- D. Reporting Procedure: Any person who believes he or she has been the victim of bullying or any person with knowledge or belief of conduct that may constitute bullying shall report the alleged acts immediately to the appropriate school district officials (teachers, administrators, coaches/advisors and other employees). A student may report bullying anonymously, but action may not be taken against an alleged perpetrator based solely on an anonymous report. A teacher, school administrator, volunteer, contractor, or other school employee shall be particularly alert to possible situations, circumstances, or events that might include bullying. Any such person who receives a report of, observes, or has other knowledge or belief of conduct that may constitute bullying shall inform the building principal. The District will respect the privacy of the complainant(s), the individual(s) against whom the complaint is filed, and the witnesses as much as possible, consistent with the school district's obligation to investigate, take appropriate action, and comply with any legal disclosure obligations.



**DISCIPLINARY SANCTIONS** (consequences) and due processes for a person who commits an act of bullying under this policy.

Concluding whether a particular action or incident constitutes a violation of this policy requires a determination based on all of the facts and surrounding circumstances, followed by the determination of disciplinary sanctions appropriate to the perpetrator's position within the District.

- A. Consequences and appropriate interventions for students who violate this policy may range from positive behavioral interventions up to, but not limited to suspension or expulsion, in accordance with students' discipline grid.
  - 1. All steps necessary to protect the victim from further violations of this policy will be taken, and may include, but are not limited to, assignment of the perpetrator to a different class or school from that where the offense occurred. In such cases of reassignment, transportation will be provided by the District.
- B. Consequences and appropriate interventions for a school/district employee found to have violated this policy will be instituted in accordance with District policies, procedures, and agreements.
- C. Consequences and appropriate intervention for a visitor, volunteer, or parent/guardian found to have violated this policy shall be determined by the school administrator after consideration of the nature and circumstances of the act, including reports to appropriate law enforcement officials.
- D. Consequences and appropriate intervention will be imposed upon an individual who makes a false accusation, report, or complaint pertaining to bullying, reprisal, or retaliation.
- E. See Confidentiality section at the end of this policy

#### **BULLYING COMPLAINTS AND RESOLUTION**

- A. The investigation of a reported violation of this policy is deemed to be a school-related activity and begins with a report of such an act.
- B. The principal/designee shall document all complaints in writing and/or through the appropriate data system to ensure that problems are addressed in a timely manner. This process is to be followed with all anonymous complaints as well. Although this policy encourages students to use the formal written complaint process, school officials should investigate all complaints and reports of violations of this policy whether or not the complaint is in writing.
- C. If the complaint is about the principal or a district's staff member's direct supervisor, then the superintendent/designee or appropriate district administrator shall be asked to address the complaint.
- D. The trained principal/designee will make the determination if a reported act of bullying falls within the scope of the District to respond.
  - 1. If it is within the scope of the District, move to "Procedures for Investigating Bullying" as outlined below;
  - 2. If it is outside the scope of the District, and determined an alleged criminal act, refer to appropriate law enforcement, provide any applicable interventions, and document according to policy;
  - 3. If it is outside the scope of the District, and determined not a criminal act, inform parents/guardians of all students involved, provide appropriate interventions and document according to policy.

- E. Informal Resolution: where the administrator, along with the alleged victim agree to informally resolve the complaint. Documented interviews of the victim, alleged perpetrator, and witnesses are conducted privately, separately, and are confidential. Each individual (victim, alleged perpetrator and witnesses) will be interviewed separately, and at no time will the alleged perpetrator and victim be interviewed together. The victim's agreement to informal resolution must be in writing.
  - 1. If a mutual resolution has not been achieved, a formal written appeal must be filed within five (5) work days after the informal meeting and submitted to the principal or appropriate area/district supervisor.
- F. Formal Resolution: the alleged victim/complainant/student/employee or parent(s), on behalf of the student, may file a written complaint with the principal/designee or district administrator by utilizing the District's Bullying Complaint Report Form. Said form is available on the school district's website: [www.jamestown.k12.nd.us](http://www.jamestown.k12.nd.us) or at each school's front office.
  - 1. According to the level of infraction, parents will be promptly notified of any actions being taken to protect the victim via written notice, telephone or personal conference; the frequency of notification will depend on the seriousness of the bullying incident.
- G. The resolution, all interviews and interventions that take place and the corresponding dates shall be documented in writing and/or noted in the district specified data system.

## **PROCEDURES FOR INVESTIGATING BULLYING**

### **SCHOOL DISTRICT ACTIONS**

Upon receipt of a complaint or report of bullying, the District shall undertake or authorize an investigation by school district officials or a third party designated by the school district. Upon completion of the investigation, the school district will take appropriate action, in accordance with disciplinary sanctions section of this policy.

- A. The authorized personnel for investigating violations of this policy must include the principal/designee, in the case of student-to-student bullying. For incidents at the area/district level, or for school-based adult-on-adult bullying, the appropriate administrator will be responsible for the investigation as outlined in this policy and will run concurrently and in addition to all agreed upon procedures for staff discipline.
- B. The principal/designee or district administrator shall begin a thorough investigation with the alleged victim and accused as soon as possible after receiving a notification of complaint.
- C. During the investigation, the principal/designee or district administrator may take any action necessary within the District's jurisdiction to protect the complainant, alleged victim, other students or employees consistent with the requirements of applicable regulations and statutes.
  - 1. Documented interviews of the alleged victim, alleged perpetrator, and witnesses are conducted privately, separately, and are confidential. Each individual (victim, alleged perpetrator, and witnesses) will be interviewed separately and at no time will the alleged perpetrator and victim be interviewed together.
  - 2. At no time during the investigation will the name of the complainant be revealed by the investigator without permission of the complainant.
  - 3. In general, student complainants and/or alleged victims will continue attendance at the same school and pursue their studies as directed while the investigation is

conducted and the complaint is pending resolution. Any legal order of a court will prevail.

4. During an investigation in which an employee is the accused, the principal/designee or the district administrator may recommend to the superintendent/designee, any action necessary to protect the complainant, the alleged victim, or other students or employees, consistent with the requirements of applicable statutes, school board-policies, and collective bargaining agreements.
- D. As soon as practical or within a reasonable timeframe of receiving notification as to the filing of the complaint, there shall be a written decision by the principal/designee or district administrator regarding the completion and determination of the investigation. The principal/designee shall make a decision about the validity of the allegations in the complaint and about any corrective action, if applicable, consistent with the disciplinary sanction section of this policy.
- E. The principal/designee or district administrator will inform all relevant parties in writing of the decision and the right to appeal. A copy of the decision will be sent to the originating school and be noted in all relevant data tracking systems.
- F. If the accused is an employee, discipline may be taken, consistent with the disciplinary sanction section of this policy. The supervisor/designee (e.g., principal/designee for school-based employees) of the employee shall discuss the determination and any recommended corrective action with the superintendent.

#### **REFERRAL FOR INTERVENTION**

- A. Self-referral for informal consultation: District staff, students or parents may request informal consultation with school staff (e.g., school social worker, school counselor, school psychologist, etc.) to determine the severity of concern and appropriate steps to address the concern of bullying (the involved students' parents may be included) orally or in writing to the principal/designee.
- B. Any investigations and interventions shall be recorded on the District specified data system.
- C. Administrators may request that parents spend a day with their student in school as a means of keeping the accused student in school.

#### **INCIDENT REPORTING REQUIREMENTS**

- A. The report must include each incident of bullying and the resulting consequences, including discipline, interventions and referrals. In a separate section, the report must include each reported incident of bullying that does not meet the criteria of a prohibited act under this policy, with recommendations regarding said incident.

#### **PROCESS FOR REFERRAL FOR EXTERNAL INVESTIGATION**

- A. While the District does not assume any liability for incidences that must be referred for external investigation, it encourages the provision of assistance and intervention as the principal/designee deems appropriate, including the use of the School Resource Officer and other personnel. The principal/designee shall use District Reporting Systems to log all reports and interventions.

#### **APPEALS PROCESS**

- A. The appeal procedure for bullying by a student will follow the steps outlined in the Student Handbook.
- B. Appeal procedure for an accused employee:

Descriptor Code: ACEA continued

1. If the accused employee wishes to appeal the action taken in resolution of the complaint, such appeal shall be filed either in accordance with board policy or pursuant to the relevant collective bargaining agreement.
- C. All appeals should be made in writing to the building principal. If the principal's decision is the subject of the appeal, it should be made to the superintendent/designee.

**CONFIDENTIALITY**

- A. All complaints will be treated as confidential unless permission is granted.
- B. Limited disclosure may be necessary to complete a thorough investigation as described above.
- C. The complainant's identity shall be protected.
- D. The identity of the victim of the reported act shall be protected.

Cross Ref: AAC Nondiscrimination & Anti Harassment Policy



Descriptor Code: ACEA continued

JAMESTOWN PUBLIC SCHOOL DISTRICT #1  
BULLYING COMPLAINT REPORT

Complainant: \_\_\_\_\_ Student/grade or Employee (circle)  
Home Address: \_\_\_\_\_ Phone: \_\_\_\_\_  
School: \_\_\_\_\_ Date: \_\_\_\_\_

Summary of the Alleged Complaint/Conduct

1. Date(s) on which alleged conduct occurred: \_\_\_\_\_
2. Names of witnesses (please specify whether employee, student, or other): \_\_\_\_\_  
\_\_\_\_\_
3. Name(s) of the alleged offender(s) (If known) *Please Print* \_\_\_\_\_  
\_\_\_\_\_
4. Where did the incident happen (choose all that apply)  
On school property \_\_\_\_\_ On a school bus \_\_\_\_\_  
At a school sponsored activity/event \_\_\_\_\_  
Other (explain): \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
5. Describe in detail the specific incident(s) that is the basis of this complaint. Include verbal statements (e.g. threats, demands), or physical threats that are relevant. (Use additional sheets if needed.) \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
6. Did a physical injury result from the incident?  
No\_\_\_\_ Yes, but it did not require medical attention \_\_\_\_ Yes, medical attention was required \_\_\_\_
7. Was the student victim absent from school as a result of the incident? Yes\_\_\_\_ No \_\_\_\_  
If yes, how many days? \_\_\_\_\_  
\_\_\_\_\_  
Is there any additional information you would like to provide? \_\_\_\_\_  
\_\_\_\_\_  
I request that the following actions be taken for restitution/recovery: \_\_\_\_\_  
\_\_\_\_\_

CERTIFICATION

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

\_\_\_\_\_  
Signature of Complainant

## HAZING

The purpose of this policy is to maintain a safe learning environment for students and staff that is free from hazing. Hazing activities of any type are inconsistent with the educational goals of the School District and are prohibited at all times.

No student, teacher, administrator, other employee, volunteer, or contractor of the School District shall plan, direct, encourage, aid, or engage in hazing. No teacher, administrator, other employee, volunteer, or contractor of the School District shall permit, condone, or tolerate hazing. Apparent permission or consent by a person being hazed does not lessen the prohibitions contained in this policy.

Hazing activities are seriously disruptive of the educational process in that they involve students and violence or threats of violence. This policy applies to behavior that occurs on or off school property and during and or before or after school hours. A person who engages in an act that violates school policy or law in order to initiate another person or to be initiated into or affiliated with a student organization shall be subject to discipline for that act. The School District will act to investigate all complaints of hazing and will discipline or take appropriate action against any student, teacher, administrator, other employee, volunteer, or contractor of the School District who is found to have violated this policy.

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 student organization, or for any other purpose. The term hazing includes, but is not limited to:

Any type of physical brutality such as whipping, beating, striking, branding, electronic shocking, or placing a harmful substance on the body.

Any type of physical activity such as sleep deprivation, exposure to weather, confinement in a restricted area, calisthenics, or other activity that subjects the students to a risk of harm or that adversely affects the mental or physical health or safety of the student.

Any activity involving the consumption of any alcoholic beverage, drug, tobacco product or any other food, liquid, or substance that subjects the student to an unreasonable risk of harm or that adversely affects the mental or physical health or safety of the student.

Any activity that intimidates or threatens the student with ostracism, that subjects a student to stress, embarrassment, shame or humiliation, that adversely affects the mental health or dignity of the student or discourages the student from remaining in school.

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.

Any person who believes he or she has been the victim of hazing or any person with knowledge or belief of conduct which may constitute hazing shall report the alleged acts immediately to a

teacher, building principal, or other administrator. Any person may report hazing directly to the Superintendent or his designee.

Teachers, administrators, other employees, volunteers, or contractors of the School District shall be particularly alert to possible situations, circumstances or events which might include hazing. Any such person who receives a report of, observes, or has other knowledge or belief of conduct which may constitute hazing, shall inform the building principal immediately. Submission of a good faith complaint or report of hazing will not affect the complainant or reporter's future employment, grades, or work assignments.

Every report of hazing shall be investigated by the administrator to whom it is reported. The administrator may request assistance or designate a third party to conduct the investigation. The School District may take immediate steps, at its discretion, to protect the complainant, reporter, students, or others pending completion of an investigation of hazing.

Upon completion of the investigation, the School 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, including school district policies and regulations.

The School District will discipline or take appropriate action against any student, teacher, administrator, other employee, volunteer, or contractor of the School District who retaliates against any person who makes a good faith report of alleged hazing or against any person who testifies, assists, or participates in a proceeding or hearing relating to such hazing. Retaliation includes, but is not limited to, any form of intimidation, reprisal, or harassment.

## VANDALISM

Because incidents of willful or malicious abuse, destruction, defacing, and theft of the property of the School District are clearly contrary to the best interest of the School District and injurious to the rights and welfare of the entire community, it will be the policy of the Board to seek all legal redress against persons found to have committed such acts.

Disciplinary action will be taken when students are involved. 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 the laws of this state.

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) appropriating or destroying property or equipment belonging to the School District. The Board may also accept private donations to establish a reward fund to encourage the furnishing of such information.

Cross Ref:	Policy FHCE	Vandalism/use of School Equipment and Material
Legal Ref:	NDCC 15.1-09-41	Reward - Destruction of school property
	NDCC 32-03-09.2	Liability for willful damages to property
	NDCC 32-03-39	Parental responsibility for minor children - Recovery limitations
	NDCC 12.1-21-05	Criminal mischief

## VANDALISM/USE OF SCHOOL EQUIPMENT AND MATERIAL

Books, materials, and equipment supplied by the District for the students must receive reasonable care. Students wantonly defacing school furniture or damaging school property or losing books charged to their care will be fined an amount sufficient to restore the damaged article to original condition or replace it.

Parents may also be held liable for the willful or malicious destruction of school property by a minor.

Cross Ref:	Policy IBCB	Vandalism
Legal Ref:	NDCC 32-03-09.2	Liability for willful damages to property
	NDCC 32-03-39	Parental responsibility for minor children - Recovery limitations
	NDCC 12.1-21-05	Criminal mischief



**ALCOHOL & OTHER DRUG USE/ABUSE**  
(adopted 10-20-08)

**Philosophy**

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

**Prohibited Activities**

It shall be against school policy for any student to:

1. Sell, deliver, or give, or attempt to sell, deliver, or give to any person any of the substances listed in this policy or sell, deliver, or give, or attempt to sell, deliver, or give to any person substances the student represents or believes to be a substance(s) listed in this policy.
2. Possess, procure, purchase, or receive, or to attempt to possess, procure, purchase or receive the substances listed in this policy or what is represented by or to the student to be any of the substances listed in this policy or what the student believes is any of the substances in this policy. A student will be determined to be "in possession" when the substance is on the student's person or in the student's locker, car, handbag, or when s/he owns it completely or partially.
3. Be under the influence of (legal intoxication not required), use, consume or attempt to use or consume the substances listed in this policy or what is represented by or to the student to be any of the substances listed in this policy or what the student believes is any of the substances in this policy.

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

**Prohibited Substances**

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

The District has a separate policy dealing with tobacco use.

**Violation**

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

Any student who is observed to be under the influence of a prohibited substance will be taken immediately to the principal's office. The student's parents will be notified and asked to pick up the student. If there appears to be imminent danger to other students, school personnel, and/or the student involved, the principal may have the student removed from the school by school, medical, or law enforcement personnel.

**Intervention**

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

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

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

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

**Confidentiality**

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

**Education**

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

Descriptor code: FFA continued

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

**Policy Implementation**

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

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

Descriptor Code: FFA-AR

ALCOHOL & OTHER DRUG INTERVENTION PROCEDURE  
(adopted 10-20-08)

The District encourages faculty members to be observant of student behavior and to participate in a program of intervention. Faculty members may use the record of observable behavior to determine whether behavior should be reported.

If the faculty member decides that the behavior indicates a possible prohibited activity, the student should be:

1. Referred to the school counselor
2. Reported to the principal

If the counselor believes that the student is indeed in need of assistance, the counselor may call the student in for a conference. The counselor shall notify the building principal and student's parent of this conference. Parents shall be requested to attend the conference and the building principal shall be required to attend. The counselor may receive assistance from a certified addiction counselor in how to confront students.

If, after conferring with the student, parent, and administration, the counselor believes that there is a probability that the student may be experiencing a drug or alcohol problem, the student and the student's parent(s)/guardian will be told that it is necessary that the student receive a formal chemical dependency diagnosis.

**CARRYING WEAPONS**  
(revised 10-20-08)

**Definitions**

- *Firearm* is defined in accordance with 18 U.S.C. 921.
- *Weapon* includes, but is not limited to any knife, razor, ice pick, explosive smoke bomb, incendiary device, firearm, slingshot, bludgeon, brass knuckles or artificial knuckles of any kind, or any object that can reasonably be considered a weapon, dangerous instrument, or look-alike.

**Prohibitions**

No student will knowingly possess, handle, carry, or transmit any weapon or dangerous objects, or look-a-likes, in any school building, on school grounds, in any school vehicle or at any school-sponsored activity.

**Disciplinary Consequences**

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

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

1. The totality of the circumstances, including the severity of the incident and the degree of endangerment of other students and staff.
2. The age and grade level of the student.
3. The prior disciplinary history of the student being expelled.
4. Relevant factors which contributed to the student's decision to possess a firearm in violation of this policy.
5. The recency and severity of prior acts resulting in suspension or expulsion.
6. Whether the optional provision of educational services in an alternative setting is a viable alternative to modifying the duration of the expulsion.
7. Input, if any, provided by licensed professionals (psychologists, psychiatrists, counselors) as to whether the expelled student would place himself/herself or others at risk by returning to the school prior to the expiration of the expulsion period.

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

**Special Education Students**

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

## **STUDENT ASSEMBLIES**

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

For the purposes of this policy, primary control is defined as authority by a student to include any content in a speech so long as it is not profane, sexually explicit, defamatory, disruptive, and/or does not infringe on the rights of others. Administration shall review student speeches prior to delivery. In the event that a speech contains potential prohibited content, administrators should contact legal counsel to seek guidance before asking a student to remove such content.

**End of Jamestown Public School Policy FF.....Adopted: 2/6/2017**

**STUDENT USE OF ELECTRONIC DEVICES**  
(Adopted 11-19-07, Revision 2-18-08)

The Jamestown Public School District prohibits the carrying and use of personal communication devices, including but not limited to cellular phones, pagers, and beepers, by students during the instructional day as defined by each building principal, in district buildings, and when otherwise prohibited by the building principal or the Superintendent.

The District also prohibits the carrying and use of camera and text messaging features on cellular phones during the instructional day as defined by each building principal, in district buildings, and when otherwise prohibited by the building principal or the Superintendent. Other electronic devices, including but not limited to audio devices, image-recording devices, devices that allow for an unfiltered connection to the internet, portable games, and other devices that transmit a signal are prohibited on district property and while students are attending school-sponsored activities and events. This prohibition does not apply to authorized use of district-owned electronic devices.

Possession and/or use of any image-recording device in an area where there is a reasonable expectation of privacy is strictly prohibited and will result in confiscation of the device.

Students in violation of any portion of this policy will be subject to disciplinary procedures and confiscation of the electronic device. If a student's cell phone or other electronic device is confiscated, the building principal or Superintendent may search the confiscated device in accordance with policy FHBD- Searches of Students. Disciplinary action up to and including suspension and/or expulsion may also be taken against any student using an electronic device in a manner that causes substantial disruption to the educational environment.

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

Cross Ref:	Policy FHCK	Cheating
	Policy FHBD	Searches of Students
	Policy FHDA	Suspension and Expulsion
Legal Ref:	<i>Klump v. Nazareth Area Sch. Dist.</i> , 425 F. Supp. 2d 622 (E.D. Pa. 2006)	

## SUSPENSION AND EXPULSION POLICY

(revised 5-4-2015)

Students are expected to conduct themselves in a manner suitable to their age and grade. Students disobedient or disruptive of the educational process are subject to corrective discipline. Possession of a weapon or a firearm by a student on school property and at school functions is prohibited.

School property includes all land within the perimeter of the school site and all school buildings, structures, facilities, and school vehicle whether owned or leased by the school district and the site of any school-sponsored activity.

The School Board hereby delegates to the Superintendent and each principal the authority to deal with disciplinary problems in his/her school, including suspension. Suspension includes in-school suspension from classes as well as exclusion from school classes, buildings, grounds, and activities.

A principal or the Superintendent may suspend a student for up to ten (10) consecutive days or recommend expulsion of a student. Parents of the student shall be notified promptly if a suspension has been given. The Superintendent shall also be notified when a suspension has been imposed. The School Board may expel a student for conduct which violates this policy, after providing notice and a hearing as set forth in FFK-R. When the conduct does not involve possession of a weapon, the expulsion may be for the remainder of the current school year. When the conduct violates the district policy on possession of a weapon and the weapon is a firearm as defined by that policy, the expulsion may be for one calendar year, subject to modification by the Superintendent on a case by case basis, in accordance with criteria established by the School Board herein. When the conduct violates the district policy on possession of a weapon, then the expulsion may be for up to one calendar year. The Superintendent shall determine the length of expulsion on a case by case basis.

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

1. Causing or attempting to cause damage to school property or stealing or attempting to steal school property of value.
2. Causing or attempting to cause damage to private property or stealing or attempting to steal private property.
3. Causing or attempting to cause physical injury to another person except in self defense.
4. Possessing or transmitting any firearms, knives, explosives, or other dangerous objects or weapons.
5. Possessing, using, transmitting, or being under the influence of any narcotic drug, hallucinogenic drug, amphetamine, barbiturate, marijuana, alcoholic beverage, or intoxicant of any kind.
6. Disobedience or defiance of proper authority.

Descriptor Code: FFK continued



7. Behavior which is detrimental to the welfare, safety, or morals of other students.
8. Truancy.
9. Offensive and vulgar language, whether or not it is obscene, defamatory, or inciteful to violence, where it is disruptive of the educational process.
10. Threats of violence, bomb threats, or threats of injury to individuals or property.
11. Any student behavior which is detrimental or disruptive to the educational process, as determined by the principal.

#### Enrollment of Suspended Students

Any student who has been suspended from a school of this District is not eligible to attend any other school within the District until eligible to return to his or her regular school. Any student who has been suspended from another district will not be permitted to enroll in the District until eligible to re-enroll in his or her former district or until the Board or the Superintendent has reviewed the prior suspension and determines that the suspension was illegal or improperly imposed.

#### Suspension or Expulsion of Students With Disabilities

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

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

#### Criteria for Modification of Duration of Expulsion for Possession of a Weapon

The School District Superintendent shall apply the following criteria when determining on a case-by-case basis whether to modify the one year expulsion of a student for firearms possession:

- a. The totality of the circumstances including the severity of the incident and the degree of endangerment of other students and staff.
- b. The age and grade level of the student.
- c. The prior disciplinary history of the student being expelled.
- d. Relevant factors which contributed to the student's decision to possess a firearm in violation of this policy.
- e. The recency and severity of prior acts resulting in suspension or expulsion.
- f. Whether the optional provision of educational services in an alternative setting is a viable alternative to modifying the one-year duration of the expulsion.
- g. Input, if any, provided by licensed professionals (psychologists, psychiatrists, counselors) as to whether the expelled student would place himself/herself or others at risk by returning to the school prior to the expiration of the one-year expulsion period.

## GUIDELINES FOR SUSPENSION AND EXPLUSION

### SUSPENSION

Suspension involves either in-school suspension or the dismissal of a student from school classes, buildings, and grounds. Suspension is indicated only in grave situations, and shall not be for more than ten days. The parent(s) of the student are to be notified promptly by the school principal that suspension has been issued.

The authority to initially determine whether or not a student shall be suspended, for a period not to exceed ten days, rests with the principal or assistant principal and can be exercised AFTER the student is given:

1. Oral or written notice of the charges against him/her.
2. An explanation of the evidence against him/her.
3. An opportunity to present his/her side of the story.

There need be no delay between the time notice is given and the conduct of the above procedure. In those cases where a student's presence poses a continuing danger to persons or property or any ongoing threat of disrupting the educational process, the student may be immediately removed.

For expulsion, see the guidelines for hearings.

### EXPULSION

Expulsion is except when, relating to a weapons policy violation may not extend beyond the end of the termination of the current school year. Such action would follow only after suspension and following a conference of the parent(s) and the administration. If the student involved has a disability, refer to the section entitled Students with Disabilities.

The responsibility of the school does not end with expulsion. The guidance department shall notify other appropriate agencies when a student has been expelled. A file shall be kept, and an effort made to help the student.

### PRE-HEARING NOTICE TO STUDENT

The student and the student's parent shall be provided with the following notices, prior to the hearing outlined below:

1. Notice of Charges

The specific charges against the student shall be stated clearly enough for the student and the parent to understand the grounds of the charge and to be able to prepare a defense.

2. Notice of Nature of Testimony and Witness

The nature of the evidence against the student, and the names of any witnesses whose testimony may be used against the student, shall be provided.

3. Notice of Hearing

The date of a hearing, which shall be within a reasonable time not to exceed ten days, if the student is currently under suspension, unless a postponement is requested or agreed to by the parent, shall be provided.

4. Notice of Right to Present Evidence

The right to present witnesses or documentary evidence to rebut the charges against the student shall be explained.

5. Notice of Right to Adult Representation

The right to be represented and/or assisted at the hearing by a lawyer or other adult shall be explained. A parent or guardian who is unable to attend the hearing may provide written designation of another adult to assist the student in the parent's absence.

## STUDENTS WITH DISABILITIES

1. Suspension of Students with Disabilities

Students with disabilities may be suspended for a period not to exceed ten school days for any conduct which would warrant suspension for a student who does not have a disability. The suspension may be effected immediately upon the decision of the designated building administrator who will review the file to ascertain if the Individual Education Plan (IEP) addresses the behavior in question. If the IEP does address the behavior, the specified procedure should be followed. The administration must make and document efforts to contact and notify the parent prior to the suspension.

A student with disabilities may be suspended for additional periods of up to ten school days for separate acts of misconduct as long as such removals do not constitute a pattern or change in placement. Educational services must be provided in cases of removals (suspensions) in excess of ten days in a school year. The services are to be provided to the extent determined necessary to enable the student to appropriately progress in the general curriculum and appropriately advance toward achieving the goals of his/her IEP. The principal in consultation with the student's special education teacher shall make the service determination. Beginning with the eleventh day of suspension in a school year, the school must also comply with the provisions of Regulation 300.520 of the Individuals with Disabilities Education Act (IDEA). If suspensions in excess of 10 days in a school year constitute a change of placement as defined in IDEA Regulation 300.519(b), then a manifestation determination review (Regulation 300.523(a)) must be conducted before a suspension is implemented.

In any suspension, the student's parent or representative shall be given oral or written notice of the charges, and explanation of the evidence supporting the charges, and an informal opportunity to respond to and rebut the charges.

## 2. Expulsion of Students with Disabilities

An expulsion may be effected for a student with a disability for any conduct which would warrant expulsion for a student without a disability. Prior to expulsion, the Individual Education Plan (IEP) Team will meet to determine whether the misbehavior is a manifestation of the disability based on the criteria of Regulation 300.523© of IDEA. If the IEP Team determines that the misbehavior is a manifestation of the disability, the student may not be expelled. The District has an obligation to provide educational services during the time of expulsion. The manner in which the services are provided will be determined by the IEP Team.

A student with a disability must continue to receive a free appropriate public education whether or not they are expelled. A student with a disability for whom expulsion has been recommended is entitled to all the due process rights available to a student without a disability for whom expulsions has been recommended. In addition, 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 and applicable state policies and procedures.

A special education student who is a danger to self or others or who has carried a weapon as defined by IDEA regulations to school or to a school function may be removed from his or her current placement. Such a student shall be placed in an appropriate interim alternative placement in accordance with the IDEA Regulations 300.521.529.

## CONDUCTING HEARINGS FOR EXPULSION

### 1. Nature of the Hearing

The hearing is not a court proceeding and should not be referred to or conducted as such. The administrative hearing should be conducted without the rigidity of court hearings, and there are no specific rules of evidence or procedure that must be followed. The thrust of the entire hearing is directed toward a determination of whether the reasons offered for the proposed suspension or expulsion are supported by substantial evidence. The evidence offered at the hearing should be directed toward attaining the truth, and each situation may call for a slightly different approach. The key to conducting a successful hearing is to search for the truth through reasonableness and fairness.

### 2. The Hearing Official

The student is entitled to an impartial hearer of facts. The principal may conduct the hearing unless he/she is biased or prejudiced against the student and the student can subsequently establish that this bias or prejudice deprived him/her of a fair hearing. The principal may conduct the hearings if his/her acts, judgments, or decisions are not at

issue, i.e., if the confrontation or the incident at issue did not involve the principal directly. If the principal is not qualified under this rule, his/her immediate superior or some other administrative official(s) should then be called upon to conduct the hearing. If in doubt about whether the principal's acts, judgments, or decisions are at issue or if the principal cannot conduct a fair and impartial hearing, the principal should not conduct the hearing. The entire thrust of having a person conduct a hearing is to have someone conduct it who is impartial and can render a fair decision. Consideration might be given to setting up hearing committees of faculty members to conduct the hearings.

### 3. Representation of the Student

There is no definite requirement that the student must have representation at the hearing; however, if the student or his/her parent(s) request that he/she be represented by an attorney, his/her parents, or another adult, the request should be granted. The school should attempt to involve the parents in the disciplinary proceedings from the outset. The school may refrain from making its presentation through an attorney if the student is not represented by counsel.

### 4. A Record of the Hearing

A record of the hearing should be made to substantiate that the required elements of procedural due process were afforded the student. This can be accomplished by several methods.

a. Tape recorder- the preferred method at the building level is to tape record the entire proceeding. The presence of a tape recorder has a constructive effect on the decorum of the hearing; however, its presence can also create an atmosphere so formal that the participants may be reluctant to discuss the issue in terms that will result in a resolution of the problem.

b. Secretary- A second method is to have a secretary or other member of the staff keep, as nearly as possible, an accurate record of the proceedings.

c. Court reporter – If the expulsion should reach the level of the School Board, consideration may be given to utilizing a court reporter.

When any of these methods is used, the student and his/her parent(s) or other representative should be so advised. All evidence that is introduced in the form of written documents should be marked so as to identify the origin and order of introduction. Examples of this would be, "School Exhibit 1, 2, 3," etc., and "Student Exhibit 1, 2, 3," etc.

The tape recordings or notes need not be transcribed until an appeal has been perfected to the next level or a suit filed. When the appeal is to the School Board, it is generally not necessary to transcribe the recordings because the Board can simply listen to the tapes. All records of a hearing should be kept for several years or until the threat of a lawsuit has passed.

5. Open or Closed Hearing

Since the North Dakota Open Meetings Law is not applicable to hearings before school administrators, such hearings will be closed to the public. Any appeal heard by the School Board is subject to the Family Rights and Privacy Act (FERPA) and shall be closed unless the parent waives their rights under FERPA in writing.

6. Witnesses in the Room

At the request of the school representative or the student or his/her parent(s), witnesses may be excluded from the room while the others are offering testimony. The hearing officer should make the suggestion at the beginning of the hearing, before any evidence is presented, that if either side wishes to have witnesses excluded from the room, it may do so. At no time may the student or his/her parent or representative be excluded from the room.

7. Cross-Examination

The hearing officer should permit cross-examination if any circumstances indicate that it is necessary in order to reach the truth or to otherwise conduct a hearing which is fundamentally fair. If ever in doubt as to whether cross-examination is necessary, permit it; to do otherwise is to invite litigation. If one side is permitted to cross-examine the witnesses of the other, the opposing side must have the same privilege.

8. Sworn Witnesses

If a notary public or other officer capable of taking oaths is available, witnesses should be sworn before offering testimony.

9. Substantial Evidence

If, at the conclusion of the hearing, the reasons given for the proposed expulsion are supported by the evidence offered at the hearing, the student may be expelled. After a full and fair hearing has been conducted, it may not be necessary to expel the student because the problem has been worked out. Frequently, agreement between the administrator and the student and his or her parents can be reached as to the student's future conduct at school, or as an alternative the student may be transferred to a special program or special school.

The action of the student does not have to be proven beyond a reasonable doubt as in a criminal trial, but the action must be supported by substantial evidence. There must be evidence presented upon which the hearing officer can establish that the student did do the alleged acts. In determining whether there is substantial evidence to support a finding of misconduct, the hearing officer may take into consideration only that evidence presented at the hearing. The hearing officer should not consider any rumor or other suggestion heard outside the room prior to or after the hearing.

10. Making the Decision and Giving Notice to the Parties

After the hearing officer decides whether to expel a student, the hearing officer has the responsibility of promptly informing the student, his or her parents, the student's counsel, or his or her representative, both orally and in writing, of the decision. If the student is found guilty of misconduct, the decision should specify the misconduct in sufficient detail to inform the student fully of what he or she was found to have done. The decision must be specific enough so that a reasonable person can be advised of the finding and know what to appeal to the next level. In informing the student of the decision, the hearing officer should also inform the parties of the right to appeal the decision to the next level and how to do so.

11. Appeal to School Board

An appeal of the process used by the hearing officer may be made to the School Board and should be reviewed at the next regular meeting of the Board, except when good cause is shown for calling a special meeting for that purpose. Since the expulsion will affect or become a part of the student's educational record, the appeal hearing before the Board will be in executive session unless the parent/guardian signs a written waiver of their rights under the Family Educational Rights and Privacy Act.

**STUDENT RIGHTS AND RESPONSIBILITIES**  
(adopted 10-20-08)

The Board affirms those legal rights of students that are guaranteed under the federal and state constitutions and statutes. The Board reminds students that rights also are accompanied by responsibilities.

These rights and responsibilities include:

1. Civil rights, including the rights to equal educational opportunity and freedom from illegal discrimination; the responsibility not to discriminate against others.
2. The right to attend free public schools; the responsibility to attend school as required by law and to observe school rules and regulations essential for permitting others to learn at school.
3. The right to due process of the law with respect to expulsion, searches and seizures, or administrative decisions that the student believes have injured his/her rights.
4. The right to free inquiry and expression; responsibility to observe reasonable rules regarding these rights. Students may exercise their right to freedom of expression through speech, assembly, petition, and other lawful means. The exercise of this right may not interfere with the rights of others. Freedom of expression may not be utilized to present material that is vulgar, slanderous, defames character, advocates violation of law or is in violation of district policy.

The Superintendent shall ensure that students are made aware of the legal authority of the Board and the delegated authority of the staff to make rules and regulations regarding the orderly operation of the school, which uphold the legal rights of students.



## SEARCHES OF STUDENTS

(Adopted 2-18-08)

A search of a student's personal property or clothing should only be undertaken when there is a reasonable suspicion that the student is concealing an object(s) or substance(s) in violation of school rules or which may be detrimental to the health, safety, or welfare of all students enrolled.

Because state and federal law and school policy prohibit certain articles and substances from being carried by students on school grounds, all personal property of students including but not limited to duffle bags, backpacks, book bags, and purses shall be subject to inspection when the principal has reason to believe that one or more students are carrying prohibited articles or substances those students shall be asked to allow a search of their possessions. They may also be asked to empty their pockets. Such searches should be conducted in private by a school employee of the same sex as the student with a school employee present as a witness and only with permission of the principal. Strip searches shall not be conducted.

In the event a police officer or other law enforcement officer is to conduct a search of a student's locker, person, or possessions, a search warrant is necessary.

The Superintendent and parent/guardian should be notified whenever a search has been conducted.

Cross Ref: Policy DADE Tobacco Use in Schools/FHCFA/KAFC/KAHC  
Policy FHCF Alcohol and other Drug Use/Abuse  
Policy FHCO Student Use of Electronic Devices

Legal Ref: U.S. Constitution Amendment I  
Doe v. Renfrow, 631 F.2d 91 (7<sup>th</sup> Cir. 1980)  
M.M. v. Anker, 607 F.2d 488 (2d Cir. 1979)  
Picha v. Wielgos, 410 F. Supp. 1214 (N.D. Ill. 1976)  
Jones v. Latexo ISD, 499 F. Supp. 223 (E.D. Tex. 1980)  
Cormier v. Hardin-Jefferson ISD, Comm. Of Ed. Dec. (1981)  
New Jersey v. T.L.D., 469 U.S. 235 (1985)

## PUBLIC CONDUCT ON SCHOOL PROPERTY

Alcoholic beverages will not be permitted in school facilities or on school property at any time and smoking will be allowed only in specified areas. No person shall be permitted to remain at school functions or other functions held on school property if believed by school authorities to be under the influence of alcohol or other drugs. School authorities, in this instance, includes any school employee who has supervisory duties over the function or facilities. If the person refuses to leave when asked, the employee should seek assistance from law enforcement, the employee may seek assistance from other personnel (school or user group) until law enforcement arrives.

No person shall willfully violate rules and regulations adopted by the Board designed to maintain public order on school property.

School property shall not be used for any illegal purpose.

No person shall enter upon any portion of school premises at any time for purposes other than those which are lawful and/or authorized by the Board. Neither shall any person impede, delay, or otherwise interfere with the orderly conduct of the educational program of the school district or any other activity taking place on school property which has been authorized by the School Board, Superintendent, building principal, or authorized school district administrator.

Cross Ref:

Policies DADE/FHCFA/KAFC/KAHC Tobacco Use in the Schools

Legal Ref:

PL 103-227	Goals 2000: Educate America Act (Pro-Children Act of 1994)
NDCC 12.1-31-03	Sale of tobacco to minors and use by minors prohibited
NDCC 15.1-09	General powers and duties of school board
NDCC 15.1-06-14	Use of school buildings for other than school purposes
NDCC 15.1-06-16	Penalty for willful disturbance of school
NDCC 23-12-09	Smoking in places of public assembly - Definitions
NDCC 23-12-10	Non-smoking areas designated
NDCC 23-12-11	Penalty

### WILLFUL DISRUPTION OF SCHOOL

The Jamestown Public School Board acknowledges that parents, legal guardians and other adults will occasionally misunderstand or disagree with the policies of the school or the actions of its employees. The Board expects the staff and administration to deal with such matters in a polite and professional manner. The Board also expects that parents and other adults will conduct themselves in an appropriate manner in their efforts to pursue such matters. A safe and orderly learning environment in which teachers can teach and students can learn must be maintained. The Board, therefore, does not condone having its employees subject to name calling, defamation of character, threats, implied threats, or coercion of any kind. Adults who violate these standards of conduct shall be instructed to conduct themselves in a proper manner or leave. Should an individual refuse to follow these instructions in a prompt and orderly manner, the superintendent, principal, or designee is authorized to call for police assistance to have the individual removed and charges may be filed for willful disruption of the school. Other charges which are applicable may also be filed at the discretion of the administrator.

Legal Ref: NDCC 15.1-06-16 Penalty for willful disturbance of School

**COMPREHENSIVE TOBACCO-FREE SCHOOL POLICY**  
(Revised 5-5-14)

**RATIONALE FOR REGULATING POSSESSION AND 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.

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 Jamestown Public school board establishes the following tobacco-free policy.

**DEFINITIONS**

For purposes of this policy, “tobacco” is defined to include any product that contains tobacco, is manufactured from tobacco, contains nicotine, e-cigarettes, and other electronic smoking devices. This excludes any FDA-approved nicotine replacement therapy.

**USE AND POSSESSION PROHIBITIONS**

The Jamestown Public School District, including all of its buildings and property, shall be tobacco-free 24 hours a day, 365 days per year. This includes all days when school is not in session.

1. Students: Possession and/or use of tobacco products by students on district property, in district vehicles and at school-sponsored events (whether on or off district property) is prohibited at all times.
2. Staff/Visitors: The use of tobacco products by all school employees and visitors on district property, in district vehicles and at school-sponsored events (whether on or off district property) is prohibited.

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

3. Additional: The District will not allow advertising of tobacco products in school buildings, on school property, at school functions, on district 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 AND PUBLIC**

This policy will be printed in the employee and the student handbooks. The District shall comply with all smoking prohibition posting requirements in NDCC 23-12-10.4 and post such notices in other highly visible places in all district schools and property, such as, but not limited to: school playgrounds, 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.

## **TOBBACO 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 services provided to citizens of North Dakota

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### **Complementary Documents**

- DEAA, Drug & Alcohol Free Workplace
- FF, Student Conduct & Discipline
- FGDE, Student Distribution & Posting of Non-curricular Material
- HDD, Gifts & Bequests
- KAAA, Visitors in Schools
- KAAA-AR, Visitors in Schools Regulations
- KAAD, Distribution of Non-curricular Material in Schools

End of Jamestown Public School District 1 Policy ABBA.....amended

Descriptor Code: G-4

## VIOLENT AND AGGRESSIVE BEHAVIOR

(Board adopted 9-18-06)

It is the intention of the Jamestown Public School Board that the learning environment shall be safe, drug free, and conducive to learning. The School Board recognizes that there are certain behaviors that, if tolerated, would quickly destroy the type of learning environment to which the students and staff are entitled within this school system. These behaviors, categorized as violent and aggressive, will not be tolerated and shall result in immediate action by the school administration.

Physical violence, including assault, will not be tolerated on school premises or at school activities, nor will disruptive behavior that is characterized by verbal or physical violence, even though not directed toward another person. Neither will the district tolerate threats of harm to self or others or other threatening behaviors, including threats to damage school property. Students shall inform a teacher, guidance counselor, or principal when they are in possession of knowledge of such threats. Staff shall immediately notify the principal of any threat or threatening behavior that they have knowledge of, have witnessed, or received. All such threats shall be promptly reported to the appropriate law enforcement agency.

All acts of violence and aggression, including, but not limited to, possession of a weapon or dangerous instrument, physical assault, verbal abuse, intimidation, extortion, bullying, gang activity, stalking, defiance, sexual harassment, terroristic acts and/or threats, shall result in specific consequences, determined by the seriousness of the act, including suspension from school and consideration of expulsion from school for students, disciplinary actions up to and including discharge for employees, and exclusion from school premises and possible legal action against other individuals.

Legal Ref: P.L. 107-110 No Child Left Behind Act of 2001

Descriptor Code: G-5

### CORPORAL PUNISHMENT

The use of corporal punishment, defined as physical pain inflicted on a student, is not allowed in the Jamestown Public School District. The use of any instrument such as a paddle or stick on a student is strictly prohibited. Corporal punishment does not include action taken by an employee for self-defense, protection of persons or property, obtaining possession of a weapon or other dangerous object, to quell a verbal disturbance or for the preservation of order. The School Board recognizes that the reasonable physical force may occasionally be necessary to guard the safety and well-being of students or employees or to deliver a student to an administrator's office.

Legal Ref: NDCC 12.1-05-05; NDCC 15.1-19-02; NDCC 25-01.2-01; NDCC 25-01.2-09; NDCC 25-01.3-01; ARC vs State of North Dakota Civil Case No. A1-80-141, March 7, 1984.

### MEDIA

Names of students receiving disciplinary action will not be released to the media.

## **SECTION H – STUDENT ACTIVITIES**

### **NORTH DAKOTA HIGH SCHOOL ACTIVITIES ASSOCIATION**

Participation in inter-scholastic activities shall be governed by the requirements of the North Central Association of Secondary Schools and by the policies of the North Dakota High School Activities Association.

Legal Ref: NDCC 15.1-09-33



## STUDENT ORGANIZATIONS

Recognition of Curriculum Clubs and Non-Curriculum Clubs function to enhance the participants' educational experience and supplement the course materials within the educational program of the schools. The activities of these organizations should bear a clear relationship to the regular curriculum.

### **CURRICULAR CLUBS:**

#### CRITERIA:

Curricular clubs are defined as clubs whose activities meet one (1) or more of the following criteria:

- The subject matter of the club is or will be taught as a primary topic in a regularly offered course;
- The subject matter relates to the District's composite courses of study;
- Participation is required for a particular course; or
- Participation results in academic credit.

Curricular club activities may be conducted on or off school premises under the supervision and guidance of a staff advisor.

Participation curriculum clubs cannot be denied on the basis of a student's race, color, religion, sex, sexual orientation, national origin, age, mental or physical disability, gender expression/identity, genetic information or status with respect to marriage or public assistance or status in any group protected by federal, state or local law.

Membership in school-sponsored student organizations shall be voluntary and shall be open to and limited to all students currently enrolled in the school and home-schooled students living in the District. Membership shall be granted in a nondiscriminatory manner, consistent with the district's nondiscrimination policy; however, organizations may establish qualifications based on gender only where necessary to preserve the health, safety, or welfare of students, or where gender is a bona fide and integral qualification for the activities of the organization. These organizations may also establish academic qualifications for membership where necessarily related to the purposes of the organization.

Curriculum Clubs shall comply with the purchasing policy of the District and may not extend the credit of the District. Failure to comply with these provisions shall be grounds for revocation of recognition.

### **NON-CURRICULAR STUDENT CLUBS:**

Non- Curricular student clubs are defined as clubs whose activities do not meet the criteria listed above for curricular clubs.

The Jamestown Public Schools allows non-curriculum students clubs to meet on school premises during non-instructional time. These clubs may use the name of the school when it is required or necessary to distinguish it from other such clubs in relation to competitions or other

types of events. The use of the school name is not intended to show the club falls under the control, supervision, direction, guidance or sponsorship of the Jamestown Public Schools. Fiscal accounts of non-curriculum clubs are not controlled or accounted for by the District.

The Jamestown Public Schools allows non-curriculum student clubs to use District facilities for meetings in accordance with Rental of School Facilities Policy (ABBB)

#### CRITERIA:

- The proposed club is initiated by students;
- Attendance at meetings is voluntary;
- No agent or employee of the District will attend meetings (except those assigned to attend in a custodial capacity), or participate in club meetings or activities during their normal working hours, or during the hours s/he is functioning as a staff member.
  - a) The school principal may assign a staff member to attend and supervise a non-curriculum student club in a custodial capacity as necessary.
  - b) District employees or agents of the District may participate in non-curriculum student clubs, but may only do so before or after their normal working hours. At no time shall District employees or agents represent, either expressly or impliedly, that the non-curricular club is sponsored by the Jamestown Public Schools. If a district employee or agent attends a non-curriculum club meeting during non-working hours, the employee or agent may not act as the custodial supervisor for the club. In such cases the Principal shall assign another staff member to act as the custodial supervisor during meeting or activities on campus.

#### OPERATING GUIDELINES:

- Meetings may not materially or substantially interfere with the orderly conduct of instructional activities in the school.
- Activities or conduct that are illegal or pose a risk of harm to persons or property are expressly prohibited and will result in a denial of access to school district facilities.
- The principal may take such actions as may be necessary to maintain order and discipline on school premises and to protect the safety and well-being of students and staff members.
- Schools retain the right to exclude groups that are directed, conducted, controlled, or regularly attended by non-school persons.
- Non-curricular clubs may advertise meetings and activities in the following ways;
  - a) Posters: Non-curricular students clubs will be allowed post meeting notifications on the academic floor and office bulletin board with prior approval from the principal that may include the name of the club and the time, date, and location of club meetings on a poster no larger than 8 1/2" x 11" (text only, no picture or illustrations)/ Posters shall be given to the building principal or designee for posting.
  - b) Daily Announcements: Non-curricular student clubs will be allowed to announce dates and times of club meetings three(3) items within a week before the next meeting.

- c) Distribution of Materials: Non-curriculum student clubs will be allowed to distribute materials only at their meetings to students who are in attendance.
- d) School sponsored Social Media: Each school shall maintain and post on the building's website a list of curriculum and non-curriculum clubs.

#### CLUB RULES:

An approved non-curriculum club meeting on school premises shall be provided the same rights and access and shall be subject to the same administrative procedures that govern the meetings of student organizations sponsored by Jamestown Public Schools, except as provided by this policy.

Participation in a student-initiated non-curriculum club must be available to all students who wish to attend and cannot be denied on the basis of a student's race, color, religion, sex, sexual orientation, national origin, age, mental or physical disability, gender expression/identity, genetic information, or status with respect to marriage or public assistance, or status in any group protected by federal, state or local law.

The Jamestown Public Schools will not permit the use of school facilities by non-curriculum students clubs during instructional hours. During non-instructional time, however, no group of students, regardless of the size of the group, will be denied an opportunity to meet on the basis of the religious, political, philosophical, or other content of the activity.

Non-curriculum club fiscal accounts are not controlled or accounted for by the District.

Staff members acting in a custodial supervisory role shall not participate in the activity, but may be compensated for their time. No instructional staff member shall be assigned to supervise a non-curriculum club if such assignment is contrary to his/her beliefs. For the purposes of this policy, "custodial capacity" means the assigned staff member is present to protect District property, during student-initiated non-curriculum club meetings. Custodial supervision shall only be provided for meetings on District-owned property. The District is not responsible for custodial supervision when the activities of a non-curriculum club takes place off school property.

#### PRINCIPAL DETERMINATION:

Each School will provide an application form for club formation. The school principal will review each request to establish a club. After review, the principal shall designate the club as either "curricular or "non-curricular".

Activities regulated by NDHSAA together with intramural activities are not subject to this policy.

End of Jamestown Public School District Policy FEE.....Adopted: 3/21/2016

## **EXTRACURRICULAR PARTICIPATION REQUIREMENTS**

### **Philosophy**

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

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

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

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

### **Academics**

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

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

Students who violate student conduct policies not covered by NDHSAA bylaws may be subject to suspension from extracurricular activities for a period of up to six consecutive weeks for the first offense and a period of eighteen weeks for any subsequent offense(s). Such consequences shall be imposed in addition to other disciplinary consequences imposed under the applicable policy.

### **Suspension Procedure**

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

### **Practice and Travel while Suspended**

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

### **Period of Enforcement**

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

### **Accumulation of Violations**

A student's record of violations of this policy shall be cumulative commencing with promotion from grade eight to grade nine and concluding upon his\her graduation or completion of any school-sponsored activity extending beyond graduation (e.g., state track meet).

### **Off-Season Violations**

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

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### **Complementing Policies**

- FF, Student Conduct & Discipline
- FFE-AR, Meals for Students Participating in Extracurricular Activities
- FFE-AR2, Athletic Physicals
- FFK, Suspension & Expulsion
- FFK-BR, Suspension & Expulsion Regulations
- GCBA, Grading

**End of Jamestown Public School District policy FFE.....Adopted:2-20-2017**

Descriptor Code: FFE-AR1

### **MEALS FOR STUDENTS PARTICIPATING IN EXTRACURRICULAR ACTIVITIES**

Jamestown Public School Board strongly supports a quality extracurricular program for students in the Jamestown Public Schools. However, the provision for meals when students are participating in extracurricular activities is the responsibility of parents except as delineated below.

**End of Jamestown Public School District Administrative Regulation FFE-AR1...2-20-2017**

Descriptor Code: FFE-AR2

### **ATHLETICS PHYSICALS**

No student may start practice for any athletic team until he or she has been examined and approved by a medical doctor and until a current medical release from the doctor and written consent from the parent(s) are on file in the District.

**End of Jamestown Public School District Administrative Regulation FFE-AR2....2-20-2017**

### **INCLEMENT WEATHER**

Follow the Storm Day policy – Descriptor Code ACAA in Section A

Descriptor Code: FFF

**ACTIVITY TRAVEL**  
(revised 3-5-12)

The Jamestown Public Schools believes in the value of Co-Curricular and Extra Curricular activities as an extension of the learning experiences that occur in the core academics. Activities are sponsored by the School District in order to provide learning opportunities for students. Those learning opportunities include working together as teams, setting and achieving goals, earning money for the trips and competing at state and national functions

Student participation in contests and activities on a national or international level may be approved with the following guidelines:

1. Student learning in the core academics is the top priority. Approval of all out of state travel will take into account the least amount of disruption to the regular school day. Preference will be given to weekend and or vacation time travel.
2. International and national travel must have a complete itinerary and budget planned and approved. International travel must be approved six months in advance of the trip by the principal and superintendent or designee. National travel should be approved at least three weeks prior to the trip by the principal.
3. National travel and international travel must have a stated goal or curriculum that supports student learning.

Descriptor Code: H-1

### CO-CURRICULAR FREE NIGHT

Elementary and Middle School students are to be free from co-curricular activities following the regular school day on Wednesdays. High School students will be free from co-curricular activities, if at all possible, after 6:00 P.M. on Wednesdays.

Co-curricular activities scheduled by State Associations on Wednesday will be exempt from this policy.



## SCHOOL ACTIVITIES CODE OF CONDUCT POLICY

(Revised 3-20-06)

Jamestown Public School District follows the North Dakota High School Activities Associations regulations and guidelines in addition to our set policy for a code of conduct.

1. Attendance: Participants in the Jamestown Middle School/Senior High School activities program must be in attendance for all regular classes on the day of a game, practice, or performance. The following examples will help to clarify this policy:
  - a. A student misses school the day of a game due to illness. The student would not be allowed to play or practice that same day.
  - b. A student misses morning classes, but is present during the afternoon classes. The student would be allowed to play, provided the student is not sick or injured at game time. However, all absences must be because of legitimate illness and not to rest up for the game.
  - c. A student is present during morning classes, but goes home during the day because of illness. The student would not be allowed to play/practice on that day.

It is essential that students who participate in activities maintain their very best attendance records. Excuses will be accepted for doctor appointments and/or emergencies, if approved by administration and coaches.

Infractions of any school rule which result in a student being suspended from school will Also cause that student to be ineligible to practice or participate in activities for the period of suspension.

2. ELIGIBILITY FOR CO-CURRICULAR ACTIVITIES (Revised 12-20-04)
  - a. Academic Eligibility for Co-Curricular Activities
    1. A student must take a minimum of 25 hours per week.
    2. Students must be doing passing work in all class hours.
    3. Grade checks will be at the mid-point and end of each quarter.
    4. The student's grade will be computed from the beginning of the semester.
    5. Student's with a failing grade(s) will be ineligible until all class hours are passing, except at the end of a semester which carries a 4 and ½ week suspension.
    6. An incomplete will make a student ineligible but will become eligible as soon as the work is made up and the grade is passing.
    7. Summer school grades cannot be used for eligibility purposes.
    8. A student who has permission to be enrolled in less than 25 class hours per week must have his/her eligibility approved by the principal (example: a student who is taking college classes or has extended illness).
  - B. Use or possession of tobacco, alcohol, controlled substance and drug paraphernalia. (effective November 1, 2004) (Board approved October 18, 2004)
    1. The use or possession of tobacco, alcohol, controlled substances as

Descriptor Code: H-2 continued  
defined in North Dakota and the possession of drug paraphernalia is prohibited.

- a. All suspensions will start at the time of notification. In addition, the violator will be suspended for two weeks from the first authorized scheduled event/contest of the individual's respective activity. Example: Student has alcohol violation in September but does not participate in any activity until spring. Student serves the 6 or 18 week suspension starting the date in which the school has been notified of the violation and then serves a two week suspension from the first authorized date of competition for the spring activity. If student chooses to participate in a school activity not previously participated by the student, the student **MUST** remain on the roster of the activity(ies) for the entire season otherwise the two week rule will still apply to the next activity season.
- b. Any student participating in co-curricular activities who turns eighteen during the school year shall continue to be subject to the school activities eligibility policies notwithstanding the legal status accorded the individual under state law. Acts which may be legal under state law for students who turn eighteen, may still be violations of school policy and rules and shall subject a student violating school rules to sanctions under school policies and procedures.
- c. A student shall, upon his or her eighteenth birthday sign a new "Acknowledgment of Receipt of the Activities Guide for Parents and Students Handbook" form. The student shall not be allowed to nor shall the student be eligible to participate in any co-curricular activity unless and until he or she has submitted to the Activities Director a signed copy of the acknowledgment executed after turning eighteen years of age. It shall be the student's responsibility to obtain the form and submit it. The consequences for the failure to comply with this provision may be imposed by the Athletic Director at any time the fact that the student has turned 18 and has failed to comply with this provision comes to the Athletic Director's actual knowledge.
- d. Violation of any of the above foregoing eligibility provisions, including but not limited to, the use of tobacco products by a student who is eighteen years of age shall make the student subject to the penalty portions of the requirements of the North Dakota High School Activities Association Rules and the Rules of Jamestown Public school District notwithstanding the fact that the act deemed a violation may be legal under the laws of the state of North Dakota. The prohibitions relative to tobacco, illegal drugs or other controlled substances applies both on or off school property.

Descriptor Code: H-2 continued

2. A violator will be ineligible for any special school awards, a letter, or the banquet for the activity in which they served their suspension. In addition, he/she will not be able to serve in a leadership position in any activity at JHS for 12 months.
3. Multiple violations during a student's high school career:
  - a. First Offense: suspension for 6 consecutive weeks from the time of notification and the completion of a school approved intervention program. \*See Administrative Guidelines for Intervention Program.  
Exception: any violation that takes place on school property or in connection with a school activity will immediately go to the second offense. \*Student will remain ineligible until completion of the recommendations of the district designee.
  - b. Second Offense: suspension for a minimum of 18 consecutive weeks from the time of notification. Also, the student must submit to an evaluation by a certified addiction counselor (at no cost to the district) and follow the counselor's recommendation. \*Student will remain ineligible until the intervention program is completed.
  - c. Third Offense: a student will lose eligibility in all activities for 18 weeks or the remainder of his/her high school career, unless the student submits to an evaluation by a certified addiction counselor and follows the recommendation as to completion of a certified treatment program (at no cost to the district). Each case will be reviewed by the administration to determine reinstatement.

Note: The Jamestown Public Schools District's extracurricular calendar begins the day following the conclusion of the final spring competition date. NDHSAA 6 and 18 week suspensions are served during the extracurricular calendar. If the extracurricular calendar ends before the 2 week or 2 contest suspension has been served, the suspension will be served the next time the student participates (could extend into the next extracurricular calendar). \*Student will remain ineligible until the intervention program is completed.

C. Felonies and Misdemeanors

1. Any participant who engages in, admits to, or is convicted of a felony or misdemeanor which would reflect on the performance, status, or personal growth of other individuals involved in the activity shall be dismissed from all co-curricular activities. Penalties are the same as those described in Section II.

D. Activities Covered By This Policy

1. All Jamestown High School activities will be covered by this policy.

E. Students Covered by the Policy

1. This policy will be in effect for all 9th through 12th grade students. An 8th grader becomes a 9th grader immediately after his/her last day as an 8th grader.

Descriptor Code: H-2 continued

- F. Minimum Policy
1. Coaches may choose to have standards more rigid than this policy. They must first receive the approval of the Activities Director and Principal.
- G. Injuries: The risk of injury is present in all activities, therefore, this should be considered before a student decides to join or try-out for a team. In the event of a school related injury, it is the responsibility of the injured student to report the injury to the coach/advisor in charge and to file a report with the athletic/activities director. Jamestown Public Schools assumes no responsibilities for medical or other bills incurred by students.
- H. Travel: Students selected to take out of town trips are to travel to and from games/meets with the team. No other means of transportation is to be arranged unless approval in advance has been obtained through the athletic/activities director and the coach/advisor.

During the winter season, all parents are requested to see that their children are warmly dressed when they board the school bus. There is always the possibility that the bus could be stalled for a period of time. In this event, warm coats, caps, gloves, and overshoes could avert serious consequences. Girls should not wear skirts or dresses on trips unless they have sweat pants or jeans along with them.

Regular bus rules apply to co-curricular trips just as they do for route bus trips. For a complete list of bus rules, see the district's handbook for school transportation.

By signing this code of conduct agreement, the parent/guardian and student acknowledge understanding and support of rules and realize that a violation is a breach of the code of conduct and willingly accept consequences.

Parents/guardians and students also agree to hold the Jamestown Public School District harmless for consequences that occur as a result of violations of this agreement. All students including 18 years of age or older must sign the School Activities Code of Conduct.

Date\_\_\_\_\_

\_\_\_\_\_  
Parent's Signature

\_\_\_\_\_  
Student's Signature

\_\_\_\_\_  
Coaches' Signature

\_\_\_\_\_  
Athletic/Activities Director's Signature

### GUIDELINES FOR SPONSORING SCHOOL ACTIVITY

- A. Activity must be approved by the Advisor(s) and Activity Director at least two weeks in advance.
- B. Use of facility must be approved by the High School Principal.
- C. Members of the organization/activity must work through their Advisor(s) keeping them informed of progress and procedures.
- D. Chaperons, if necessary, must be approved by Advisor(s) and a list turned into the Activity Director.
- E. Any damage to the facility being used, if malicious or if the result of carelessness, will be borne by the organization using the facility.
- F. All expenses must be approved in advance, vouchers must be submitted by the Advisor(s) to the Activity Director at least one week prior to the activity.
- G. In emergency situations, expenses must be approved in advance by the District Administrator or designee.
- H. All events will be terminated by 12 o'clock midnight unless special arrangements have been made to extend the time. This must be done through the Principal.

#### ADMINISTRATIVE POLICY ON FREE ADMITTANCE TO BLUE JAY GAMES

- A. Most people who attend Blue Jay games or contests are expected to pay an admission price.
- B. The exceptions are as follows:
  - 1. Staff members. Each staff member and spouse will be given a pass. It is non-transferable and must be presented at the gate.
  - 2. School Board members. Each Board member and spouse will be given a pass. It is non-transferable and must be shown at the gate.
  - 3. Coaches and administrators from out of town who show an EDC or Coaches Association pass.
  - 4. Children who are not yet in school.
  - 5. Athletes who are a part of the team playing that evening.
  - 6. Members and coaches of half-time entertaining groups.
  - 7. A maximum of one game per year declared to be "youth night" and approved by the Athletic Director, will be allowed. This means that elementary or junior high players could be admitted free so long as it is in the same sport.
  - 8. The band members, if they are playing.
  - 9. Cheerleaders for that sport.
  - 10. All game officials, workers, ticket takers, and security.
  - 11. Members of the media who are working the game.
  - 12. Former Board members and spouses living in the region.
- C. Examples of persons who must pay are as follows:
  - 1. The children and relatives of administrators, school board members, staff members - professional and support staff, and coaches.
  - 2. Non-school organizations such as Boy Scouts, 4-H groups, church groups, Just Say No Clubs, State Hospital youth groups, Anne Carlsen Center for Children groups, retirement home groups, college groups and others.
  - 3. Former staff - teachers and administrators and spouses.
  - 4. Senior citizens (age 65 and older) who do not hold a lifetime pass. Pass must have been issued by June 30, 1996. (See item #9 Golden Age Pass)
  - 5. Select individuals or groups.
- D. If there is a question or doubt concerning admission on the above policy, questions should be directed to the Athletic Director. All other questions or requests should be made in writing to the Activity Committee of the Jamestown School Board at least 30 days in advance of the game.
- E. Admission is charged for boys' and girls' basketball, football, hockey, volleyball, gymnastics, boys' and girls' soccer, swimming, track, wrestling, and drama. Senior citizens pay student rates. Prices are subject to change each year.
- F. Under those circumstances, when parents of players, cheerleaders, student managers, etc., plan to attend Parents' night and do not have a season ticket, they may obtain a complimentary pass from the Athletic Director for the special parents' night activity.

**SLIDING SCALE**  
(Adopted 6-20-06)

The School Board's intent of this policy is to assure that everyone has the opportunity to participate in school activities and athletic programs.

Participation fees will be reduced based on a family's free and reduced lunch application form. The following criteria will apply: (1) parents must sign a waiver form releasing their child's free and reduced lunch information to administration, (2) based on a reduced lunch application, fees will be discounted 30% of the participation fee, (3) based on a free lunch application, fees will be discounted 60% of the participation fee, and (4) drivers education, activity tickets, activity passes, graduated seniors for summer school, and transportation fees are not a part of the sliding fee scale. If special arrangements need to be made, visit with your building principal.

Descriptor Code: KAAC

## GOLDEN AGE PASS

(Revised 9-7-10)

The Board wishes to encourage participation in and attendance at school events by the senior citizens of the community. Accordingly the Board directs the establishment and maintenance of a system of passes to school events made available at no cost to interested individuals age 65 and over. This pass shall be designated a "Golden Age Pass."

The administration shall use a variety of media and information sources to inform the public of the existence of these passes each year before the start of school. A new pass must be requested each year. Passes will be issued through the Activities Office.

The Golden Age Pass shall admit the individual to regular season athletic contests and all drama productions.

Golden Age Passes may not be used for tournament or other post-season events under the jurisdiction of the North Dakota High School Activities Association.

The administration of the distribution of the Golden Age Passes shall be overseen by the Business Manager.

Life time passes issued prior to 1996 shall be honored.



SPORTS AND SPECIAL EVENTS MEDIA COVERAGE  
(Adopted 12-18-06)

The Board recognizes that certain school events and programs when telecast, whether on commercial channels, including cable, or educational channels, offer informational, educational, cultural, and recreational opportunities for the community. The Board also has both legal and implied obligations inherent in its *in loco parentis* relationship with students while under the jurisdiction of the school. Therefore, the following requirements will be observed in the telecasting or broadcasting of special events, including sports, performances, and classroom and any other type of program:

1. Application for rights to broadcast or televise a school-sponsored event, whether “live” or “delayed,” must be approved by the Superintendent or designee.
2. Exclusive of regularly scheduled newscasts, all radio broadcasting and telecasting, either live or delayed, of athletic games and contests sponsored by schools in Jamestown Public School District shall be prohibited, unless arranged and conducted in accordance with official policies of the Board as approved by the Superintendent or designee.

Arrangements for radio broadcasting and telecasting of school sponsored events other than athletic games and contests, exclusive of regularly scheduled newscast, shall be prohibited, unless presented to and approved by the Board, each event being considered individually and in accordance with the authority and responsibility of the Board.

3. Broadcasts and telecasts shall be arranged and conducted without cost to Jamestown Public School District or to individual schools within the District.
4. An application for a telecast or broadcast which is commercially sponsored must list the sponsor(s) at the time that the application is submitted. There shall be no advertisement of tobacco, beer, or other alcoholic beverages in connection with any radio broadcast or telecast of any event originating in Jamestown Public School District and involving teams or organizations representing Jamestown Public School District.
5. The District will retain the right of approval or rejection of the program ideas, formats, plans, and sponsors of the broadcast or telecast.
6. A reasonable rights fee, the amount to be decided in each instance, may be charged for broadcasting or televising an event originating in school facilities or involving a team or group representing the School District.
7. Any school production (play, musical, etc.) approved for televising must be cleared for copyright use. If a televised school production is not copyright, it will remain the property of the Board.

Descriptor Code: KBA

8. Except for specific rights granted under the signed rights agreement, the District will retain all rights to the televised program. All TV programs, educational and otherwise, that are produced “in house” will remain the property of the Board.

Failure by a station to comply with the terms of this policy and its procedures shall be considered due cause for the termination of all agreements between the station and the Board.

Tournaments and other events sponsored by the North Dakota High School Activities Association are subject to the rules and regulations of the association.

The District will not release pictures or other directory information, nor will it give access to such information for publication by others, when parents/guardians have denied permission for release of directory information

Legal Ref:	PL 94-553	Copyright law of 1976
	17 U.S.C. 101	et seq (1976)
	20 U.S.C. 1232	Family Education Rights and Privacy Act

Jamestown Public School District #1  
Administrative Guidelines  
Sports and Special Events Media Coverage – Policy KBA

With the approval of the *Sports and Special Events Media Coverage* at the December 18, 2006 School Board meeting, Jamestown Public Schools looks forward to having cable providers in Jamestown broadcast K-12 Blue Jay events. Some guidelines are as follows:

- Jamestown Public Schools will provide dates and times of sports and special event information to cable providers.
- At this time, all sports and special events will be televised on a delayed broadcast unless otherwise approved in advance by the Superintendent.
- Preference is an equitable treatment between boys' and girls' sports. In addition, an equitable treatment for our elementary school programs or events as well.
- The school district requests a minimum of one week notice prior to videotaping a sporting or special event for broadcasting. Some copyright issues might apply to videotaping of events. Contact people are as follows:
  - Superintendent of Schools at 252-1950.
  - High School Activities/Athletic Director at 952-4004.
  - Middle School Principal at 252-0317.
  - Director of Elementary Education at 252-0468.
- When PTO's, booster clubs, schools, etc. provide video tape coverage of a special or sporting event, the cable provider retains the final authority in whether to broadcast the contents of the tape or not.
- Any issues or concerns with the implementation of the *Sports and Special Events Media Coverage* policy shall be directed to the Superintendent of Schools at 252-1950.

## **SECTION I - POLICIES AFFECTING PURCHASING AND ACCOUNTS**

Descriptor Code: ABBC

### **LOANING OF EQUIPMENT AND MATERIALS**

No equipment or materials should be loaned outside of the school premises unless written permission has been granted from the school district administrator, and a signed statement stating who has the equipment is on file in the administrator's office

Descriptor Code: HA

## BUDGET

The budget for the School District will be developed by the Finance Committee and the district administrator and approved by the School Board during Old Business at the annual Board meeting.

**FEDERAL FISCAL COMPLIANCE**  
(Adopted 5-3-10, Amended 2-6-2017)

The Jamestown Public School District will appoint one individual to serve as the authorized representative for the Title I program in accordance with state Title I requirements. This individual will have official signature authority over the Title I program and the district's Title I funds, will serve as the district's main contact for the State Title I office, unless the district specifies otherwise, and will receive Title I updates and mailings.

The Jamestown Public School Board approves the authorization of the Superintendent as the authorized representative for the following federal programs: Title I, Title II Part A, Title IV Part A, REAP funds, School Food Service, Comprehensive School Reform, and Federal Vocation Program.

(NOTE: Districts that receive additional federal funds, such as formula or competitive grants, must also assign an authorized representative for those programs and grants.)

Annually, the Board will review and approve the consolidated application for Title I, Title II Part A, Title IV Part A, and REAP funds. Upon approval, the Board will grant permission to the authorized representative to submit the application. The Board will also review and approve all competitive grant applications prior to their submission.

The Business Manager will track all Title expenditures and assure that the District follows all budgetary requirements under Title.

The Business Manager shall ensure that the budgetary requirements have been appropriately documented, submit all Title program reports to the State Title office, as required, and ensure that the district's Title programs comply with the federal Maintenance of Effort regulation.

The Business Manager will also ensure that all other federal funds, such as those received through grants, are expended as intended in the grant application or budget revision and will verify that the budgetary information for these federally funded programs matches the budgetary information on file with the state.

The Business Manager will track all items purchased with Title I funds. These items will be labeled as purchased with Title funds. The District will maintain a formal equipment inventory description list for all items purchased with Title I-funds that are valued at \$750.00 or more and all computers purchased with these funds.

All employees paid with federal funds will document the time and effort they expend towards federal programs in accordance with federal law.

## **TITLE I FISCAL & INVENTORY REQUIREMENTS**

(Adopted 5-3-10, Amended 2-6-2017)

### **Title I Expenditure Requirements**

Title I expenditure requirements are as follows:

- That the funds are expended within the appropriate fiscal year.
- Those expenditures are coded to the appropriate fiscal line items.
- That expenditures are an allowable use of Title I funds.
- That expenditures align with what has been approved on the district's consolidated application or most recent budget revision.
- That the financial line items are identical to what the District has on file in the State Title I office.
- Amounts for contracted services must be evidenced by an actual contract on file with the District.

### **Title I Inventory Requirements**

The inventory description for Title I items must contain the following information:

- Description of the equipment;
- Serial Number;
- Acquisition date;
- Acquisition cost;
- Location of the equipment

All items will be kept on the Title I inventory for five years, after which they become the property of the District.

Descriptor Code: HBCA

### EMPLOYEE BLANKET BOND

The bonds of the business manager, the district administrator, the principals and directors shall be reviewed annually.

Legal Ref: NDCC 26.1-21-10; NDCC 15.1-07-23; NDCC 15.1-14-01



Descriptor Code: HCA

### PURCHASE OF SUPPLIES AND EQUIPMENT

Supplies and equipment are to be purchased through the district administrator's office. Purchases which fall under state bidding requirements must receive Board approval. Purchases in lesser amounts may be approved as portions of the general budget.

Legal Ref: NDCC 15.1-09-34; NDCC 54-40-08

Descriptor Code: HCAA

### PRE-APPROVED VOUCHERS

Upon the district administrator's approval, the business manager may authorize pre-approved vouchers for school level administrators in an amount not to exceed \$500.00 in any of the following categories: minor repairs (430's), supplies (610's), or materials (660's). A combination of pre-approved vouchers and previous expenditures approved by the business manager may not exceed 85% of any line item budget.

**PURCHASING CARD**  
(Adopted 3-15-10)

**What is a Purchasing Card?**

The purchasing card is a method of payment for school employee use to make purchases for official school business. The Business Manager encourages the use of the purchasing card. The purchasing card payment system is an individual bill/central payment system. The cardholder receives a monthly account statement for information and reconciliation purposes only. The business office obtains a consolidated electronic billing file and makes payment to ~~JP Morgan Chase~~ on behalf of all cardholders. Expenditure transactions are processed through our business software and posted to the appropriate school accounting records.

**A purchasing card is:**

- Authority delegated by the Superintendent/Business Manager to individual school employees.
- For official Jamestown Public School use only.
- Authorized for use with only certain categories of merchants.
- Authorized for purchase of items for JPS.

**A purchasing card is not:**

- A means of avoid appropriate payment procedures.
- A means to access cash or credit
- A right of employment
- For personal use

**Purchasing Card benefits:**

The purchasing card enables personnel to perform more effectively and focus on the value-added aspects of the jobs by:

- Reducing administrative costs for the school district.
- Eliminating purchasing delays.
- Reducing the amount of paperwork.
- Improving supplier relations.
- Receiving increased information about purchasing transactions.
- Reducing the number of checks used.
- Revenue cost sharing.

Authorized cardholders of the Jamestown Public School District may use purchasing cards to acquire goods and services from suppliers. Cardholders are identified by the Superintendent and/or Business Manager and must complete training and sign a cardholder agreement.

The traditional purchase order process is followed for those purchases not included in the purchasing card process.

Descriptor Code: HEAB

## REVOLVING ACCOUNTS

School level administrators receive limited authority from the district administrator in expending funds from Activity Revolving (self supporting) Accounts. Activity Revolving Accounts are not supported by general fund monies and the balance in each account must remain positive. The business manager will notify the district administrator when a negative balance occurs. The school level administrator may be responsible for the shortfall as outlined in the last paragraph of this policy.

Employees may not establish a new revolving expense and/or revenue account numbers without the approval of the finance committee. The business manager will take the request of the employee to the finance committee for approval/disapproval.

Descriptor Code: HEAD

### INVENTORY

A control system for all equipment shall be in effect by the school to ensure adequate safe-guards for the prevention of loss, damage or theft of the equipment. Any loss, damage, or theft of equipment shall be reported to the District Central Office and shall be investigated and documented by local police or other law enforcement officials.

A complete and up to date inventory of all equipment and instructional aids costing \$500.00 or more shall be maintained by the administrator at the individual school building, with a master copy on file in the District Central Office.

On an annual basis, verification of the existence of all equipment and aids will be prepared by the administrator of the building and turned in to the District Central Office.

No equipment is to be diverted, sold or traded without written permission from the Jamestown School Board.

### FIXED ASSETS

The School District became aware that a policy concerning school inventory was necessary when it received a copy of the auditor's report for the 1997-98 school term. To comply with the auditor's recommendation, the following policy was adopted.

Jamestown Public Schools has a fixed asset policy in tracking all items that cost over \$500.00. However some items like student desks, chairs, filing cabinets, etc. do not exceed \$500.00, yet are included in the tracking policy. The school district is placing inventory control, monitoring, and accuracy as a top priority. The school district will perform a yearly inventory analysis on the areas listed below to meet accounting guidelines, school policy, and for insurance purposes.

1. The school's insurance company will get an itemized list of purchased supplies, materials, equipment, furniture and fixtures, etc. from the previous fiscal period, in October. Therefore the market value of purchased items can be accurately recorded for the total amount of building contents.
2. A cam corder will be used to create a visual inventory of building contents in each classroom on a yearly basis.
3. Teachers will be provided on a yearly basis inventory summary sheets detailing equipment, furniture, equipment, room maintenance items within their classrooms. Teachers will write down any discrepancies on the sheets and submit them to the building administrator. For example, the number of student desks in their room will be checked and corrected if in error. The building administrator will reconcile changes.
4. The technology and audio visual department will bar code all computer and audio visual equipment. This department will be responsible for maintaining inventory records of the district's technology equipment inventory.
5. Each school level administrator or director is responsible for maintaining a current equipment, furniture and fixture inventory for the school or directors department.

Descriptor Code: HEBA

AUTHORIZATIONS, RESPONSIBILITIES AND CONTROL  
OF SCHOOL DISTRICT FUNDS

The School District became aware that a policy concerning control of school district funds was necessary when it received a copy of the auditor's report for the 1997-98 school term. To comply with the auditor's recommendation, the following policy was adopted.

The School Board designates administrative authority to expend funds to the district administrator. Said funds include, but are not limited to, district funds, state and federal funds controlled and administered by school district's board, and funds otherwise controlled and administered under this policy. The district administrator may delegate limited authority to the business manager. The district administrator retains final administrative authority over all business affairs.

Descriptor Code: HEBD

## AUDIT

The various accounts of the Jamestown Public School District No. 1 shall be audited each year by a certified or licensed public accountant. Such audit is to be reviewed by the School Board.

Legal Ref: NDCC 54-10-14

## **FOOD SERVICE PROGRAM**

The District participates in the National School Breakfast, Lunch, and ~~After School~~ Milk Program. As a participant in these programs, the District assures compliance with the following requirements:

1. The District shall only claim meal reimbursement for meals in which documentation is available.
2. The District shall determine eligibility for free and reduced lunches for students not categorically eligible in accordance with current Income Eligibility Guidelines.
3. The District shall disseminate applications for free and reduced-priced meals before the start of the school year when possible or within the first week of school. Students who enroll later in the school year shall receive an application at the time of enrollment. The District shall use the Department of Public Instruction (DPI) application form for free and reduced-priced meals.
4. In accordance with federal law and the U.S. Department of Agriculture Policy, the District shall not discriminate on the basis of race, color, national origin, sex, age, disability or other status protected by law. Individuals may file a complaint of discrimination with the USDA Director at the Office of Civil Rights in Washington, D.C.
5. The names of participants for which free or reduced-priced meals may be claimed shall not be published, posted, or announced in any manner and there shall be no overt identification of any such participants by any means. To this end, the District shall establish a system of school meal payment tracking that does not overtly identify any student as receiving a free or reduced price meal/milk.
6. The District shall comply with the eligibility appeals procedure contained in 7 CFR 245.7.
7. The District shall submit any substantive amendments of this policy to the DPI prior to implementation. Such changes shall only become effective upon DPI approval.

The Board designates Food Service Director as the individual responsible for determining eligibility for purposes of claiming free and reduced priced meals.

### **Training**

The District shall comply with requirements in state law related to training food service personnel.

### **Serving Meals to Adults**

The District shall comply with DPI guidance and requirements with regard to serving meals to adults.



ALTERNATIVE FOOD SERVICE  
(Adopted 5-3-10)

**Foods of Minimal Nutritional Value**

Elementary schools furnish beverage vending machines and follow the school district guidelines.

At the discretion of the principal, secondary schools are permitted to operate a reasonable number of vending machines that dispense foods, as defined by the U.S. Department of Agriculture, for student use. Operation of the machines will conform to federal food service guidelines. Machines shall be located in non-food service areas where there will be no disruption in the orderly operation of the school.

All schools may install, for use of staff only, vending machines that dispense items such as food or soft drinks. Such machines will be located in staff lounge areas only. The installation and operation of those machines are subject to the approval and management of the school principal.

**Vending Machines**

Contracts will be awarded on based ability to satisfy criteria established by the Board or designee and on the lowest bid; however, if it appears that the cost of supplies for the machines may annually reach or exceed the bidding threshold amount as established by North Dakota law for public schools the bidding process in NDCC 15.1-09-34 will be followed. Proceeds from the machines will accrue to the responsible department. Students shall not service or collect money from the machines.

**Sale of Competitive Food During Meal Times**

Competitive foods, other than those of minimal nutritional value, may be sold in the food service area during the breakfast periods provided all income from their sale accrues to the school lunch program.

FREE & REDUCED PRICED MEAL ELIGIBILITY APPEALS

(Adopted 5-3-10)

Each local educational agency of a school participating in the National School Lunch Program, School Breakfast Program or the Special Milk Program or of a commodity only school shall establish a hearing procedure under which:

- I. A family can appeal from a decision made by the local educational agency with respect to an application the family has made for free or reduced price meals, and
- II. The local educational agency can challenge the continued eligibility of any child for a free or reduced price meal or for free milk. The hearing procedure shall provide for both the family and the local educational agency:
  - a. A simple, publicly announced method to make an oral or written request for a hearing;
  - b. An opportunity to be assisted or represented by an attorney or other person;
  - c. An opportunity to examine, prior to and during the hearing, any documents and records presented to support the decision under appeal;
  - d. That the hearing shall be held with reasonable promptness and convenience, and that adequate notice shall be given as to the time and place of the hearing;
  - e. An opportunity to present oral or documentary evidence and arguments supporting a position without undue interference;
  - f. An opportunity to question or refute any testimony or other evidence and to confront and cross-examine any adverse witnesses;
  - g. That the hearing shall be conducted and the decision made by a hearing official who did not participate in making the decision under appeal or in any previously held conference;
  - h. That the decision of the hearing official shall be based on the oral and documentary evidence presented at the hearing and made a part of the hearing record;
  - i. That the parties concerned and any designated representative shall be notified in writing of the decision of the hearing official;
  - j. That a written record shall be prepared with respect to each hearing, which shall include the challenge or the decision under appeal, any documentary evidence and a summary of any oral testimony presented at the hearing, the decision of the hearing official, including the reasons therefore, and a copy of the notification to the parties concerned of the decision of the hearing official; and
  - l. That the written record of each hearing shall be preserved for a period of 3 years and shall be available for examination by the parties concerned or their representatives at any reasonable time and place during that period.

**Continuation of Benefits**

When a household disagrees with an adverse action that affects its benefits and requests a fair hearing, benefits shall be continued as follows while the household awaits the hearing and decision:

- Households that have been approved for benefits and that are subject to a reduction or termination of benefits later in the same school year shall receive continued benefits if they appeal the adverse action within the 10 day advance notice period; and
- Households that are denied benefits upon application shall not receive benefits.

**DPI REQUIREMENTS & GUIDANCE FOR ADULT MEALS**  
(Adopted 5-3-10)

There is no reimbursement or commodities provided for meals served to adults. Reimbursement funds and student payments may not be used to subsidize lunches for adults who do not have specific duties directly related to the operation and administration of the foodservice program.

Adults are to be served the same menu and portions as students.

**Pricing**

The following guidelines to pricing adult meals are provided:

- Meals served to foodservice employees may be provided at no cost.
- Meals served to adults whose primary job is to administer or manage the foodservice may be provided at no cost.
- The cost of meals served at no charge to teachers or others who supervise students during meal service may be paid by the general fund. As an alternative, the cost of these meals may be considered "paid" by the in-kind contributions made by the sponsor to the foodservice program. The in-kind contributions are generally administrative expenses, the cost of facilities and maintenance, and utilities. The process for paying for adult meals with in kind contributions must be documented by the sponsor.
- The cost of all other adult meals is not attributable to the program, and the individuals must be charged the full cost of the meal or these meals must be supported by a payment from the general fund.
- The minimum adult lunch charge, including lunches served to teachers and other adults without direct program responsibilities, is to be set above the highest student charge by the current amount of paid meal reimbursement rate, plus the current commodity value per meal.

Descriptor Code IB-E3

FOODS OF MINIMAL NUTRITIONAL VALUE  
(Adopted 5-3-10)

**7 CFR Ch. II, Appendix B**

Foods of minimal nutritional value are:

1. **Soda Water:** A class of beverages made by absorbing carbon dioxide in potable water. The amount of carbon dioxide used is not less than that which will be absorbed by the beverage at a pressure of one atmosphere and at a temperature of 60° F. It either contains no alcohol or only such alcohol, not in excess of 0.5 percent by weight of the finished beverage, as is contributed by the flavoring ingredient used. No product shall be excluded from this definition because it contains artificial sweeteners or discrete nutrients added to the food such as vitamins, minerals and protein.
2. **Water Ices:** As defined by 21 CFR 135.160 Food and Drug Administration Regulations except that water ices which contain fruit or fruit juices are not included in this definition.
3. **Chewing Gum:** Flavored products from natural or synthetic gums and other ingredients that form an insoluble mass for chewing.
4. **Certain Candies:** Processed foods made predominantly from sweeteners or artificial sweeteners with a variety of minor ingredients that characterize the following types:
  - a. *Hard Candy:* A product made predominantly from sugar (sucrose) and corn syrup which may be flavored and colored, is characterized by a hard, brittle texture, and includes such items as sour balls, fruit balls, candy sticks, lollipops, starlight mints, after dinner mints, sugar wafers, rock candy, cinnamon candies, breath mints, jaw breakers and cough drops.
  - b. *Jellies and Gums:* A mixture of carbohydrates which are combined to form a stable gelatinous system of jelly-like character, and are generally flavored and colored, and include gum drops, jelly beans, jellied and fruit-flavored slices.
  - c. *Marshmallow Candies:* An aerated confection composed as sugar, corn syrup, invert sugar, 20 percent water and gelatin or egg white to which flavors and colors may be added.
  - d. *Fondant:* A product consisting of microscopic- sized sugar crystals that are separated by thin film of sugar and/or invert sugar in solution such as candy corn, soft mints.
  - e. *Licorice:* A product made predominantly from sugar and corn syrup that is flavored with an extract made from the licorice root.
  - f. *Spun Candy:* A product that is made from sugar that has been boiled at high temperature and spun at a high speed in a special machine.
  - g. *Candy Coated Popcorn:* Popcorn that is coated with a mixture made predominantly from sugar and corn syrup.

Descriptor Code: I-1

#### DELEGATION OF AUTHORITY

The district administrator may delegate limited authority to the directors of: James Valley Multi-District Career and Technology Center, Buffalo Valley Special Education Unit, North Dakota State Hospital Adolescent School, Food Service, Athletic/Activity, and other building level administrators in expenditure of funds. All bills must be vouchered and approved by the director, and then the business manager before payment takes place. The district administrator may authorize pre-approved vouchers with an amount to be determined for each director.

## BUDGET CONTROLS

The business manager may not permit any payment to be made in budget categories 300's through 900's, when the pre-approved budget or the budget category reaches 85% of the budget amount, unless the district administrator authorizes the payment in writing. The finance committee shall review and seek board approval for any expenditure that exceeds 95% of a budget category, unless the district administrator declares the expenditure to be an emergency.

The district administrator shall have authority to transfer funds within line items of budget categories. For example, a budget category is classified as the 300's, 400's etc. However, prior to transferring appropriations between budget categories, the district administrator shall consult with the finance committee.

The district administrator has sole authority to approve support staff engagement letters and recommend professional staff contracts to the Board, after the business manager has verified funds are available within the budget. Prior approval of the district administrator or his designee is needed before school level administrator/directors can grant overtime to an employee.

The policy statement shall be included in all administrators' contracts: "...when a school level administrator has received, in writing, authorization to expend funds, he/she must keep accurate records that verify district policy has been followed. If a school level administrator violates the policy and/or exceeds his/her authority, he/she shall be deemed to be in violation of district policy".

In the event of violation of this policy, the school level administrator/director shall be afforded the opportunity to justify his/her actions before the district administrator. During this review process, the school level administrator/director shall have the opportunity to explain the reason for not complying with school policy. The district administrator shall have the authority to:

- (1) approve the expenditure and determine that an emergency situation existed that necessitated the expenditure,
- (2) approve the expenditure with a warning,
- (3) approve the expenditure and direct the placement of a letter of censure in the school level administrator/directors file,
- (4) deny the expenditure and direct that the matter be presented to the school board for appropriate disposition of the expenditure and possible disciplinary action.
- (5) Additional action by the school board in appropriate cases may include letter of censure, suspension and/or recommendations for non-renewal for cause.

Descriptor Code: I-3

## INTERIM FUND

It shall be the policy of this District to include an interim fund as a budgeted item of the general fund. The interim fund is defined as that amount of money that the District intentionally carries over from year to year to enable the District to meet obligations during periods of low or no revenue. It is a part of the unencumbered cash at the end of the fiscal year but the unencumbered cash may be more than the interim fund because of unexpected revenue or lower than anticipated expenses during the year. Unencumbered cash at the end of the year will be lower than the interim fund when expected revenues are not realized or when expenditures exceed budgeted amounts, necessitating the permanent expenditure of interim fund monies. It is the intention of this board that the budget shall accurately reflect the best estimations of revenue and expenses.

The amount of the interim fund shall be at least equal to the amount of the greatest deficit shown on a general fund cash flow study.

Legal Ref:	NDCC 57-15-27	Interim fund
	NDCC 57-15-31	Determination of levy



**BUSINESS MANAGER – DISBURSEMENT OF FUNDS**  
(Board adopted 2-20-06)

Pursuant to NDCC Sections 15.10.9-28 and 15.1-07-12, the District adopts the following policy for disbursement of monies by the Business Manager.

The Business Manager is authorized and directed to disburse District monies for the payment of District obligations as they may be incurred. The Business Manager is authorized to:

- a. Authorize, create and approve negotiable instruments;
- b. Use credit or debit cards;
- c. Make payment of invoices;
- d. Direct and control the use of petty cash;
- e. Use electronic payments; and,
- f. Use facsimile signatures.

The Board's Finance Committee shall provide oversight and periodic review of the Business Manager's exercise of this authority and shall report to the Board from time to time as it may deem appropriate on the effectiveness of this policy. These practices, procedures, and controls are to be reviewed by the external auditor.

**Financial Reports to the School Board**

A financial report will be presented each month to the school board for approval. The report will be itemized according to the budget and amounts expended.

Descriptor Code: I-5

### BANK PLEDGED SECURITIES

The condition of the banks and the surety offered by depository banks shall be reviewed semi-annually.

Descriptor Code: I-6

### OUTSTANDING CHECKS

In an effort to improve control over cash and aid in the reconciliation of bank statements, it shall be the policy of Jamestown Public Schools to write-off checks outstanding longer than twelve months. Outstanding checks written-off the books shall be recorded as Refund of Prior year's Expenditures.

Each month, along with the bank reconciliation, a list will be compiled of checks outstanding more than twelve months. The Financial Manager of each account will then write to the payee requesting the check be presented for payment within the next thirty days. If the check has not been presented for payment within the thirty days, it will be written-off.

Descriptor Code: I-7

### CAPITAL IMPROVEMENTS/BUILDING FUND

The Jamestown Public School System shall use the Building Fund to pay for major repairs to existing buildings or improvements to school land and sites. This shall be done under the provisions in North Dakota Century Code 57-15-17. Major repairs shall cover repairs and materials that cost \$300.00 or more and shall include the purchase of supplies and materials with the exception of supplies and materials used for routine maintenance.

#### Illustration:

For example the items included in major repairs are: painting, replacement of windows, replacement of fixtures and motors; to include rebuilding motors. Example of those that do not qualify include: purchase of paper products, light bulbs and gasoline, replacing faucets, greasing motors, etc.

## MANAGEMENT OF STUDENT ACTIVITIES FUNDS

The accounting system for managing student funds shall be designed to yield the largest possible educational return to pupils without sacrificing the safety of funds or exposing pupils to undue responsibility or unnecessary routine.

The administration is charged with the responsibility for making rules, regulations, and procedures for the conduct, operation, and maintenance of extracurricular accounts, and for the safeguarding, accounting, and auditing of all monies received and derived therefrom.

All clubs or other school connected organizations' finances are under the direct control of the advisor through the principal's office. Clubs or other activities must make arrangements to see that all monies collected or raised through the sale of tickets, articles, or materials are deposited with the principal's office.

The annual school district audit shall include an audit of student organization funds. The activity funds shall be invested by the school district in an interest bearing account; the school district may retain fifteen percent of the interest earned to defray administrative and audit expenses.

Under no circumstances are students or sponsors excused from this regulation.

Any unencumbered class or activity funds will automatically be transferred as a gift to the Educational Foundation Endowment fund when a class graduates or an activity is discontinued.

When an activity is terminated for any reason, the school principal will submit to the Superintendent an account of its funds. The students in the activity or class shall determine, by majority vote, if the funds are to be transferred to the Educational Foundation Endowment fund or to a specific scholarship fund managed by the Educational Foundation.

Cross Ref: Policy - System of Accounts

Legal Ref: NDCC 15.1-07-10 Form of warrants - How warrants paid by business manager  
- Activities fund - Incidental revolving fund

### SCHOOL FUND RAISING

The School District became aware that a policy concerning school fund raising was necessary when it received a copy of the auditor's report for the 1997-98 school term. To comply with the auditor's recommendation, the following policy was adopted.

The Board recognizes that citizens, students, other persons and organizations may wish to express support for a particular school or the school system by conducting fund raising drives in support of Jamestown Public Schools and its programs. To insure that such fund raising efforts do not interfere with the educational objectives of the School District or community standards, the Board requires that such fund raising projects receive prior approval as provided in this policy.

The Board's first responsibility is to the educational development of each student. No fund raising contests or activities which interfere with the instructional program will be allowed. The project's educational experience and benefit as well as the methods employed in the fund raising efforts will be considered. In no case will fund raising be associated with staff expectations of student performance in course work or participation in activities. This requirement is not meant to stifle interest and support by the many groups, but to protect students and their activities from any perception of improprieties.

If the fund raising project for the benefit of a school or school program is to be performed by a group, the funds of which are not under the control of the school district, the group shall submit its written proposal and plans to the district administrator for approval. The district administrator or his designee will accept or reject the proposal in writing and notify the club or sponsor of the decision and the reason for it.

If the fund raising project for the benefit of a school or school program is to be performed by a group, the funds of which are under the control of the school district, the group shall submit a written proposal on a completed school district fund raising request form which shall be given to the business manager and activities director before the project begins. In turn, the district administrator or his designee will accept or reject the proposal in writing and notify the club or sponsor of the decision and the reason for it. School groups are accountable to the Board for all sales and funds through the business manager's office.

In either case, the district administrator may elect to refer the matter to the Board if he or she believes Board consideration would be beneficial. All projects approved shall be reported to the Board.

Plans for such activities should be made well in advance of the event and the total fund raising efforts in a school must not be a burden or nuisance to students, faculty, parents, or the community.

The project must be financially profitable and provide a fair financial return for the groups effort's. Some fund raising projects which are not acceptable to the Board are car bashes, or efforts containing similar elements of danger, exploitation of children and proposals which are

contrary to Board policy or school mission. Any door to door sales solicitation programs involving elementary students must require that a parent accompany the student at all times during solicitations.

Fund raising which takes place to benefit the Jamestown Public School District by groups whose funds are subject to school district control will have to meet the following requirements in order for funds/contributions and projects to be accepted by the District.

- A. All proceeds must be formally accountable for to the district administrator or his designee within ten (10) days of the completion of the fund raising activity.
- B. All funds will be held by the school district in the name of the appropriate activity.
- C. Any purchase, transfers or other transactions involving these funds requires approval by the responsible fund raising group and the district administrator or his designee.
- D. Expenditures of the funds will follow the normal school district requisition procedures.

These requirements are not meant to stifle interest and support of the many groups interested in promoting Jamestown Public School activities. The purpose is to protect the students and their activities from any perception of improprieties.

All funds raised by classes, clubs, other organizations whose funds are subject to school district control, shall be turned in to the school office for deposit. The principal or activities director shall act as the agent for the class, club, or organization. The business manager shall make payment of such funds only after receiving proper authority from the principal or activities director and shall be responsible for receipt of handling of such funds.

Procedures for receipts and expenditures shall be consistent with the requirement of NDCC 15.1-07-10.

Descriptor Code: I-9 continued

**JAMESTOWN PUBLIC SCHOOLS**  
**Fund Raising Request Form**  
(if additional space is needed, use attachments)

Request made by: \_\_\_\_\_

Date of Request: \_\_\_\_\_

Description of all fund raising methods to be used:

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Date/s of fund raising activity: \_\_\_\_\_

Will students be used in this fund raising attempt? Yes \_\_\_\_ No \_\_\_\_

If you answered Yes above, explain in what capacity the students will be used :

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Funds will be used for:

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Will there be a need for a permit? Yes \_\_\_\_ No \_\_\_\_

If you answered Yes to the above, has the permit been secured? Yes \_\_\_\_ No \_\_\_\_

APPROVED: \_\_\_\_\_  
Activities Director Date

\_\_\_\_\_  
District Administrator or Designee Date

DISAPPROVED:

\_\_\_\_\_  
Activities Director Date

\_\_\_\_\_  
District Administrator or Designee Date

Reason: \_\_\_\_\_

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## FUND-RAISING ACTIVITIES

### Money-Raising Activities

Money-raising activities must first be approved by the district administrator's office. The guiding principle shall be to encourage only those fund-raising activities which make a contribution to the educational program of the school.

### Contests, Walk-a-Thons, Etc.

Non-Profit Organizations will receive approval to hold contests, walk-a-thons, etc., if the following stipulations are followed:

- a. The teachers accept the program voluntarily.
- b. No pressure shall be placed on the students to participate.
- c. No pressure shall be placed on the parents to have their child participate.
- d. The program shall benefit the school or group as a whole. Funds earned will be placed in the school accounts to be drawn out as needed.

### General Announcements and Solicitations

Announcements made for a school organization or for an organization outside of school life must have the approval of the principal or director in that building. There will be no soliciting or sales of any type unless prior approval has been granted through the school district administrator's office. Soliciting or selling is discouraged.

The intention of the policy is to maintain a uniform standard throughout the system and to eliminate the excessive use of the schools as an advertising agency.

Legal Ref: NDCC 15.1-06-15

### Fund Raising by Activity Groups

All fund raising for co-curricular activities (athletic/non-athletic) must be approved by the Activity Director prior to engaging in the fund raising project.

### Equipment Purchased by Fund Raising

All equipment received through direct donation or purchased with dollars collected through fund raising must be placed on the school district's inventory.

Descriptor Code: I-11

### STUDENT FUNDS

All funds for student activities are to be kept in a local bank. All funds will be deposited in the same account. The district administrator or such person as he shall designate shall be in charge of these funds. Activity funds shall not be expended for the personal benefit of the pupils for wearing apparel, rings, announcements, etc., but shall be used for activities which result in the benefit of the school or group as a whole. These funds will be placed in the school accounts to be drawn out as needed.

Descriptor Code: I-12

## FINANCIAL REPORT

A report of expenditures, receipts and balance shall be prepared for each regular monthly meeting of the School Board.

Descriptor Code: I-13

### AUXILIARY ACTIVITY FUNDS

The activity funds and the funds of auxiliary activities shall be expended by the respective principals on the signature of the district business manager and board president. However, activity funds will be spent only on authorization by the advisors of the activity. An audit of all auxiliary and activity accounts will be made at the close of each year by the accountant retained to audit the district books.

Legal Ref: NDCC 15.1-07-10 through NDCC 15.1-07-12

Descriptor Code: I-14

## FOOD SERVICE LUNCH REFUNDS

### Elementary

Refunds will be given to the elementary students for three or more consecutive days of absence due to illness, upon request of the parent at the end of the school year for unused tickets.

### High School

Refunds will be given at the high school level upon presentation of the lunch ticket and proof of illness from the principal's office for three or more consecutive days of absence, upon request at the end of the school year for unused tickets.

## **SECTION J - POLICIES RELATING TO TRANSPORTATION**

Descriptor Code: IE

### **TRANSPORTATION**

The district administrator will designate a school level administrator to schedule/coordinate transportation for all school functions; no other administrator may approve transportation requests. The business manager is responsible for billing and compliance issues relating to transportation.

### **REGULATIONS**

The laws and regulations of the State of North Dakota shall apply to the contractor who provides the transportation for the District. The regulations as developed in Dietrich Bus Service Inc.'s Transportation Handbook and School Bus Drivers Manual shall likewise be followed.

### **BUS FEES**

It shall be the policy of the Board to contract to operate a fleet of vehicles to provide transportation for resident students of the district who live ten blocks or more from the school. Charges for urban students will be according to an established fee schedule. These charges are to be paid in advance by the semester.

### **REORGANIZATION PLAN**

The provision of the reorganization plan shall also be followed by Dietrich Bus Service Inc. in the operation of the transportation system.

Transportation from door to door will be furnished for students living in the rural area, with these provisions:

- A. There must be a reasonable, passable driveway into the farmyard of the student to be transported.
- B. The farmyard must have an adequate turn-around area so the bus has easy access and return.
- C. Door to door transportation may include student pick-up from the road if the school patron does not desire in-the-yard pick-up.
- D. Door to door pick-up shall be defined as meaning bus pick-up in the farmyard of the student to the normal unloading area on the school grounds of the school attended.

The District does not guarantee an intracity transportation system. See Dietrich Bus Service Inc.'s Transportation Handbook for more information.

Descriptor Code: IE continued

Non-Resident Students

The Jamestown School District may contract for the transportation of non-resident students attending the Jamestown Public Schools when there is no additional cost to the School District. The Jamestown School District will claim the regular state foundation payment plus charge a fee to cover the additional cost, or charge the same rate as for students living within the city limits, whichever is the greater.

Noon Transportation

Transportation is not provided during the noon hour for regular school programs.

PERSONNEL

Employment

Personnel will be employed by Dietrich Bus Service Inc. Supervision and assignment is to be provided by the same company.

Physical Examination

The bus contractor will be required to submit medical certificates of physical fitness and a medical card, as required by the United States Department of Transportation, for each driver prior to the beginning of the school year or to employment of a newly hired bus driver.

Legal Ref: NDCC 15.1-07-20

**GUIDELINES FOR ADMINISTERING SCHOOL TRANSPORTATION POLICY**  
(revised 7-21-04)

The driver by North Dakota Century Code is responsible for the appropriate behavior of students on the bus and is entrusted by the school district to report any unacceptable behavior to Dietrich's Transportation Coordinator and/or the student's principal. Major violations of transportation policy may lead to suspension and/or expulsion from bus riding privileges and/or the Jamestown Public School System. Should a major suspension or expulsion be recommended, a hearing with the student, parent or guardian, and school official will be held immediately. Expulsion from the school may be requested of the school board. Recommendation for expulsion will depend on the severity or frequency of the incident. An accurate record of the incident or incidents will be provided to the school board in the event expulsion is requested.

In compliance with Century Code and the District Reorganization Plan, the District will provide transportation to rural public school students at no cost to the students. It will transport other students according to the following priority list:

- a. City public school students
- b. Rural private school students
- c. City private school students

City transportation, when furnished, will be only furnished to students living 10 blocks or more from their attendance school and if they are on an established elementary/high school public school bus route and bus stop.

Cross Ref: Policy IX. B. 6. Elementary School Attendance Area

Students requesting bus service living less than ten (10) blocks from school will not be eligible for public city transportation, and even if they are willing to walk to a regular bus stop outside the ten (10) block area from where their residence is.

Special Education routes are classified as Special Routes and not regular elementary/high school routes.



## **SECTION K – POLICIES PERTAINING TO BUILDINGS AND GROUNDS**

Descriptor Code:     ABB

### **RENTAL**

Rental of facilities shall be controlled by the district administrator at the rate set annually by the School Board.

### **USE OF SHOP AREA**

The instructional shop areas and tools are to be used only during classroom preparation and instruction, unless prior written approval has been obtained from the district administrator.

Descriptor Code: ABBB

RENTAL OF SCHOOL FACILITIES (Revised 11-1-10)

1. Facilities may be available on a rental basis for non-school related activities according to the following schedule:

a.	High School Auditorium (6:00 PM - 10:00 PM)	\$300.00
b.	High School Auditorium (8:00 AM - 6:00 PM)	\$300.00
	1. Additional fee of \$40/hour for technical services for lights and sound.	
c.	High School Commons	\$40.00/hour
d.	High School Gymnasium	\$40.00/hour
	1. Additional fee of \$40/hour is seats and other arrangements.	
e.	Middle School Gymnasium	\$40.00/hour
	1. Additional fee of \$40/hour is seats and other arrangements.	
f.	High School and Middle School Cafeterias	\$40.00/hour
g.	Plus fee for school cook	\$40.00/hour
h.	Swimming Pool	\$100.00/hour
	1. Swimming Pool (6:00 PM - 10:00 PM)	\$300.00
	2. Swimming Pool (8:00 AM - 6:00 PM)	\$300.00
	3. Organization must provide own certified lifeguard	
i.	High School classroom and community room	\$20.00/hour
j.	Middle School community room and cafeteria	\$40.00/hour
k.	Elementary Gymnasium (8:00 AM-10:00 PM)	\$125.00
	1. Elementary Gymnasium	\$20.00/hour
m.	Middle School and Elementary Classrooms	\$15.00/hour
n.	Kitchen (plus fee for school cook)	\$15.00/hour
o.	Administration fee	\$25.00
- 
- \*Above will require a deposit of 50% of the total cost of the rental amount.
2. A JPS Representative may be on duty to open the building, administer assistance involving the facility, and to lock up the building when the activity is finished. In the event the area used needs to be cleaned up after the activity, an additional reimbursement of \$40/hour will be charged.
3. Local profit-groups –charged 75% of total facility rental costs.  
Local non-profit groups – charged 50% of total facility rental costs.  
School sponsored groups (charge revolving accounts) – 10% of total facility rental costs.
4. For the purpose of the rental agreement all JPS Booster Clubs are defined as school sponsored groups and will not be charged a rental fee.
5. Administration has discretion for those items that do not specifically apply to the above facilities rental policy.
6. All parties renting facilities must sign Hold Harmless Contract.

*HOLD HARMLESS POLICY* By execution of this application, the applicant hereby releases the Jamestown Public School District from any and all liability for the condition of the premises and ingress there from, and hereby agrees, upon acceptance of this application, to assume all responsibility and liability for injury to the person and property of any person who shall come upon the premises in connection with the function for which this application is made, and further agrees to defend any legal action brought against the Jamestown Public School District as a result of any injury to the property of any person or any person who comes upon the premises in connection with such functions, and to pay any judgment obtained against Jamestown Public School District as a result of any such legal action. Legal Ref: NDCC 15.1-06-14

**DISPLAYS OF RELIGIOUS OBJECTS OR DOCUMENTS**  
(Revised 2-20-12)

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 building principal 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.

## USE OF BUILDING

The school plant is available for school activities that have been properly approved. All school activities must be faculty supervised. Positively no spectators for evening activities, such as intramurals, unless adequate supervision is provided. The use of the school buildings and grounds or use of school equipment for school activities shall be scheduled through the principal's office or the activity director's office, and final approval by the assistant administrator. This includes the use of the building facilities for special teacher meetings. Teachers are permitted to enter and use the school building when there is a custodian on duty or prior approval given by the administration.

Legal Ref: NDCC 15.1-06-14

## USE OF SWIMMING POOL

The area of the swimming pool must be locked at all times unless an authorized supervisor is on duty in the pool area.

Legal Ref: NDCC 15.1-06-14

## FACILITY AND EQUIPMENT USAGE FOR POST SEASON ATHLETIC EVENTS

Activities that involve Jamestown Public School students in post season athletic play shall not be sponsored by the school district.

Organizations or individuals wishing to sponsor post season athletic activities such as post season basketball tournaments, who have requested the use of school facilities, shall be required to rent the district facilities at the regular rental fee.

- A. Individuals, groups or teams requesting the use of school facilities for practice sessions shall be required to rent the district facilities at the regular rental fee. However, residents of the school district or students enrolled in district's educational program as full time students may rent the school facilities at fifty percent of the normal rental fee, for practice sessions for post season tournaments.

Individuals, groups, or teams requesting the use of school facilities shall sign the district's building rental form (AC-814) thus holding the district harmless for liability purposes.

The district shall not provide equipment to persons or teams renting facilities for post season activities.

- B. Open gym and weight room may be held when the schedule has been approved by the

administration and the activity is supervised by a qualified staff member. Open gym and weight room will be available to all students, will adhere to NDHSAA rules and regulations, and should not prohibit students from participating in activities that are in season.

- C. Normally, the programs sponsored by the Jamestown Park and Recreation Department shall be exempt from this policy; however, requests for use of district facilities by the Jamestown Park and Recreation Department shall be handled on a case by case basis.

#### FACILITY AND EQUIPMENT USAGE FOR SUMMER CAMP PROGRAMS

- A. If the summer camp is a non-profit venture, other than providing reasonable compensation to coaches, referees, etc., and includes only eligible\* Jamestown Public School students, the rental fee shall be the greater of either ten percent of the revenue of the summer camp based on the summer camp budget or twenty-five percent of the normal gym(s) rental fee; receipts for the summer camp are to be submitted to the Central Office Administration.
- B. If the summer camp is a non-profit venture, other than providing reasonable compensation to coaches, referees etc., and includes students other than eligible\* Jamestown Public School students, the rental fee shall be the normal gym(s) rental fee.
- C. If the summer camp is intended as a money making venture, the rental fee shall be the normal gym(s) rental fee.
- D. If the summer camp does not require the use of indoor facilities and includes only eligible\* Jamestown Public School students, the rental fee shall be ten percent of the revenue generated by the summer camp. If the camp includes students other than eligible Jamestown Public School students, the rental fee shall be twenty-five percent of the revenue generated by the summer camp. Receipts are to be submitted to the Central Office Administration.

A rental agreement shall be required for all summer camp activities. The camps that require the use of the school's gym(s) shall be held during the month of June and shall be scheduled at a time convenient to the school district. Generally, this means the camps must be held during the day time hours when custodians are on duty.

Concession sales shall not be permitted unless they are sponsored by an approved school club or activity, supervised by the club or activity director, and the profits are used for approved club or activity projects.

\*An eligible student shall be any student of appropriate age living within the combined boundaries of the school districts being served by the Jamestown Public School District as part

of the Jamestown Public School District, Buffalo Valley Special Education Unit, and James Valley Career & Technology Center.

#### USE OF FACILITIES FOR BIBLE STUDY

1. Those students wishing to meet for Bible study should be permitted to do so as long as they conduct their meeting in compliance with the following standards:
  - a. The meeting is voluntary and student initiated.
  - b. There is no sponsorship of the meeting by the school, government, or its agents or employees.
  - c. Employees or agents of the school or government are present at religious meetings only in a nonparticipatory capacity.
  - d. The meeting does not materially or substantially interfere with the orderly conduct of educational activities within the school; and
  - e. Nonschool persons may not direct, conduct, control, or regularly attend activities of student groups.
2. The District denies outside adult activity organizers such as 4H leaders or youth ministers access to the school cafeteria to meet with students during their lunch period.

NAMING RIGHTS POLICY  
(adopted 9-20-04)

The School Board of the Jamestown Public School may at its discretion name a building, room or playing field after a person or organization. The criteria that may be considered in approving such naming will be as follows:

- A.     The person or organization has a sound reputable character and standing in the community.
- B.     The person or organization has contributed a significant amount of the funds to construct and or support to the facility, or a service to the Jamestown Public School District #1.
- C.     Naming requests will require a 6 to 12 month time period for review before action.

Descriptor Code: K-1

### EQUIPMENT - STUDENT USE

Building principals/directors shall develop and implement a plan for supervision of student use of school facilities, equipment, and materials. A copy of the plan shall be filed with the Central Office.



Descriptor Code: K-2

### BAN ON USE OF ELECTRICAL APPLIANCES

No electrical appliances, other than radios, are permitted unless they have an educational purpose, their use is supervised by a qualified staff member, and the building principal has provided written authorization for their use.

Electrical appliances include but are not limited to the following: coffee pots, hair dryers, curling irons, irons, crock pots, cup warmers, etc...

Descriptor Code: K-3

## ANIMAL CONTROL

No person may bring an animal on to school property until the building administrator grants permission.

Permission shall not be granted until the administrator verifies the animal has been properly vaccinated, the owner/custodian of the animal has verified he/she has liability insurance that covers any incident that may occur as a result of the animal being on school property, and the owner/custodian of the animal signs a hold harmless statement that releases the Jamestown Public School District of any and all liability that may occur as a result of the animal being on school property.

Any animal that strays onto school property should be reported to the animal warden. Students and staff shall be cautioned, by the building administration, against approaching the animal.

DATE\_\_\_\_\_ BUILDING\_\_\_\_\_

OWNER/CUSTODIAN\_\_\_\_\_

TYPE OF ANIMAL\_\_\_\_\_

REASON FOR BRINGING THE ANIMAL ONTO SCHOOL PROPERTY\_\_\_\_\_

VERIFICATION OF TYPE(S) OF ANIMAL VACCINATION\_\_\_\_\_

TYPE & POLICY NUMBER OF LIABILITY INSURANCE\_\_\_\_\_

ACKNOWLEDGEMENT OF THE HOLD HARMLESS POLICY (see back)

(please circle) YES NO

\_\_\_\_\_  
SIGNATURE OF OWNER/CUSTODIAN

\_\_\_\_\_  
APPROVED BY

1 copy to be kept on file in the administrator's office

1 copy to owner/custodian

1 copy to the Central Office

### HOLD HARMLESS POLICY

By execution of this application, the applicant hereby releases the Jamestown Public School District from any and all liability that may result from bringing an animal onto school property, and hereby agrees, upon acceptance of this application, to assume all responsibility and liability for injury to the person and property of any person who shall come in contact with the animal in connection with the function for which this application is made, and further agrees to defend any legal action brought against the Jamestown Public School District as a result of any injury to the person or to the property of any person or any persons in connection with such functions, and to pay any judgment obtained against Jamestown Public School District as a result of any such legal action.

Descriptor Code: KBA

## ADVERTISING

The Jamestown Public School Board is aware that schools are public institutions, fully supported by taxes, and that it is clearly a duty to protect students and their families from exploitation by private interests.

Therefore, the distribution, display or dissemination of any advertising material of commercial organizations or promoting of any product by brand name or trademark is prohibited unless it can be demonstrated through an appropriate manner such as a district sponsored field test or district sponsored pilot project that the material sponsored by advertising and/or bearing a brand name or trademark is of exceptional quality, is closely related to district approved curriculum, and is unavailable through conventional curriculum programs.

Pilot projects or field tests shall be reviewed and recommended by the textbook and curriculum committee of the school board. However, final adoption of any material, to include field tests and pilot projects, containing sponsored advertising and/or bearing a brand name or trademark shall require a two-thirds affirmative vote of the entire school board.

Normally, the yearbook, sports programs, school newspaper, theatrical promotions, donation of expendable classroom items, refreshments for after-school events, sponsorship of assemblies or special programs shall be exempt from this policy. However, the superintendent or his designee shall have the authority to approve or disapprove these requests.