
BOARD POLICY

D. Personnel



SARGENT CENTRAL PUBLIC SCHOOL

575 5TH ST. SW
Forman, ND 58032

Descriptor Code: DAA

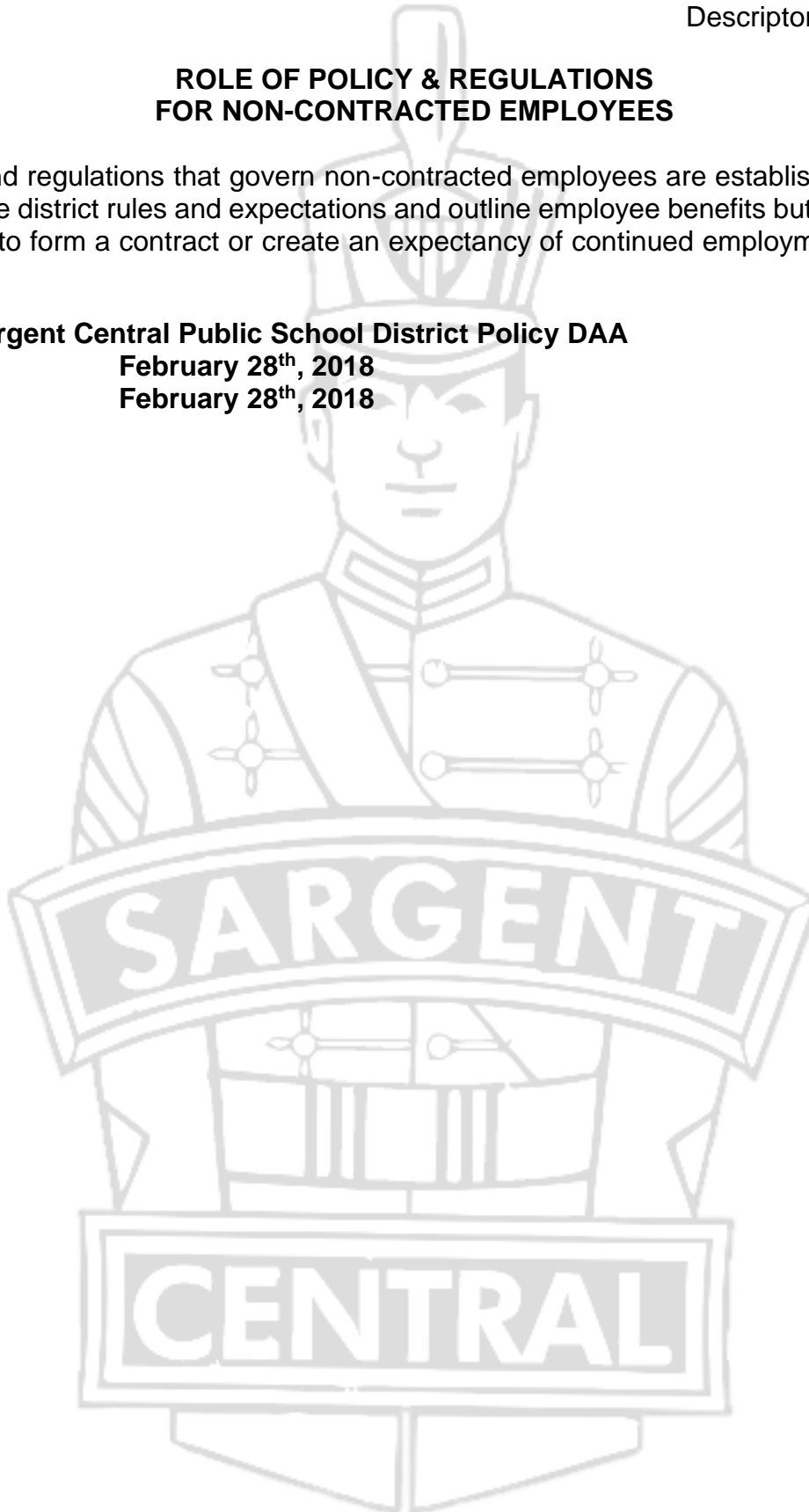
**ROLE OF POLICY & REGULATIONS
FOR NON-CONTRACTED EMPLOYEES**

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

End of Sargent Central Public School District Policy DAA

Reviewed February 28th, 2018

Adopted February 28th, 2018



DRUG AND ALCOHOL TESTING PROGRAM FOR EMPLOYEES

Definitions

For the purpose of this policy:

- *Alcohol* means any alcoholic beverage as defined in 23 U.S.C. 158 and NDCC 5-01-01.
- *Drugs or controlled substances* refers to substances covered by the Omnibus Transportation Act, including but, not limited to, marijuana, cocaine, opiates, amphetamines and phencyclidine (PCP) (See 21 CFR part 1308).
- *Covered employee/position* means an employee/position subject to the Omnibus Transportation Employee Testing Act.
- *Safety-sensitive position* means a job in which a momentary lapse in the discharge of duties poses a safety threat with potentially severe consequences. In addition to covered positions, the board recognizes the following as safety-sensitive positions: school vehicle drivers as described in NDCC 15.1-07-20

Statement of Philosophy

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

Prohibitions and Hours of Compliance

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

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

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

Notice of Medication Use

Employees covered by this policy shall notify the District any time they are using medication prescribed by a physician that could adversely affect their performance of safety-sensitive duties. Employees shall not drive or perform other safety-sensitive duties at any time they have been advised by a physician that medication may or will adversely affect their ability to safely perform these duties.

Participation in Drug and Alcohol Testing Program Required

Employees serving in positions covered by this policy are required to participate in all applicable drug and alcohol testing as a condition of employment.

Circumstances for Testing

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

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

Transportation contracts approved by the 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 associated regulations and will actively enforce the requirements of this policy and regulations as well as federal requirements. An independent contractor who drives their own bus/vehicle is subject to the same requirements as the district's own employees.

Testing Procedures

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

Refusal to Submit

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

Violations

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

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

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

Confidentiality of Records

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

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

Records from Former Employers

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

Training

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

Identity of Contact Person

The Board designates the Superintendent to serve as the contact person for questions concerning the drug and alcohol testing program and this policy. This designee may be reached at 701-724-3205 and 575 5th St. SW, Forman, ND 58032.

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 they have received this material upon receipt. The Board designates the Superintendent as the individual responsible for answering questions related to this material.

Effects of Alcohol and Controlled Substances

The main office contains information on the effects of alcohol and controlled substance misuse on an individual's health, work, and personal life; signs and symptoms of an alcohol problem; and available methods of intervening when a misuse problem is detected.

Conflict between Regulations and Federal Law and Regulations

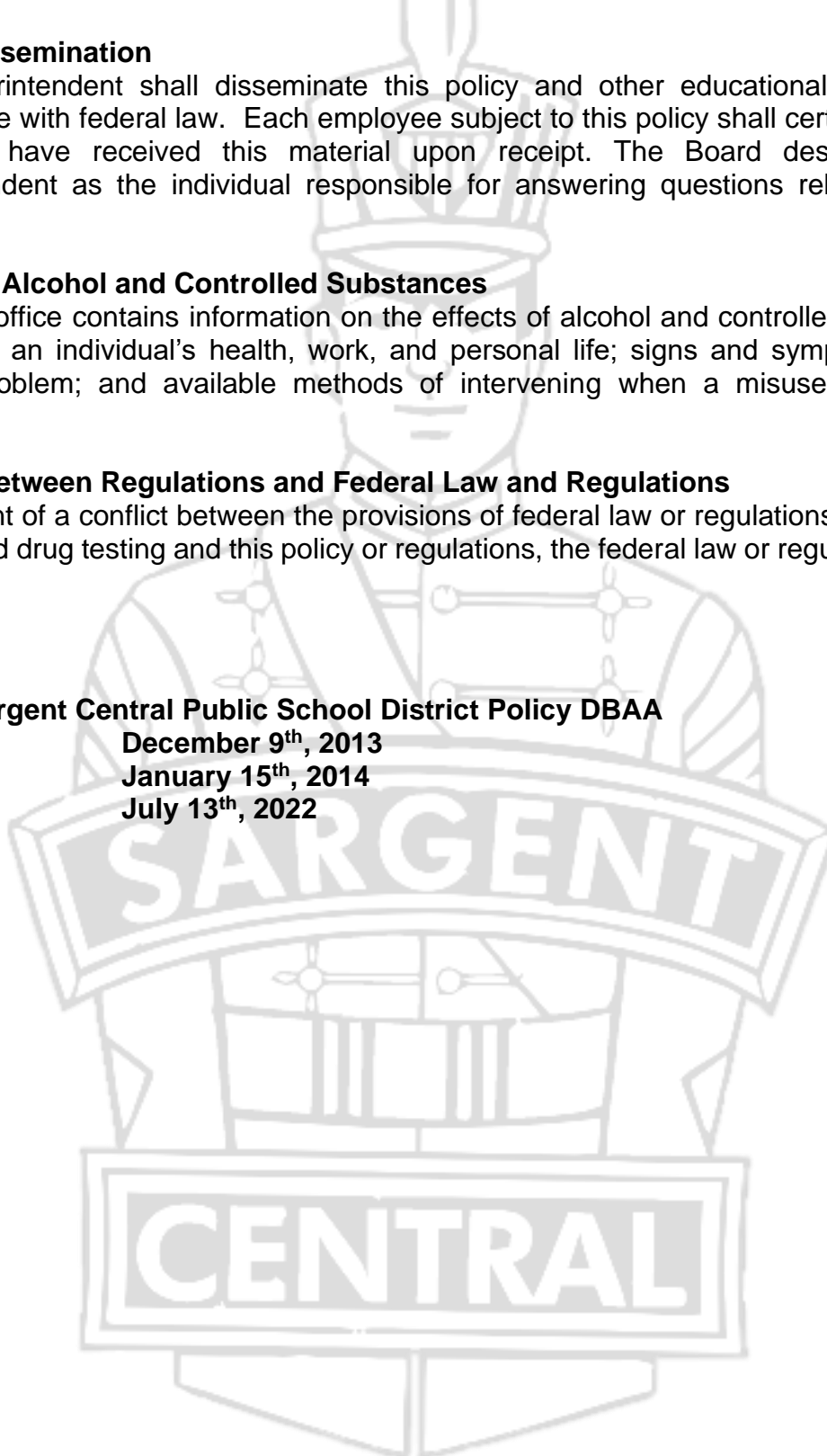
In the event of a conflict between the provisions of federal law or regulations concerning alcohol and drug testing and this policy or regulations, the federal law or regulations shall control.

End of Sargent Central Public School District Policy DBAA

Reviewed December 9th, 2013

Adopted January 15th, 2014

Revised July 13th, 2022



BACKGROUND CHECK SCREENING PROCEDURE

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 applicant with a packet containing all materials necessary for the applicant to be fingerprinted and a copy of this procedure. The local police station 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 District. Final applicants will not be permitted to return these materials to the district.
4. The Superintendent shall submit the final applicant's background check authorization form, two sets of fingerprints, and payment for screening fees to the North Dakota 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-finger printed within five calendar days of receiving notification of 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.

End of Sargent Central Public School District Policy DBAA-AR

Reviewed

December 9th, 2013

Adopted

January 15th, 2014



DRUG & ALCOHOL TESTING FOR EMPLOYEES

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 as described in NDCC 15.1-07-20.

Covered Employees

The Sargent Central 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 subject 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 the 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. An independent contractor who drives his/her own bus/vehicle is subject to the same requirements as the district's own employees.

Other Safety-Sensitive Positions

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

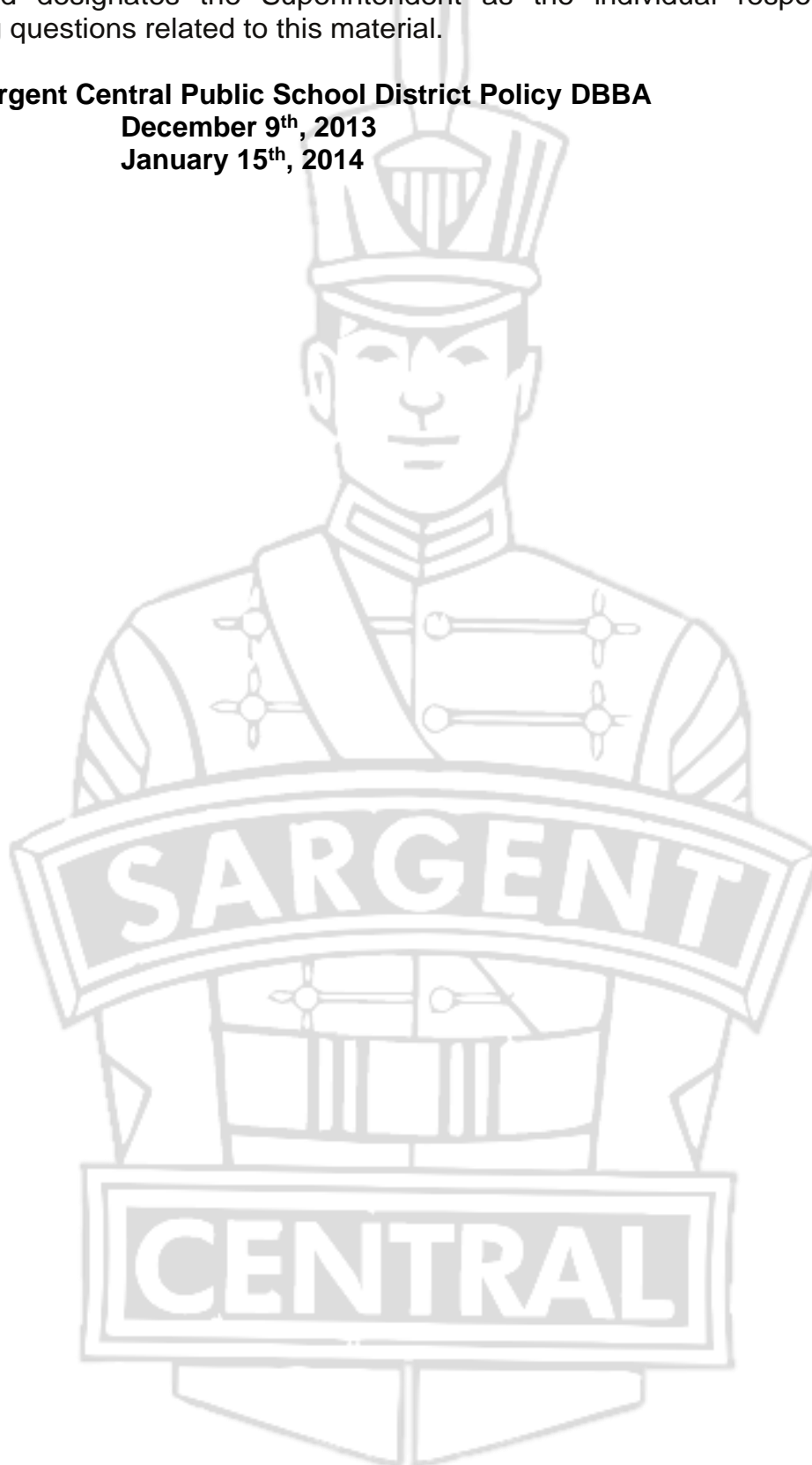
The Superintendent and/or each building principal shall disseminate this policy and

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.

End of Sargent Central Public School District Policy DBBA

Reviewed December 9th, 2013

Adopted January 15th, 2014



CLASSIFIED STAFF INTENT TO REHIRE

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

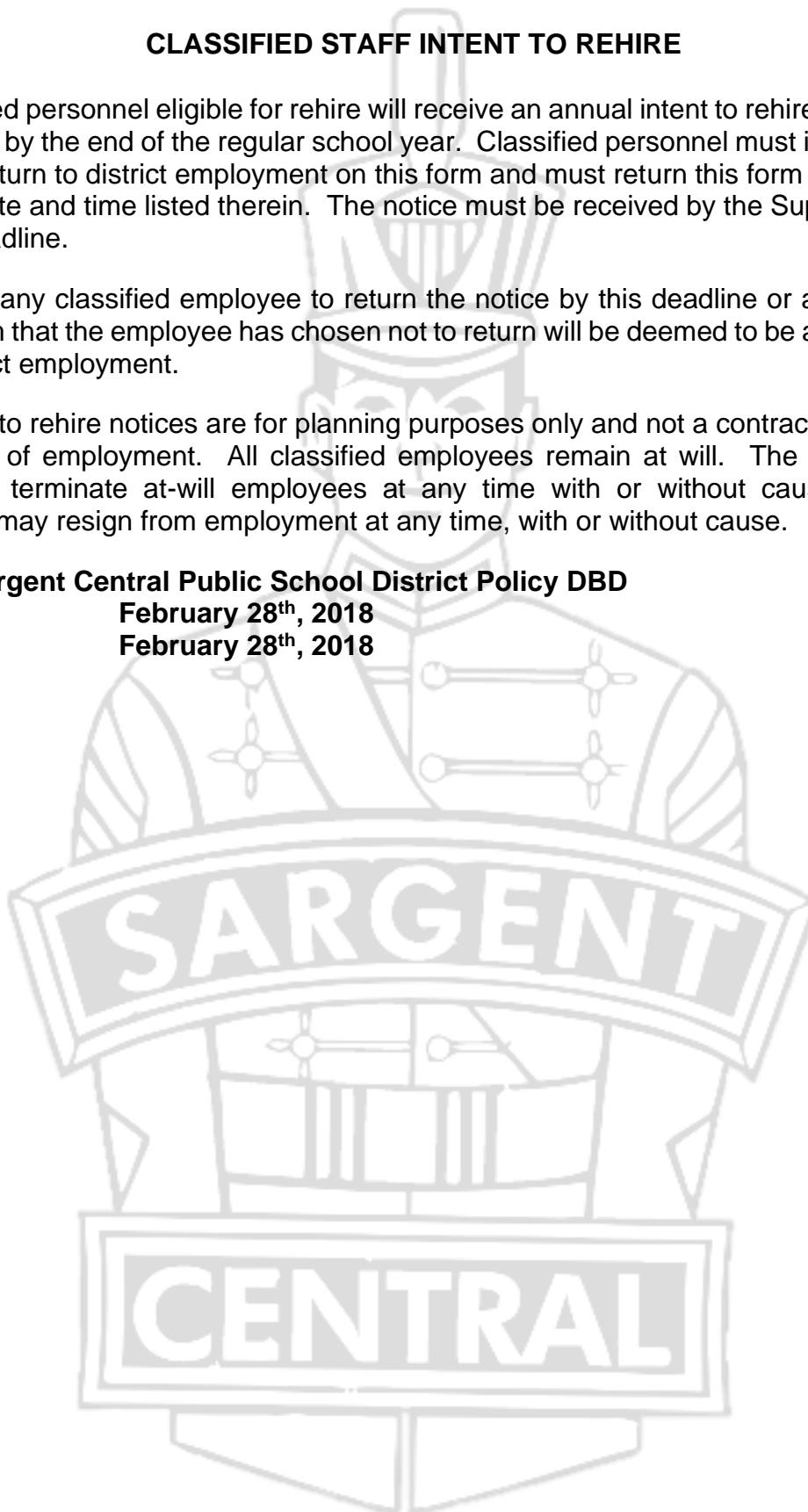
Failure by any classified employee to return the notice by this deadline or an indication on the form that the employee has chosen not to return will be deemed to be a resignation from district employment.

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

End of Sargent Central Public School District Policy DBD

Reviewed February 28th, 2018

Adopted February 28th, 2018



DEFINITION OF WORKWEEK, OVERTIME, AND COMPENSATORY TIME

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

Workweek

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

Overtime Restrictions

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

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

Recordkeeping

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

Compensation

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

Employees will be reimbursed with overtime compensation in accordance with law for all overtime worked.

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

End of Sargent Central Public School District Policy DCB
Reviewed February 28th, 2018
Adopted February 28th, 2018

FAMILY & MEDICAL LEAVE

The District will comply with the Family and Medical Leave Act.

Twelve-Month Leave Description

Eligible employees may request, and upon approval use, paid/unpaid family and medical leave in accordance with and for the applicable duration guaranteed by the federal Family and Medical Leave Act. Unless subject to an exception in law, FMLA shall be made available for up to a combined total of 12 weeks beginning July 1 and ending June 30 of the next year.

Medical & Qualifying Exigency Certification

The Board and/or Superintendent may request medical certification for an employee's or his/her spouse's, parent's, child's, or, when applicable, next of kin's serious health condition and shall do so in accordance with federal law and district regulations. The Board and/or Superintendent may also request qualifying exigency certification when an employee requests such leave.

Notice of Leave

An employee shall provide notice in accordance with regulations. If deemed necessary, the Superintendent may waive notice requirements.

Return to Work

An employee returning from family and medical leave will be given a position equivalent to his or her position before the leave, subject to the district's reassignment policies, negotiated agreement, and practices.¹ Instructional employees may be required to wait to return to work until the next academic term in certain situations as provided by law.²

Implementing Procedures

The Superintendent shall develop procedures to implement this policy consistent with the federal Family and Medical Leave Act.

End of Sargent Central Public School District Policy DDAA

Reviewed March 28th, 2018

Adopted March 28th, 2018



CENTRAL

VACATIONS

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

Ancillary Employees

All full-time ancillary employees shall be eligible for paid vacation leave benefits as delineated in board regulations.

Licensed Employees

Vacation is subject to the negotiated agreement for licensed staff.

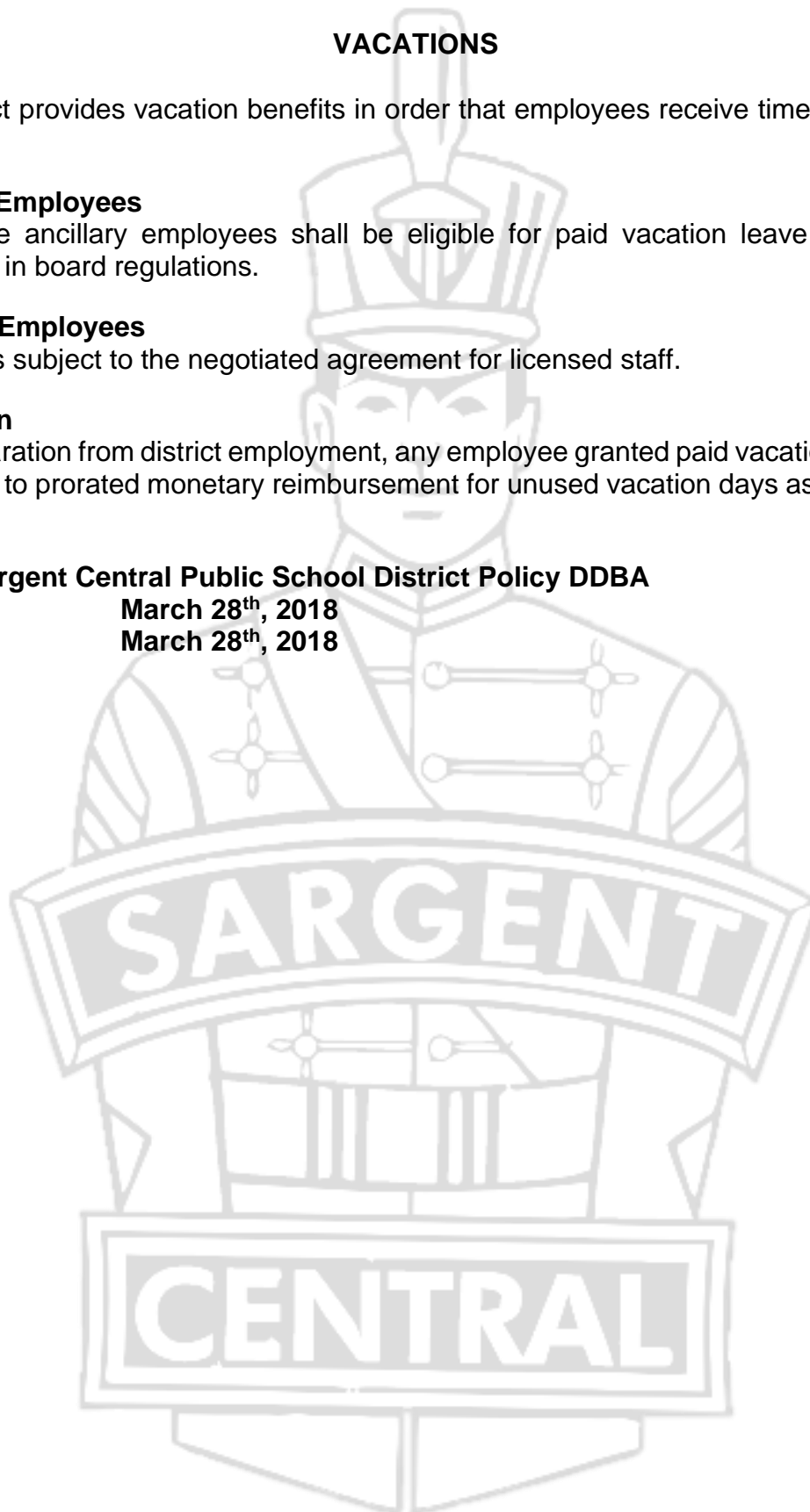
Separation

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

End of Sargent Central Public School District Policy DDBA

Reviewed March 28th, 2018

Adopted March 28th, 2018



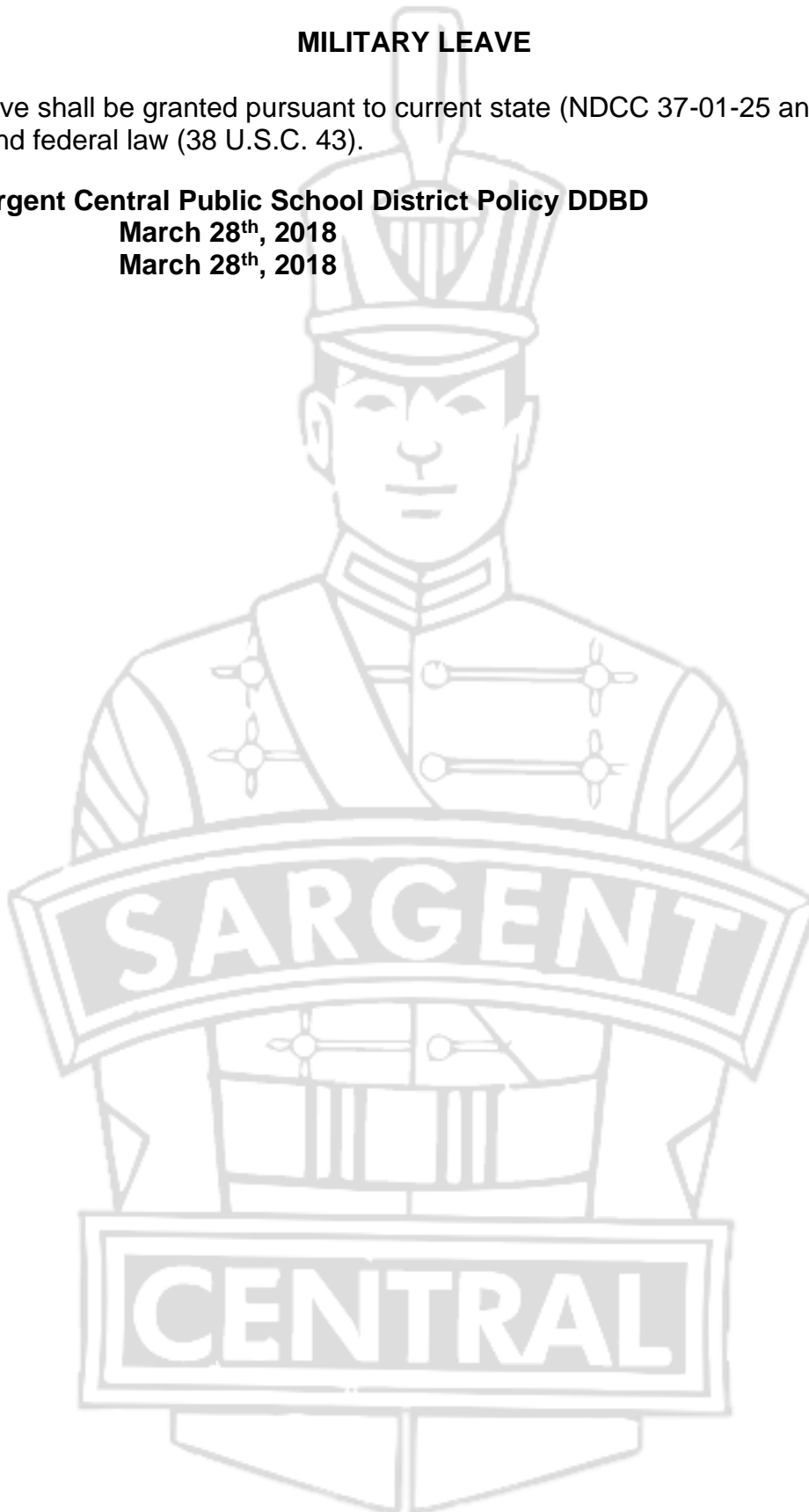
MILITARY LEAVE

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

End of Sargent Central Public School District Policy DDBD

Reviewed March 28th, 2018

Adopted March 28th, 2018



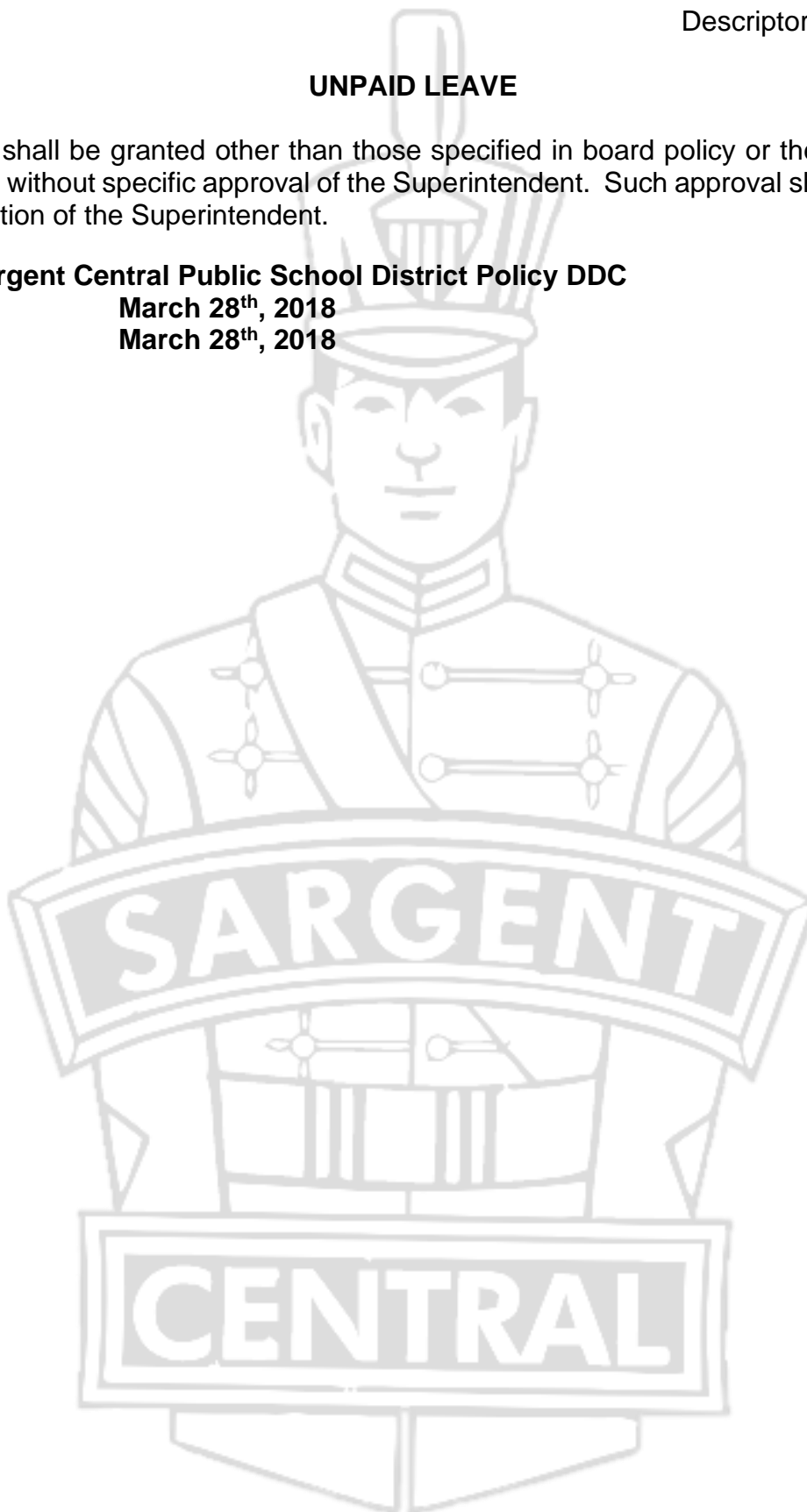
UNPAID LEAVE

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

End of Sargent Central Public School District Policy DDC

Reviewed March 28th, 2018

Adopted March 28th, 2018



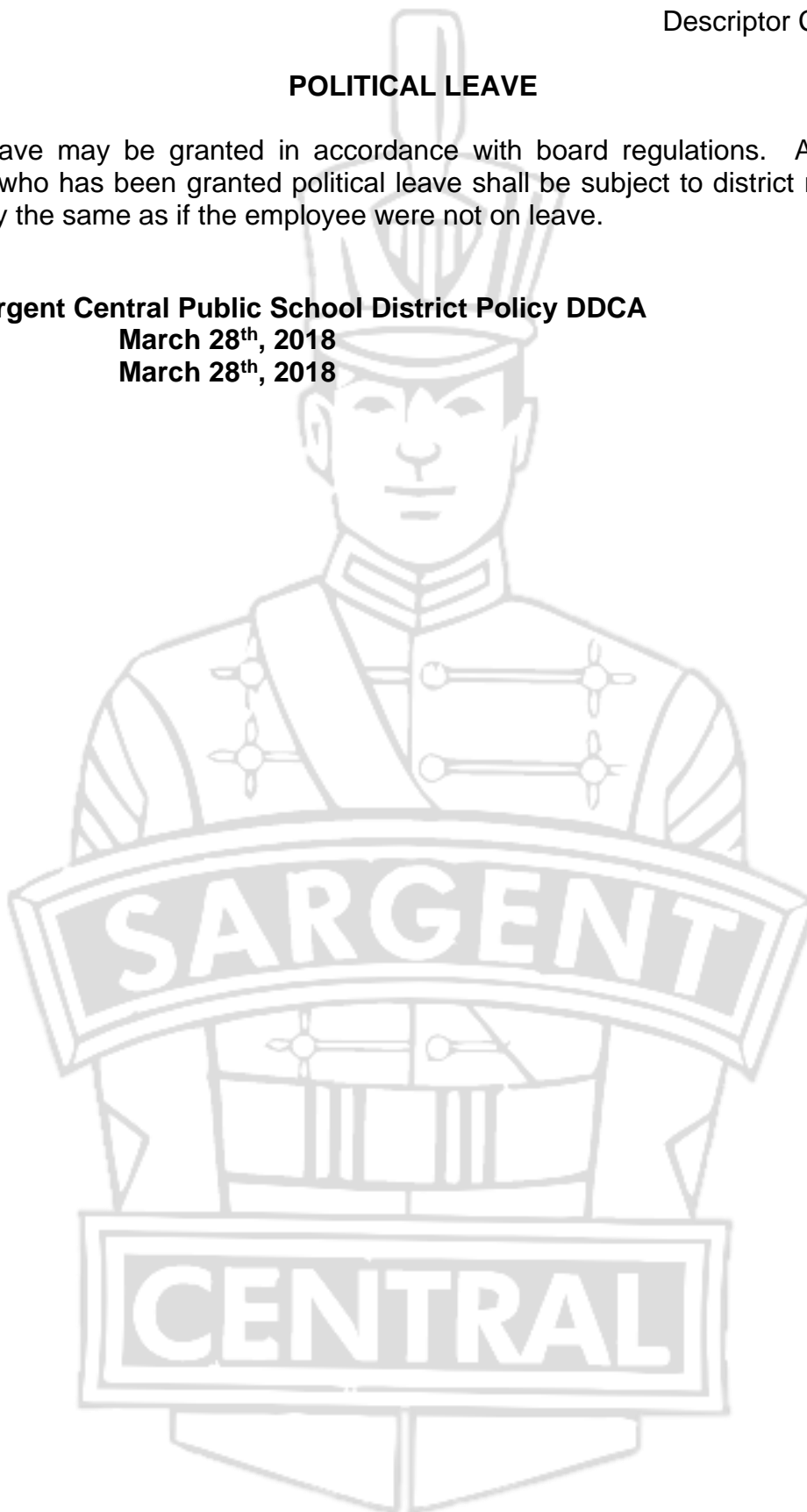
POLITICAL LEAVE

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

End of Sargent Central Public School District Policy DDCA

Reviewed March 28th, 2018

Adopted March 28th, 2018



FIRST RESPONDERS

The Sargent Central Public School District supports school staff to participate in local volunteer first responder programs. Efforts should be made in scheduling to avoid interfering with instructional time by volunteering for weekend or night shifts. Should it be necessary for a school staff member to be gone on an emergency basis during the school day, classroom coverage will be provided by administrative or other teaching staff. Only one staff member is permitted to be on duty during a school day—and only if necessary. In the event first responder volunteering conflicts with staff member school responsibilities, the staff member must either take paid or unpaid personal leave. On-duty volunteers are allowed to carry their first responder pagers in the school.

End of Sargent Central Public School District Policy DDEB

Reviewed April 14th, 2021

Adopted April 14th, 2021



STAFF CODE OF CONDUCT

Purpose

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

Application of Policy

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

Code of Conduct

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

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

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

In addition to district policies governing staff conduct, each staff member is required to:

1. Conduct oneself professionally whenever serving in his/her official capacity as a school district employee including maintaining professional decorum and professional boundaries in all interactions with students.
2. Exercise honesty and integrity when executing all duties.
3. Comply with confidentiality laws (e.g., student education records are protected by FERPA).
4. Be faithful and prompt in attendance at work.
5. Support and enforce policies and regulations of the District.
6. Diligently execute all duties as assigned by supervisors and as set forth in job descriptions, district policies, or the negotiated agreement; staff members are also required to fulfill the terms of their contracts if applicable.
7. Demonstrate care and conservation of school property and resources.
8. Make job-related decisions in a manner that is fair and consistent with district policy and the district's mission.
9. Not use his/her position with the District for private gain.

10. Treat all staff, students, and community members with dignity and respect.
11. Report suspected violations of this code of conduct, district policy, or workplace violations of law to an immediate supervisor or individual/entity designated by law/policy to receive such reports.

Dissemination of Staff Conduct Standards

The Superintendent or designee shall develop a procedure to ensure that this code of conduct and other policies governing staff conduct are provided to all staff annually. The Board further directs the Superintendent or designee to compile a list of state laws related to staff conduct and disseminate this information to staff annually. The Superintendent or designee also shall provide a copy of the Education Standards and Practices Board Code of Professional Conduct for Educators to teachers and administrators as needed.

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

Reporting and Investigation

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

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

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

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

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

Alleged Violations by the Superintendent

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

Violations

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

Retaliation and Providing False Information Prohibited

The District prohibits retaliation for an individual's participation in an investigation and/or initiation of a report under this policy, including instances when an allegation is not substantiated. The District also prohibits knowingly filing a false report and/or knowingly making false statements during an investigation. Staff and students who violate these prohibitions are subject to appropriate disciplinary action.

End of Sargent Central Public School District Policy DE

Reviewed

March 28th, 2018

Adopted

March 28th, 2018



DRUG AND ALCOHOL FREE WORKPLACE

Definitions

For purposes of this policy:

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

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

An employee must inform their immediate supervisor when the employee's ability to perform job duties is impaired due to on- or off-duty drug or alcohol use.

Awareness Program

The Superintendent shall create an Employee Drug-free Awareness Program in accordance with federal law. Information on the effects of drug and alcohol misuse, signs and symptoms of a drug and/or alcohol problem, and available methods of intervention when a misuse problem is detected can be found in the main office.

Policy Dissemination

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

Reasonable Suspicion Testing

Employees may be subject to drug and/or alcohol testing when there is reasonable suspicion by the district administrator and/or supervisor that indicates the employee may have violated district policy and is using or appears to presently be under the influence of drugs and/or alcohol in violation of the policy.

Reasonable suspicion testing shall be based on objective facts and articulable observations that are consistent with the signs and symptoms of drug and alcohol abuse; including, but not limited to, appearance, behavior, motor skills, attendance and/or work performance by the employee. The circumstances, under which drug and alcohol testing shall be considered, as outlined above, are strictly limited to time and place of employee conduct while on duty, during work hours, and/or on school property.

The District shall take steps to ensure that district administrators and supervisors receive proper training to recognize the signs and symptoms of drug and alcohol misuse prior to making determinations for reasonable suspicion testing.

Reasonable suspicion testing shall be performed in accordance with federal law on Transportation Workplace Drug Testing and testing procedures outlined in administrative regulation. The District shall designate collection sites where employees may provide specimens. This language in no way authorizes the District to conduct pre-employment, random, post-accident, return-to-duty, or follow-up drug testing on employees not subject to the Omnibus Transportation Testing Act or positions not defined by the Board as safety sensitive.

The District shall pay all costs of the employee drug and alcohol testing, unless the test is a retest requested by the employee. district employees will be compensated at their regular rate of pay for the time during which they are undergoing any drug or alcohol testing, including transportation time.]

Violation Reporting

As a condition of employment, each employee shall agree to abide by this policy and notify the Superintendent of any criminal drug statute conviction for a violation occurring in the workplace no later than five days after such conviction. The Superintendent, in accordance with applicable law, shall notify the appropriate federal and/or state agency after receiving any notice of a conviction for a violation occurring in the workplace. Failure

of the employee to report the conviction within the time prescribed may lead to disciplinary action up to and including discharge.

Violations

Violations of this policy may result in the following:

1. Mandatory participation in the Employee Assistance Program (EAP) and/or a rehabilitation program. Chemical dependency leave shall be granted in accordance with the chemical dependency leave policy;
2. Unpaid leave or suspension;
3. Termination of employment; due process procedures shall be followed prior to termination, if required; or
4. Notification of proper law enforcement authorities.

Assistance

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

Confidentiality

All information received by 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 or upon written consent of the employee.

The District shall maintain employee testing records in accordance with federal law on drug and alcohol testing regulations.

End of Sargent Central Public School District Policy DEAA

Reviewed February 11th, 2014

Adopted March 12th, 2014

Revised July 13th, 2022



CENTRAL

Descriptor Code: DEAB

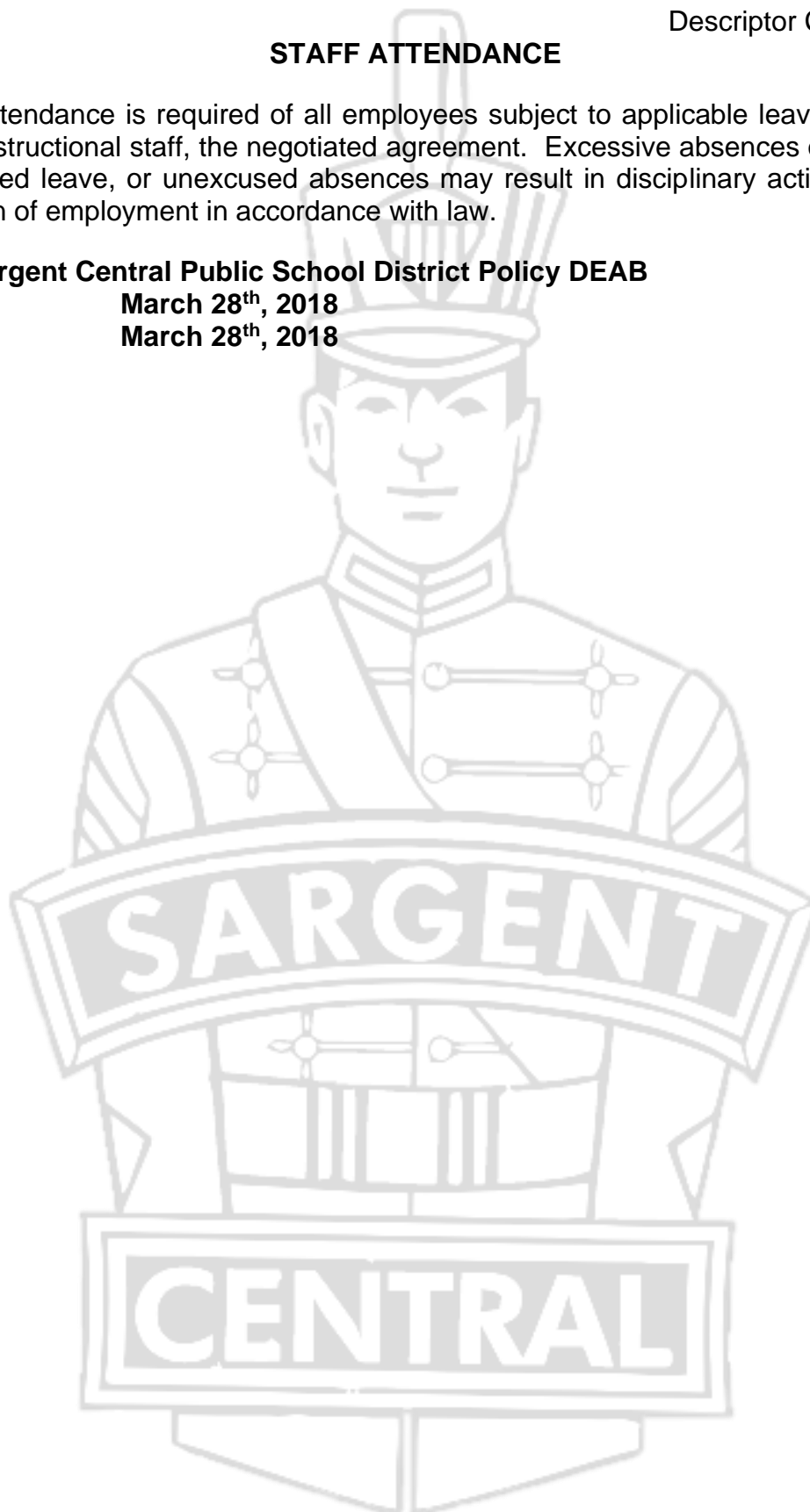
STAFF ATTENDANCE

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

End of Sargent Central Public School District Policy DEAB

Reviewed March 28th, 2018

Adopted March 28th, 2018



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), Individuals with Disabilities Education Act (IDEA) and any other applicable federal requirements.

Information Release

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

Violations

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

End of Sargent Central Public School District Policy DEBA

Reviewed March 28th, 2018

Adopted March 28th, 2018



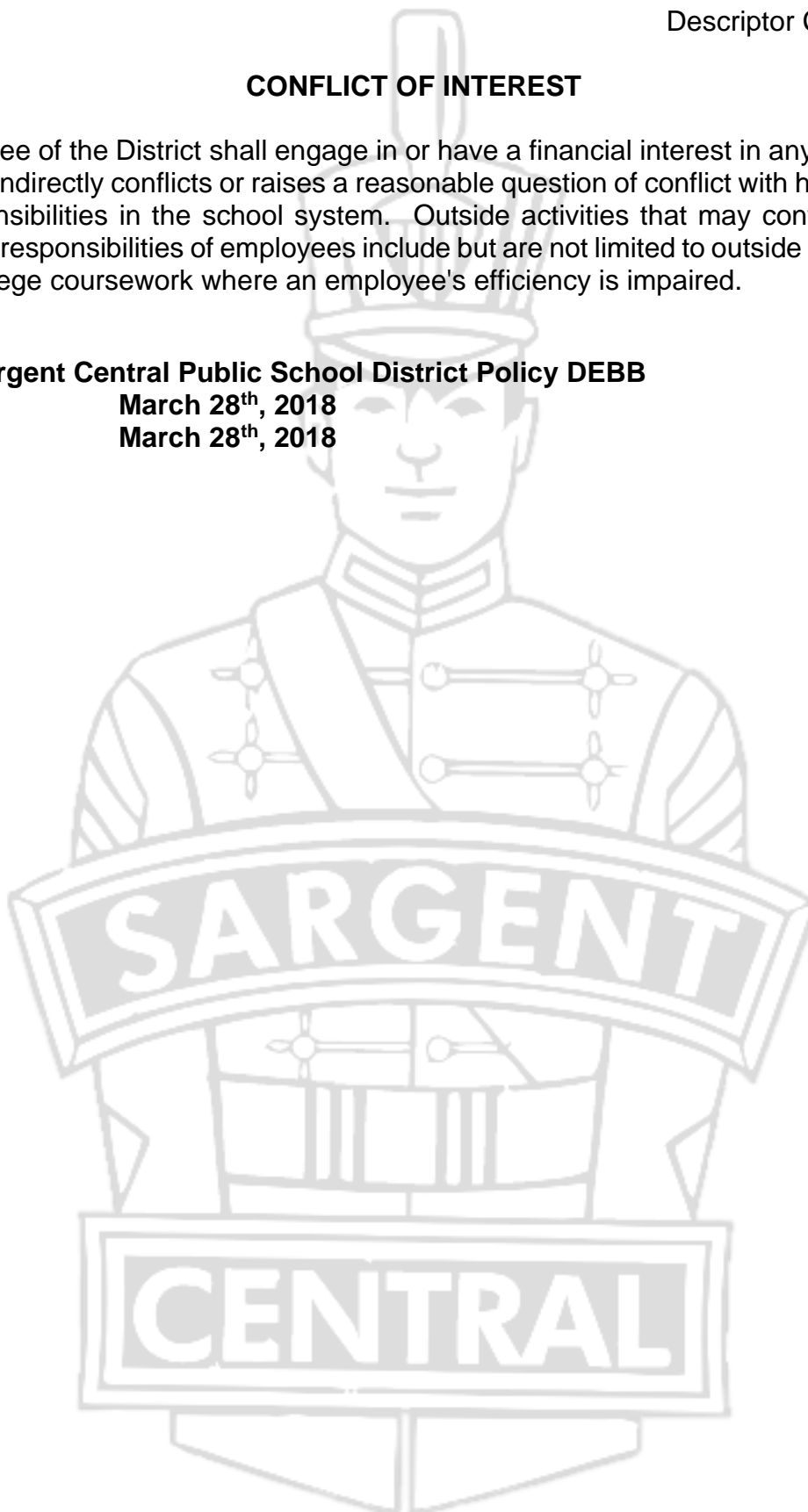
CONFLICT OF INTEREST

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

End of Sargent Central Public School District Policy DEBB

Reviewed March 28th, 2018

Adopted March 28th, 2018



STAFF-STUDENT RELATIONS (NON-FRATERNIZATION POLICY)

The Board requires employees, volunteers, and students to treat one another with respect and professionalism. All employees and volunteers are expected to exercise good judgment and maintain professional boundaries when interacting with students at all times, on and off school property.

Prohibited Behavior

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

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

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

All reported prohibited behavior shall be investigated. If disciplinary action is deemed warranted at the completion of the investigation, the District shall take appropriate action up to and including termination of employment in accordance with law and/or reporting such activity to appropriate state licensing and law enforcement officials.

End of Sargent Central Public School District Policy DEBD

Reviewed March 28th, 2018

Adopted March 28th, 2018



CENTRAL

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

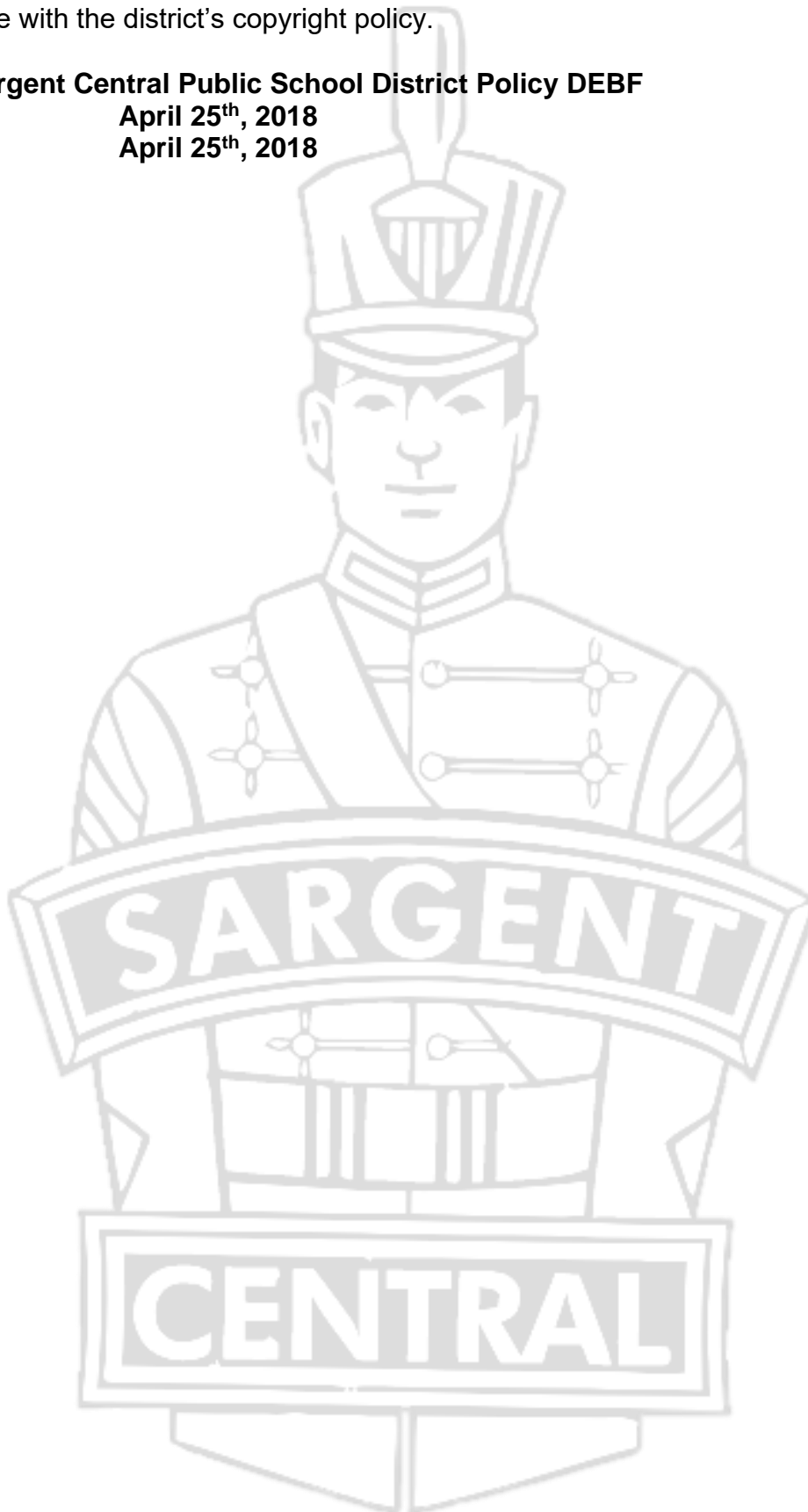
In addition to the requirements established by this policy, the District has a policy on confidentiality that governs on- and off-duty speech of district employees. The District also prohibits use of district owned or created material such as, but not limited to, the district's logo or copy trademark 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.

End of Sargent Central Public School District Policy DEBF

Reviewed April 25th, 2018

Adopted April 25th, 2018



ADMINISTRATIVE LEAVE & SUSPENSION

Administrative Leave

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

Prior to placing an employee on administrative leave, the Superintendent should consider if a transfer or reassignment of the employee would be an appropriate alternative to administrative leave. A decision to transfer or reassign an employee shall not violate the terms of the employee's contract with the district or negotiated agreement, if applicable.

As decided by the Superintendent, administrative leave may be with or without pay, and the employee shall not be required to take any applicable paid leave benefits as part of the administrative leave.

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

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

Suspension

The Board delegates authority to the Superintendent to suspend all contracted district employees, except when the Board is required to suspend teachers and administrators by applicable law (NDCC 15.1-14-08 and 15.1-15-10). The Superintendent is authorized to suspend all at-will employees.

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

End of Sargent Central Public School District Policy DED

Reviewed

March 28th, 2018

Adopted

March 28th, 2018

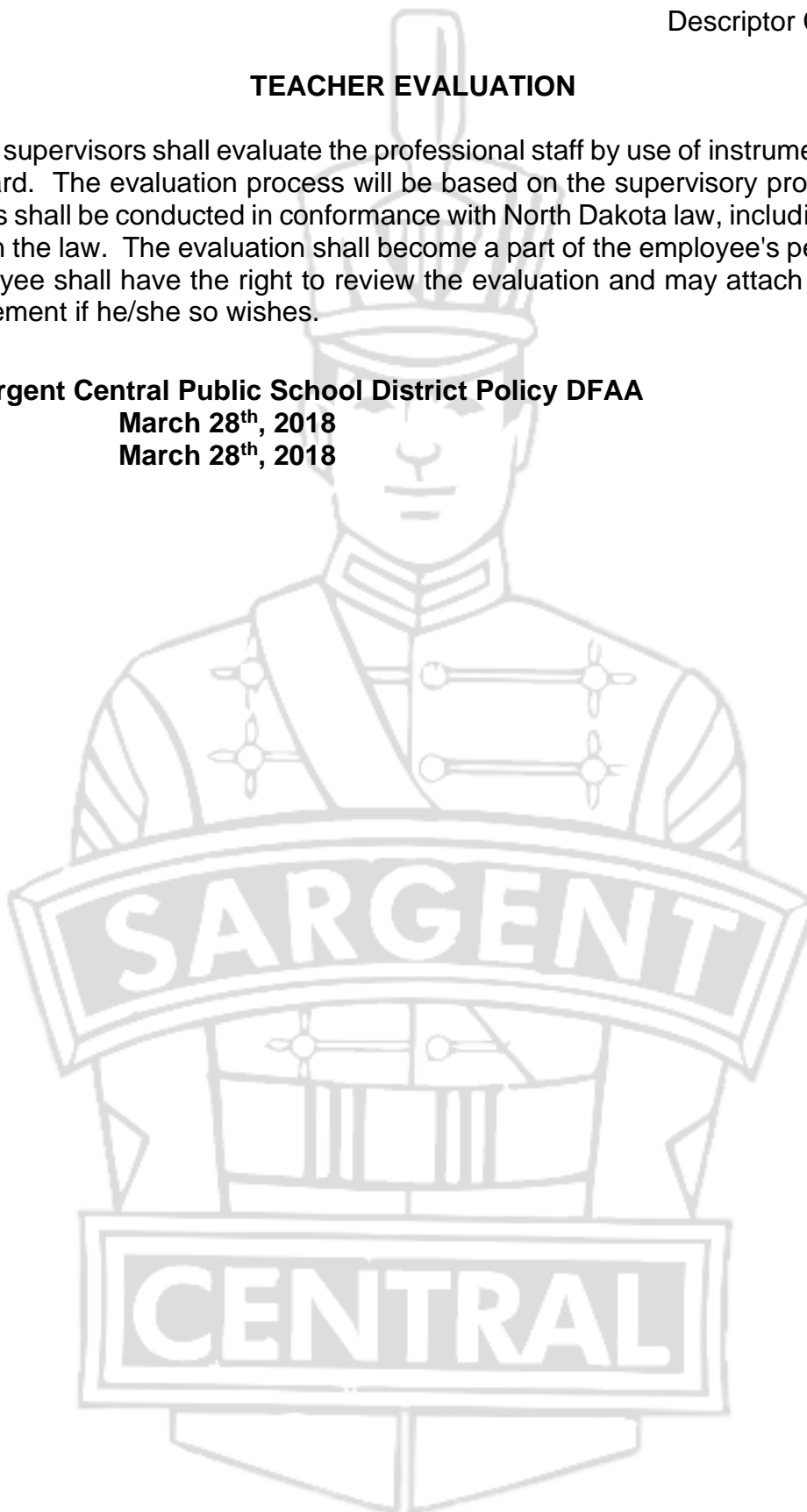
TEACHER EVALUATION

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

End of Sargent Central Public School District Policy DFAA

Reviewed March 28th, 2018

Adopted March 28th, 2018



PROFESSIONAL DEVELOPMENT PLAN

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

Professional Development Plan

The Superintendent shall develop a professional development plan that contains all the components required by law and is based on district needs 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 in-service 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 can be a factor used in evaluating the plan.

End of Sargent Central Public School District Policy DHBA

Reviewed January 28th, 2015

Adopted January 28th, 2015



PERSONNEL RECORDS

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

Location

Personnel records shall be maintained in the following areas:

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

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

Former Employees

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

Pre-Employment Records

Employment references should be returned to the author; filed or destroyed immediately following employment.

An attempt will be made to contact authors of confidential pre-employment references to inform them of the North Dakota open records law. Reference materials will be returned only upon request of the author.

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.

Record Review

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

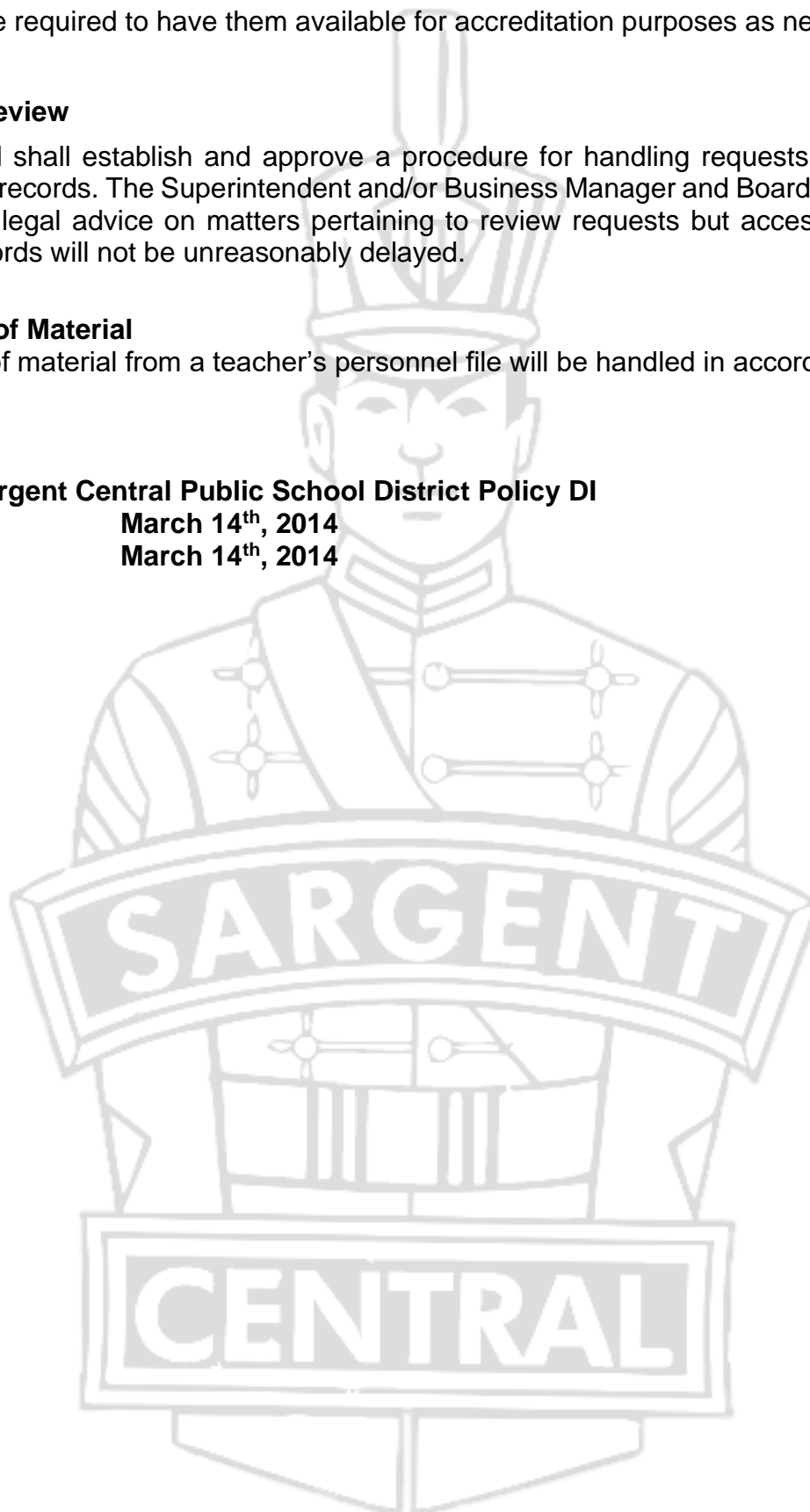
Removal of Material

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

End of Sargent Central Public School District Policy DI

Reviewed **March 14th, 2014**

Adopted **March 14th, 2014**



PERSONNEL RECORDS REVIEW PROCEDURE

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

1. The request to view an employee's record may be made in writing, in person, or by phone. Written requests shall become a part of the file.
2. The file may be viewed in the administrative office or a copy may be mailed to the person requesting to view the file if that person so chooses. A school district employee other than the employee whose file is being reviewed shall be present during the review of the file to maintain the security of the file's contents.
3. Copies of any documents in the file will be made upon request and at reasonable charge in accordance with law to the person requesting them. The charge may include the cost of materials, use of equipment, and labor for making the copies, and time spent in locating the file. The cost of mailing may also be included in the charge if the copy is to be mailed. This charge shall be applied uniformly and without discrimination and due to the central office before the file is mailed.
4. The employee may be notified that the file will be reviewed or has been reviewed.

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

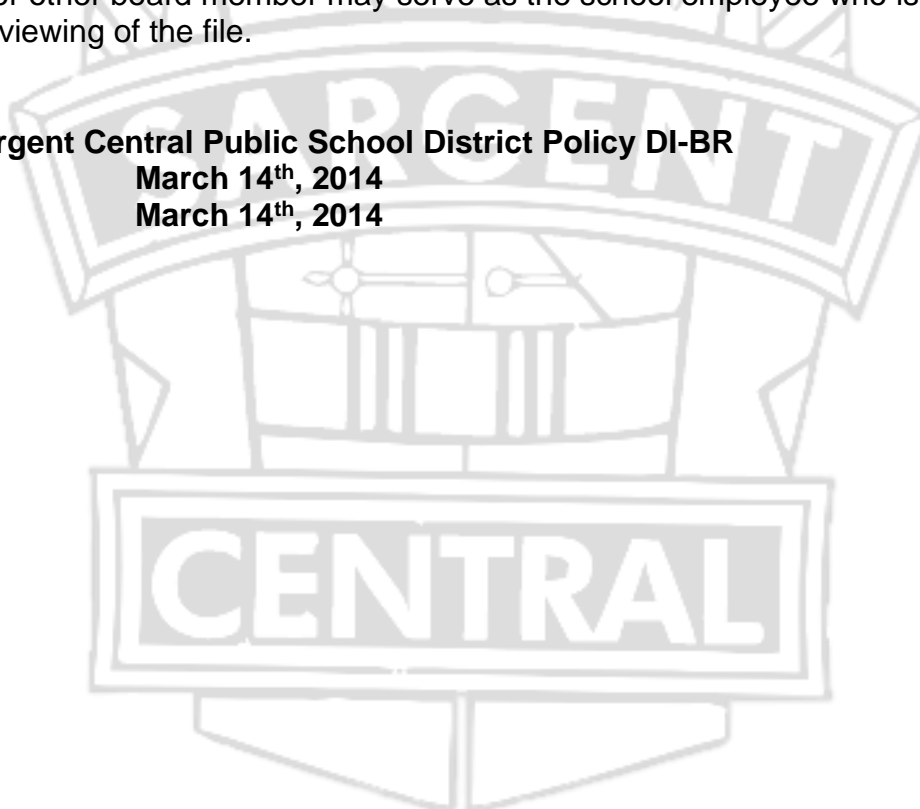
End of Sargent Central Public School District Policy DI-BR

Reviewed

March 14th, 2014

Adopted

March 14th, 2014



REVIEW OF CONTESTED MATERIAL IN PERSONNEL FILES

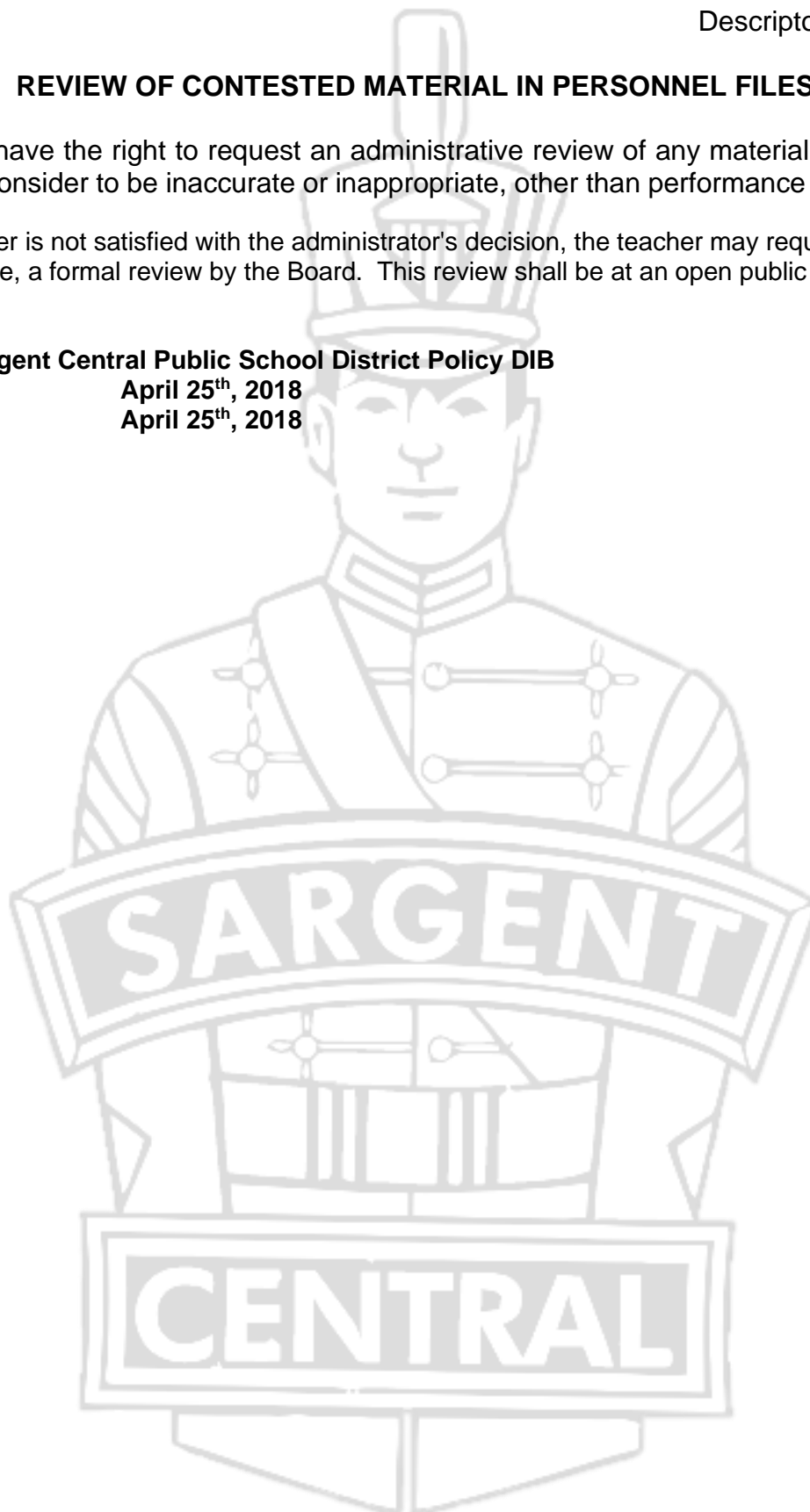
Teachers have the right to request an administrative review of any material in their files that they consider to be inaccurate or inappropriate, other than performance evaluations.

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

End of Sargent Central Public School District Policy DIB

Reviewed April 25th, 2018

Adopted April 25th, 2018



SUBSTITUTE TEACHERS

Definition and Qualifications

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

Substitute teachers are recognized as long-term substitute teachers after ten (10) consecutive working days substituting for the same certified staff member. Consecutive days shall include holidays, storm days, in-service days, NDCEL days and do not carry over from one school year to the next.

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

Pay

The rate of pay for substitute teachers shall be based on the starting salary (according to the BS step 0 of the salary schedule) divided by the number of contracted days for a full-time teacher and then multiplied by 63.5%, rounding up to the nearest dollar.

Substitute teachers recognized as long-term substitute teachers will be paid retroactively (to the first day of this consecutive period) at the following rate: the annual base teaching salary (the BS step 0 of the salary schedule) divided by the number of contracted days for a full-time teacher.

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

Supervision and Evaluation

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

End of Sargent Central Public School District Policy DJA

Reviewed

April 25th, 2018

Adopted

April 25th, 2018

Revised

Sept. 23rd, 2020

Revised

October 11th, 2023

PART-TIME TEACHERS

Definitions

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

- *Full time teacher* is a certified staff member working an average of 32 hours per week.
- *Part time teacher* means a certified staff member that does not meet or exceed the hours required to be considered a full-time teacher.

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

Salaries and Fringe Benefits

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

End of Sargent Central Public School District Policy DJB

Reviewed

April 25th, 2018

Adopted

April 25th, 2018



TEACHERS' AIDES

Definitions

For the purposes of this policy:

- *Teacher's aide* means an adult school employee, working under the direction of licensed administrative and teaching staff.
- *Non-instructional duties* include, but are not limited to: performing clerical tasks, attending to physical needs of children, acting as a translator, coordinating parental involvement events, and supervising the playground and/or lunchroom.

Hiring

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

Qualifications

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

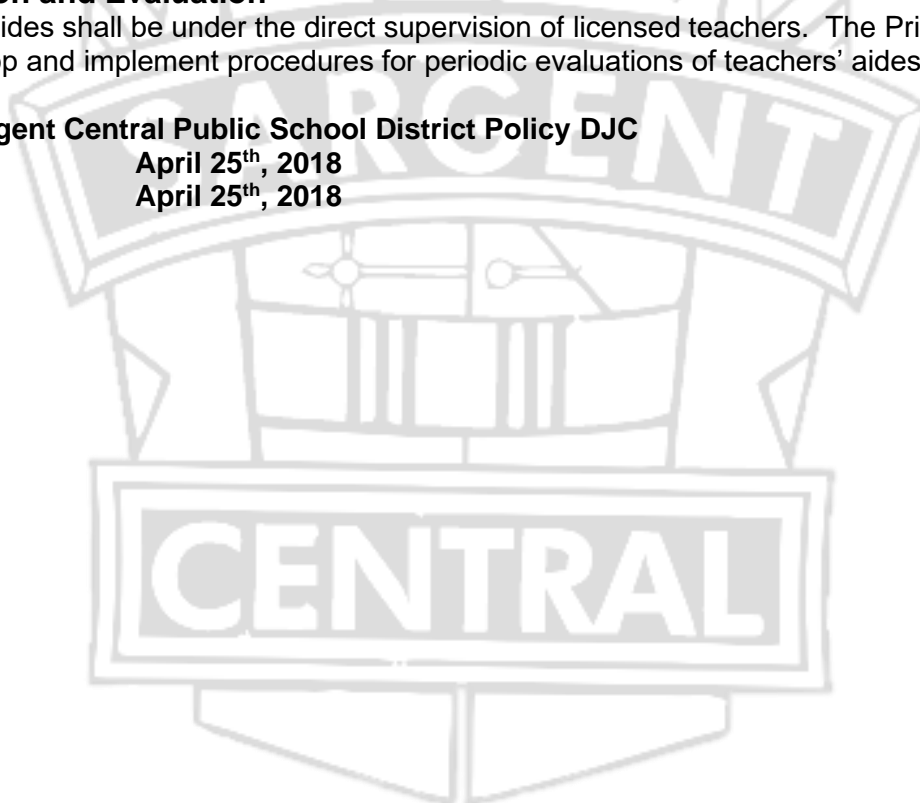
Supervision and Evaluation

Teachers' aides shall be under the direct supervision of licensed teachers. The Principal(s) shall develop and implement procedures for periodic evaluations of teachers' aides.

End of Sargent Central Public School District Policy DJC

Reviewed April 25th, 2018

Adopted April 25th, 2018



REDUCTION-IN-FORCE POLICY

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

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

Criteria

The Superintendent shall recommend teacher(s) for reduction in force in accordance with the following criteria:

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

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

Notices & Hearing

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

Recall Rights

Any teacher who is nonrenewed under the provisions of this policy may request and shall be given consideration for teaching vacancies for which said teacher is qualified and which occur within 12 months after receipt of written notice of the nonrenewal decision. It shall be the sole responsibility of said teacher to provide the District with a current address. Any teacher who is offered re-employment hereunder and fails to accept the same within fifteen (15) days after it is offered shall be deemed to have rejected said offer and shall forfeit all future recall rights if an offer of equal employment is rejected.

End of Sargent Central Public School District Policy DKA

Reviewed April 25th, 2018

Adopted April 25th, 2018

CONTRACTED STAFF RESIGNATIONS & REQUEST FOR RELEASE FROM CONTRACT

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

Request for Release from Contract

When a member of the staff requests a release from contract, the Board may exercise one of three options:

1. Grant an unconditional release from contract.
2. Deny temporarily or table the request with the understanding that the administration will be directed to facilitate the granting of the request by seeking an adequately qualified replacement.
3. Deny the request.

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

Liquidated Damages and Breaches

Any release from contract or breach of contract is subject to a payment of liquidated damages to the District unless waived by the Board. Liquidated damage amounts shall be placed in board-approved regulations.

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

Resignation

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

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

End of Sargent Central Public School District Policy DKBB

Reviewed April 25th, 2018

Adopted April 25th, 2018

