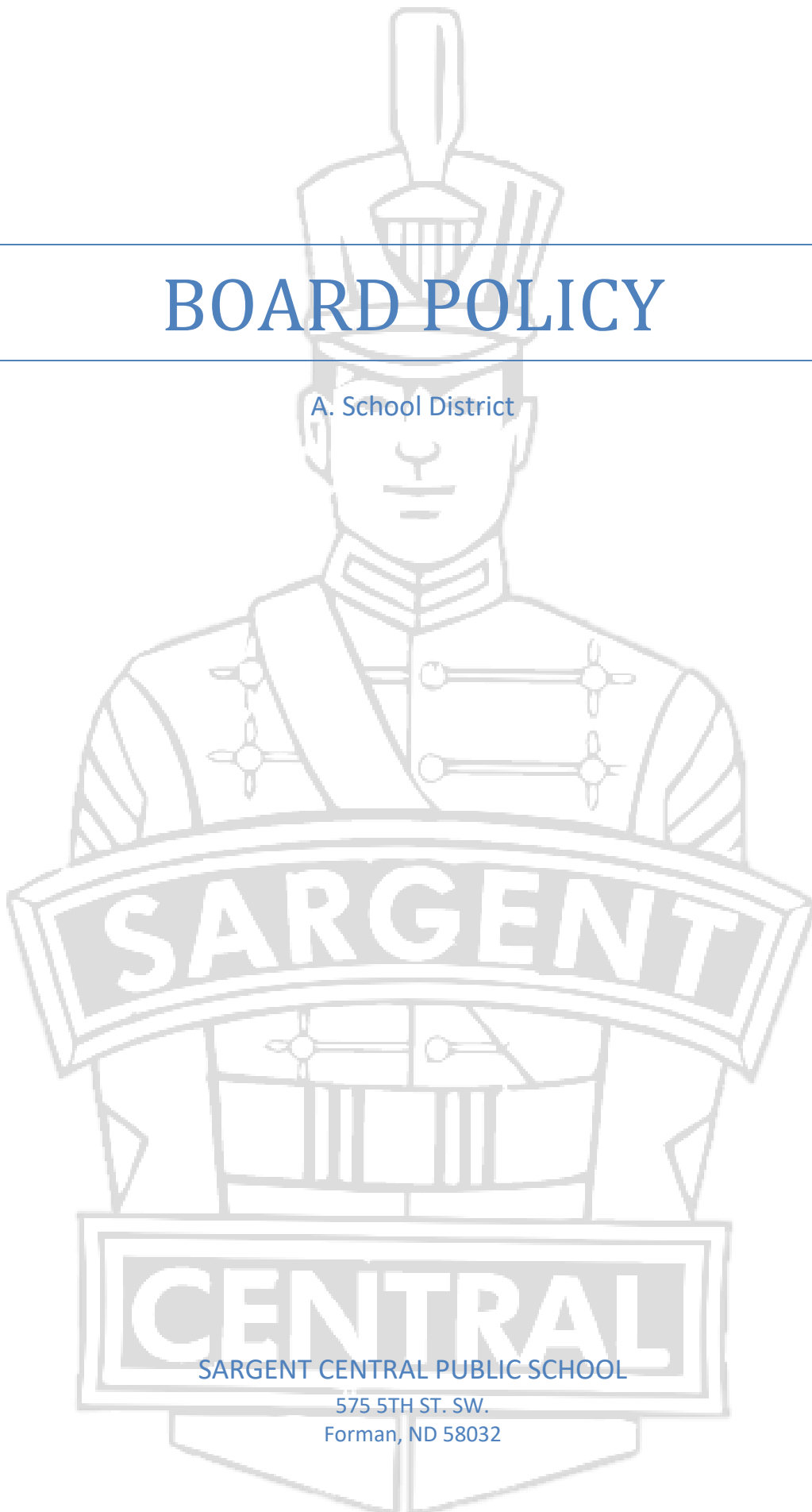

BOARD POLICY

A. School District



SARGENT CENTRAL PUBLIC SCHOOL

575 5TH ST. SW.

Forman, ND 58032

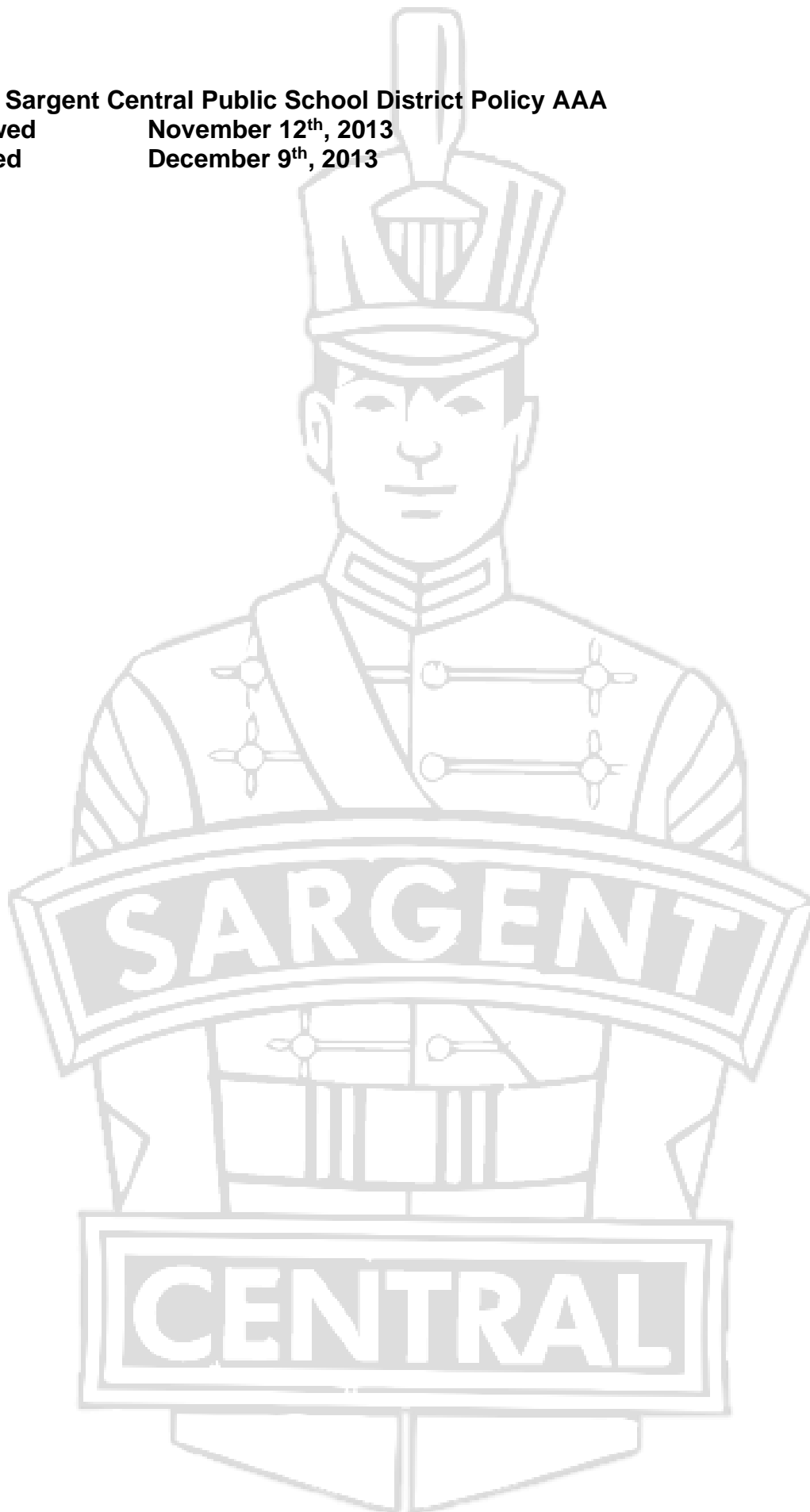
PHILOSOPHY OF PUBLIC SCHOOLS

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

We Believe:

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

End of Sargent Central Public School District Policy AAA
Reviewed November 12th, 2013
Adopted December 9th, 2013



DISTRICT GOALS AND OBJECTIVES

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

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

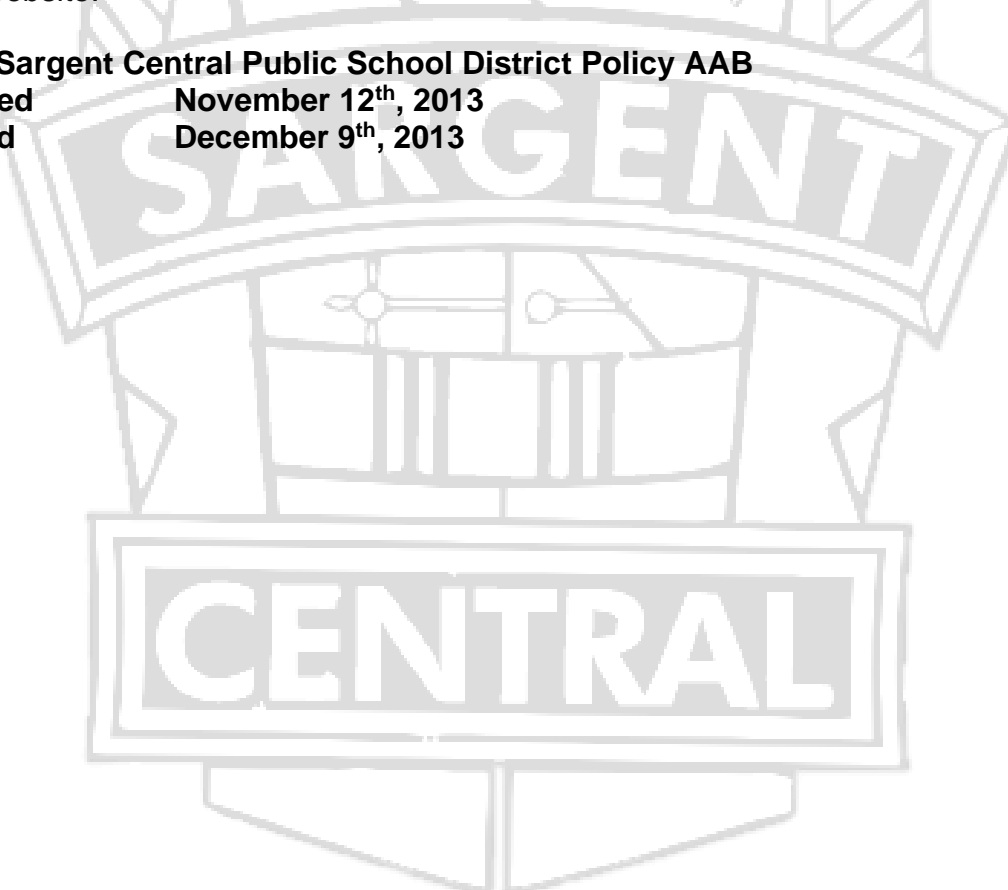
Sargent Central School District Goals; Established through Big River, Inc.

1. Continue to look for, and be open to ways of offering a variety of academic and nontraditional opportunities for students (sharing staff, resources, etc.)
2. Increase expectations for academics, activities, and fine arts excellence.
3. Maintain current strong financial position
4. Implement more team building and staff meetings to increase communication.
5. Review and update Sargent Central Public School District's policy manual for required policies in relation to local, state, and federal mandates. Incorporate the North Dakota School Boards Associations prescribed policy manual including policies through Policy Ponderings.
6. Revamp Sargent Central Public School District's website as a communication instrument for school district personnel, community patrons, and guest to the website.

End of Sargent Central Public School District Policy AAB

Reviewed November 12th, 2013

Adopted December 9th, 2013



NONDISCRIMINATION AND ANTI-HARASSMENT POLICY

General Prohibitions

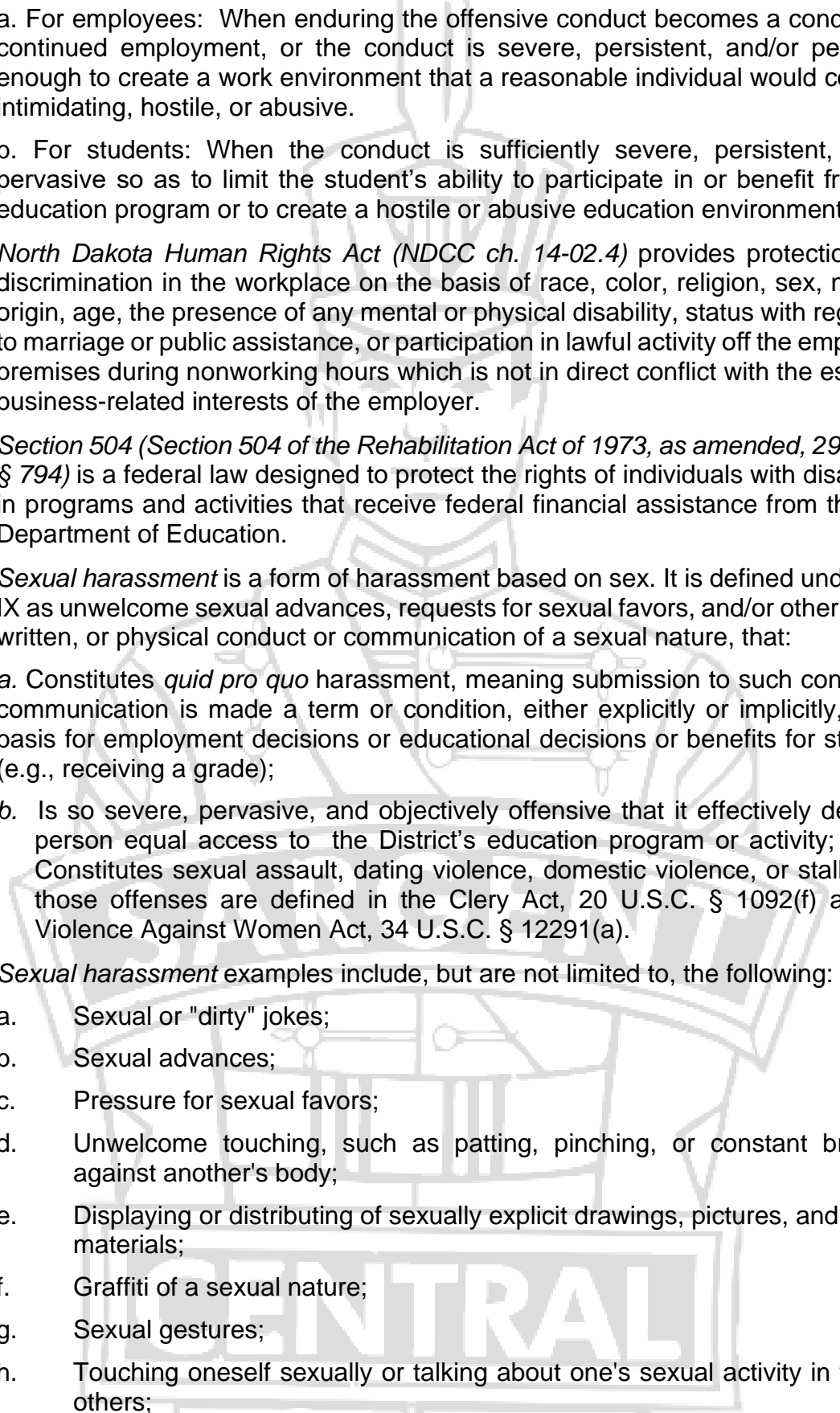
The Sargent Central Public School is committed to maintaining a learning and working environment free from discrimination and harassment in all employment and educational programs, activities, and facilities. The District prohibits discrimination and harassment based on a student's, parent's, guardian's, or employee's race, color, religion, sex, gender identity, national origin, ancestry, disability, age, or other status protected by law. The District also provides equal access to the Boy Scouts and other designated youth groups, as required by federal law.

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

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

Definitions

- *Complainant* is the individual filing the complaint. If the complainant is not the victim of the alleged discrimination and/or harassment, the victim must be afforded the same rights as the complainant under this policy and regulations AAC-BR1 or AAC-BR2.
- *Disability* is defined in accordance with NDCC 14-02.4-02 (5).
- *Discrimination* means failure to treat an individual equally due to a protected status.
- *Protected status* is defined in applicable state (NDCC 14-02.4-02 (6)) and federal laws.
- *Employee* is defined in accordance with NDCC 14-02.4-02 (7).
- *Harassment* is a specific type of discrimination based on a protected status. It occurs under the following conditions:

- 
- a. For employees: When enduring the offensive conduct becomes a condition of continued employment, or the conduct is severe, persistent, and/or pervasive enough to create a work environment that a reasonable individual would consider intimidating, hostile, or abusive.
- b. For students: When the conduct is sufficiently severe, persistent, and/or pervasive so as to limit the student's ability to participate in or benefit from the education program or to create a hostile or abusive education environment.
- *North Dakota Human Rights Act (NDCC ch. 14-02.4)* provides protection from discrimination in the workplace on the basis of race, color, religion, sex, national origin, age, the presence of any mental or physical disability, status with regarding to marriage or public assistance, or participation in lawful activity off the employer's premises during nonworking hours which is not in direct conflict with the essential business-related interests of the employer.
 - *Section 504 (Section 504 of the Rehabilitation Act of 1973, as amended, 29 U.S.C. § 794)* is a federal law designed to protect the rights of individuals with disabilities in programs and activities that receive federal financial assistance from the U.S. Department of Education.
 - *Sexual harassment* is a form of harassment based on sex. It is defined under Title IX as unwelcome sexual advances, requests for sexual favors, and/or other verbal, written, or physical conduct or communication of a sexual nature, that:
 - a. Constitutes *quid pro quo* harassment, meaning submission to such conduct or communication is made a term or condition, either explicitly or implicitly, of the basis for employment decisions or educational decisions or benefits for students (e.g., receiving a grade);
 - b. Is so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the District's education program or activity; or
 - c. Constitutes sexual assault, dating violence, domestic violence, or stalking as those offenses are defined in the Clery Act, 20 U.S.C. § 1092(f) and the Violence Against Women Act, 34 U.S.C. § 12291(a).
 - *Sexual harassment* examples include, but are not limited to, the following:
 - a. Sexual or "dirty" jokes;
 - b. Sexual advances;
 - c. Pressure for sexual favors;
 - d. Unwelcome touching, such as patting, pinching, or constant brushing against another's body;
 - e. Displaying or distributing of sexually explicit drawings, pictures, and written materials;
 - f. Graffiti of a sexual nature;
 - g. Sexual gestures;
 - h. Touching oneself sexually or talking about one's sexual activity in front of others;

- i. Spreading rumors about or rating other's sexual activity or performance;
 - j. Remarks about an individual's sexual orientation; and
 - k. Sexual violence, including rape, sexual battery, sexual abuse, and sexual coercion.
- *Title II of the Americans with Disabilities Act* extends the prohibition on discrimination established by Section 504 to all services, programs, and activities of State and local government entities.
 - *Title VI* is a federal law that provides protection from discrimination based on race, color, or national origin in employment and employment practices in programs or activities receiving federal financial assistance.
 - *Title VII* is a federal law that provides protection from discrimination on the basis of race, color, religion, sex or national origin. Title VII applies to all public school districts with 15 or more employees.
 - *Title IX* is a federal law that provides protection from discrimination, based on sex, in education programs or activities that receive federal financial assistance.

Other or different definitions may be set forth in board regulations AAC-BR1 or AAC-BR2.

Complaint Filing Procedure

The Board shall create an informal and formal discrimination and harassment complaint filing procedure in board regulations coded AAC-BR1. For Title IX sexual harassment complaints, grievance procedures shall be followed in accordance with federal regulations and board regulation AAC-BR2. The procedure provides for an impartial investigation free of conflicts of interest and bias. Nothing in this policy or in the discrimination and harassment grievance procedure prevents an individual from pursuing redress available through state and/or federal law.

Confidentiality

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

Complaint Recipients

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

Grievance Coordinators

Districts must designate at least one employee to be their Title IX Coordinator and authorize such individual(s) to coordinate the district's efforts to comply with its responsibilities under the applicable regulations.

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

The Board designates the Superintendent, as the Title IX Coordinator. They may be contacted at: 575 5th St. SW Forman, ND 58032, or 701-724-3205. Districts must notify students, parents or legal guardians, employees and unions of the name and specified contact information for the designated Title IX Coordinator(s). The notification must also state that inquiries about the application of Title IX and its regulations may be directed to the district's Title IX Coordinator or the Assistant Secretary of Education, or both. Districts must prominently display the Title IX Coordinator(s) contact information on their website, if any, and in each handbook it makes available to students, parents or legal guardians, employees and unions.

The 504/Title II Coordinator's responsibilities include overseeing the district's response to disability discrimination reports and complaints. The 504/Title II Coordinator must have knowledge of the requirements of Section 504 and Title II, of the district's policies and procedures on disability discrimination, and of all complaints raising Section 504/Title II issues throughout the District. To accomplish this, the 504/Title II Coordinator must be informed of any report or complaint raising Section 504/Title II issues, even if the report or complaint was initially filed with another individual or office or if the investigation will be conducted by another individual or office. The Board designates the Superintendent as the 504/Title II Coordinator. They may be contacted at: 575 5th St. SW Forman, ND 58032, or 701-724-3205.

The Nondiscrimination Coordinator's core responsibilities include overseeing the district's response to discrimination and harassment reports and complaints that do not include sex or disability under applicable federal laws, but instead the other protected statuses or sex or disability based discrimination under state law. The Board designates the Superintendent, as the Nondiscrimination Coordinator. They may be contacted at: 575 5th St. SW Forman, ND 58032, or 701-724-3205.

Policy Dissemination

The Superintendent shall display this policy and complementary grievance procedures in a prominent place in each district building and publish it in student and employee handbooks.

Training

The Board authorizes the Superintendent to develop discrimination and harassment awareness training for students and employees. Employee training requirements are delineated in board exhibit AAC-E3, Discrimination and/or Harassment Training Requirements for Employees.

The Title IX, 504/Title II, and Nondiscrimination Coordinators, and any other school official responsible for the investigation of discrimination complaints, shall receive training. This training must include:

1. The definition of discrimination, harassment, and retaliation;
2. The handling of complaints under the Discrimination and Harassment Grievance Procedure (AAC-BR1); and
3. The applicability of confidentiality requirements.

In addition, the Title IX Coordinator(s), investigators, decision-makers, and those facilitating an informal resolution process, if applicable, under Title IX shall receive training in a number of areas specified in board regulation AAC-BR2.

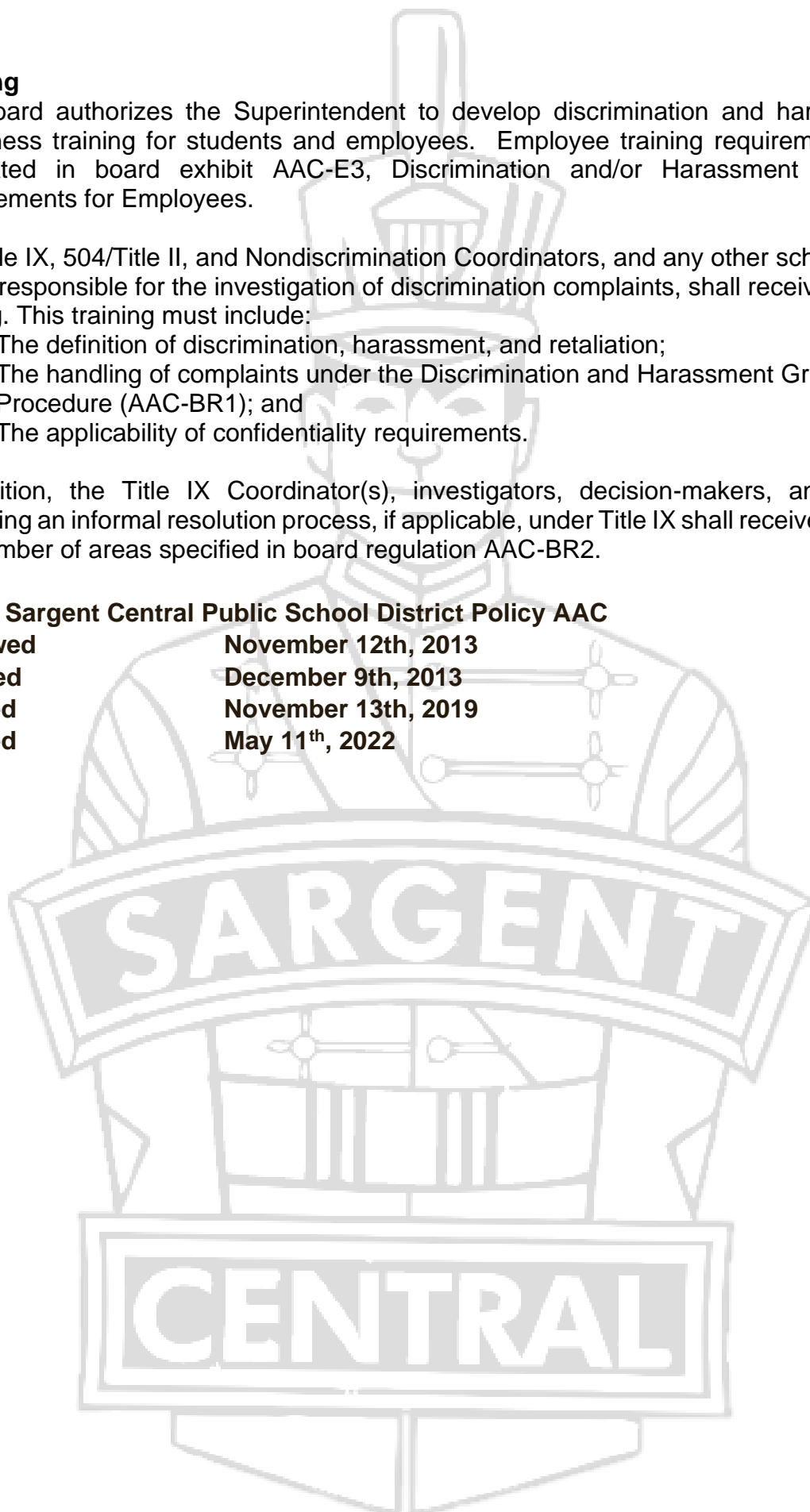
End of Sargent Central Public School District Policy AAC

Reviewed November 12th, 2013

Adopted December 9th, 2013

Revised November 13th, 2019

Revised May 11th, 2022



SECTION 504 OF THE REHABILITATION ACT OF 1973 POLICY

The Sargent Central Public School District prohibits the discrimination against any student with a disability as defined in Section 504 of the Rehabilitation Act of 1973 ("Section 504") and in t policy AAC, Nondiscrimination and Anti-Harassment Policy. The Board designates the Elementary Principal as the 504 Coordinator to ensure compliance with applicable laws and policy. The 504 Coordinator may be contacted at: 575 5th St. SW, Forman, ND 58032 or 701-724-3205.

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

Free Appropriate Public Education

The District shall identify, locate, evaluate, and provide a "free appropriate public education" (FAPE) to each qualified student with a disability who is in the district's jurisdiction, regardless of the nature or severity of the disability. Qualified students are entitled to receive regular or special education and related aids and services that:

1. Are designed to meet individual educational needs of students with disabilities as adequately as the needs of students without disabilities; and
2. Are based upon adherence to procedures that satisfy the requirements pertaining to educational setting, evaluation and placement, and procedural safeguards.

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

Educational Setting

The District shall educate students with disabilities with students without disabilities to the maximum extent appropriate to the needs of the student with a disability. The District shall place a student with a disability in the regular educational environment unless it is demonstrated by the District that educating the student with a disability in the regular education environment with the use of supplementary aids and services cannot be achieved satisfactorily. Whenever the District places a student in a setting other than the regular educational environment, it shall take into account the proximity of the alternate setting to the student's home.

The District may place a student with a disability in, or refer such student to, a program not operated by the school district. Nevertheless, the District remains responsible for ensuring that the education offered is appropriate education, as defined in law. The District shall ensure that adequate aid, benefits, or services, e.g., transportation, the cost of room and board, and non-medical care, are provided at no greater cost than would be incurred by the student or their parents or guardian if the student were placed in the aid, benefits, or services operated by the District.

The District may place a student with a disability in a private or out-of-state school, for which the District is required to pay. However, the District is not required to pay for a student's education in a private or out-of-state school if the District makes FAPE available and the student's parents choose to place the child in a private or out-of-state school.

Comparable Facilities

The District shall ensure that facilities identified for students with disabilities and the services and activities provided therein are comparable to the other facilities, services, and activities of the District.

Evaluation and Placement

The District shall conduct an initial evaluation in a timely manner prior to placement of any student who needs or is believed to need special education or related services because of disability. The student evaluation, and if necessary medical assessment, must be at no cost to the student's parents or guardians. The District shall make decisions regarding the needs and placement of a student with a disability on an individual basis, rather than on presumptions or stereotypes regarding persons with disabilities or classes of such persons, or based on concerns about the costs of providing the related aids or services.

The Superintendent or designee shall establish standards and procedures to evaluate students who may have a disability and need special education or related services in administrative regulation coded AACAR. Placement decisions shall be made in compliance with educational setting requirements.

The District shall periodically reevaluate students who have been provided special education or related services, and prior to a significant change in placement.

Procedural Safeguards

The District shall develop and implement a system of procedural safeguards for parents or guardians to appeal district actions regarding the identification, evaluation, and educational placement of students with disabilities. Procedural safeguards shall include notice; an opportunity for records review by parents or guardians; an impartial due process hearing, with opportunity for participation by the student's parents or guardians and representation by counsel; and a review procedure.

The Superintendent or designee shall inform and make available to parents or guardians of students with disabilities applicable procedural safeguards and required notifications.

Disputes between parents or guardians and the district regarding the identification, evaluation, or placement of any student with a disability, or regarding the question of financial responsibility for services, shall be resolved in accordance with the processes specified in the herein. The 504 Coordinator must be informed of any Section 504 complaint, even if the complaint was initially filed with another individual or office, or if the investigation will be conducted by another individual or office.

The District may encourage mediation, at their expense, before relying on more formal procedures, such as the local grievance procedure, impartial due process hearing, or

complaints to the Office for Civil Rights (OCR). Mediation shall not interfere with any procedural safeguards, including a request for an impartial due process hearing, or filing a complaint with OCR.

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

All other complaints concerning Section 504 may be filed using the district's nondiscrimination and anti-harassment grievance procedure (AAC-BR1) or through state or federal law.

Nonacademic Services

The District shall provide nonacademic and extracurricular services and activities, including, but not limited to, meals, recess periods, extracurricular athletics, interscholastic sports, and/or other nonacademic activities, in a manner that provides students with disabilities an equal opportunity for participation. The District may require a level of skill or ability of a student in order to participate in selective or competitive program or activity, so long as the selection or competition criteria are not discriminatory.

Self-Evaluation

The Superintendent or designee shall periodically conduct a self-evaluation of their school facilities, programs, activities, and policies to ensure compliance with Section 504, and develop a transition plan that outlines how the school will eliminate any form of disability discrimination and the timeframe for completion.

The District must retain the self-evaluation, and make it available for public inspection upon request for at least three years following its completion.

End of Sargent Central Public School District Policy AACA

Reviewed November 12th, 2013

Adopted December 9th, 2013

Revised July 13th, 2022



CENTRAL

DISCRIMINATION AND HARASSMENT GRIEVANCE PROCEDURE

The following procedure is designed to resolve discrimination, harassment and retaliation complaints by and against students, parents, and third parties, as described in board policy, in a prompt and equitable manner. Board policy requires all students and staff to fully cooperate when asked to participate in a discrimination, harassment, or retaliation investigation. The procedure contained in this regulation supersedes the district's policies regarding complaints about personnel and bullying. For Title IX sexual harassment complaints, the procedure set forth in board regulation AAC-BR2, Title IX Sexual Harassment Grievance Procedure, will control and supersede this procedure.

Retaliation Prohibited

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

Complaint Filing Format and Deadlines

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

With Whom Complaints May be Filed

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

Initiating Complaint Resolution Procedure

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

Prohibition on Meeting with the Accused

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

Third-Party Assistance

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

Investigation Timeframes

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

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

Interim Measures

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

Informal Resolution Procedure

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

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

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

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

Formal Resolution Procedure

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

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

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

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

Investigation Report

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

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

The investigation report must indicate if any measures are to be instituted to protect the complainant. Such measures may include extending any interim protection measures taken during the investigation. The report must also inform the complainant of support services available, which at a minimum must include offering school counseling services if the complainant is a student.

The investigation report must contain a monitoring plan to evaluate the effectiveness of the resolution and help prevent recurrence.

Disciplinary Action

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

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

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

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

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

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

Notice of Outcome

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

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

Records Retention

Investigation materials must be retained by the appropriate grievance coordinator (504/Title II, or Nondiscrimination) for at least six years. All Title IX sexual harassment records and training materials shall be maintained in accordance with federal regulations and board regulation AAC-BR2.

End of Sargent Central Public School District Policy AAC-BR1

Reviewed November 12th, 2013

Adopted December 9th, 2013

Revised July 13th, 2022



CENTRAL

TITLE IX SEXUAL HARASSMENT GRIEVANCE PROCEDURE

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

Definitions

- *Actual knowledge* means notice of sexual harassment is given to the Title IX Coordinator, an official with authority to institute corrective measures, or any elementary or secondary school employee. When the District has actual knowledge of alleged sexual harassment in a district education program or activity, Title IX requires the District to respond in a manner that is not clearly unreasonable in light of the known circumstances.
- *Complainant* is an individual who is alleged to be the victim of conduct that could constitute sex harassment.
- *Document filed by a complainant* is a document or electronic submission (such as by e-mail or through an online portal provided for this purpose by the District) that contains the complainant's physical or digital signature, or otherwise indicates that the complainant is the person filing the formal complaint.
- *Education program or activity* includes locations, events, or circumstances over which the District exercises control over both the respondent and the context over which the sexual harassment occurred. This includes locations or events that occur on or off school property, and may include computer and internet networks, digital platforms, and computer hardware or software owned or operated by, or used in the operations of, the District.
- *Exculpatory evidence* means evidence tending to exonerate a respondent or helps establish their innocence of the conduct alleged.
- *Formal Complaint* is a document filed by a complainant or signed by the Title IX Coordinator alleging sexual harassment against a respondent and requesting that the school investigate the allegation of sexual harassment.
- *Inculpatory evidence* means evidence that shows, or tends to show, a person's involvement in an act, or evidence that can establish guilt of the conduct alleged.
- *Respondent* is an individual who has been reported to be the perpetrator of conduct that could constitute sexual harassment.
- *School property* is defined in NDCC 15.1-19-10(6)(b) as all land within the perimeter of the school site and all school buildings, structures, facilities, and

school vehicles, whether owned or leased by a school district, and the site of any school-sponsored event or activity.

- *Sexual harassment* is a form of harassment based on sex. It is defined as unwelcome sexual advances, requests for sexual favors, and/or other verbal, written, or physical conduct or communication of a sexual nature, that:
 - l. Constitutes quid pro quo harassment, meaning submission to such conduct or communication is made a term or condition, either explicitly or implicitly, of the basis for employment decisions or educational decisions or benefits for students (e.g., receiving a grade);
 - m. Is so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the district's education program or activity; or
 - n. Constitutes sexual assault, dating violence, domestic violence, or stalking as those offenses are defined in the Clery Act, 20 U.S.C. § 1092(f) and the Violence Against Women Act, 34 U.S.C. § 12291(a).
- *Sexual harassment examples* may include, but are not limited to, the following:
 - o. Sexual or "dirty" jokes;
 - p. Sexual advances;
 - q. Pressure for sexual favors;
 - r. Unwelcome touching, such as patting, pinching, or constant brushing against another's body;
 - s. Displaying or distributing of sexually explicit drawings, pictures, and written materials;
 - t. Graffiti of a sexual nature;
 - u. Sexual gestures;
 - v. Touching oneself sexually or talking about one's sexual activity in front of others;
 - w. Spreading rumors about or rating other's sexual activity or performance;
 - x. Remarks about an individual's sexual orientation; and
 - y. Sexual violence, including rape, sexual battery, sexual abuse, and sexual coercion.
- *Supportive Measures* are individualized services reasonably available that are non-punitive or non-disciplinary in nature, and not unreasonably burdensome to the other party while designed to ensure equal educational access, protect safety, or deter sexual harassment. Examples of possible supportive measures include, but are not necessarily limited to, counseling, extensions of deadlines or course-related adjustments, modifications of work or class schedules, a safety plan, school escort services, mutual contact restrictions, changes in work locations, leaves of absence, increased security and monitoring of certain areas on school property, and other similar measures.

Retaliation Prohibited

The District prohibits any person from intimidating, threatening, coercing, or discriminating against any individual, including complainants, respondents, and witnesses, for the purpose of interfering with any right or privilege secured by Title IX including but not limited to making a report or formal complaint of sexual harassment or participating (or refusing to participate) in a sexual harassment complaint investigation. This includes instances when a complaint is not substantiated. The consequences for violating this prohibition are delineated in board policy AAC, Nondiscrimination and Anti-Harassment Policy. Complaints of retaliation shall be processed under board regulation AAC-BR1, Discrimination and Harassment Grievance Procedure.

Reports of Sexual Harassment

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

With Whom Reports of Sexual Harassment May be Filed

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

Third-Party Assistance

The Title IX Coordinator or other school official responsible for conducting or overseeing sexual harassment investigations is authorized to receive assistance from the district's legal counsel throughout the process.

Responding to Reports of Sexual Harassment

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

unreasonable in light of the known circumstances. The Title IX Coordinator shall also promptly contact the respondent, who must also be offered supportive measures.

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

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

Emergency Removal of the Respondent

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

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

Administrative Leave for the Respondent Employee

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

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

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

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

Filing of Formal Complaint

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

Written Notice of Allegations

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

1. Advise the parties of the district's grievance process;
2. Identify by name the known parties involved in the alleged misconduct, including the complainant and the respondent;
3. Include known details of the misconduct that potentially constitutes sexual harassment alleged against the respondent, including the date(s) and location(s) of the alleged conduct;
4. Advise the parties of the presumption of non-responsibility on the part of the respondent as to the allegations of sexual harassment until a determination of responsibility is made at the conclusion of the grievance process;
5. Advise the parties of the right of each to an adult advisor of their choice, who may be, but is not required to be an attorney, throughout the grievance process;
6. Advise the parties of the prohibition against knowingly making a materially false statement or providing materially false information in connection with the allegations of sexual harassment set forth in the report or formal complaint and of any potential disciplinary actions that may result if false statements or false information are knowingly provided;

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

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

Informal and Formal Resolution Timeframes

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

The informal resolution procedure must be completed within 30 business days of the receipt or signing of a formal complaint by the Title IX Coordinator, unless the Title IX

Coordinator documents good cause for a temporary or limited delay and communicates the cause for the delay to the complainant and the respondent.

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

Good cause for a temporary or limited delay in the completion of the informal resolution procedure or the formal resolution procedure may include considerations such as the absence of a party, a party's advisor, or a witness; concurrent law enforcement activity; or the need for language assistance or accommodation of disabilities.

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

Prohibition on Meeting with the Respondent

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

Informal Resolution Procedure

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

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

Upon commencement of the informal resolution process, the Title IX Coordinator or other designated facilitator shall gather information necessary to understand the allegations set forth in the formal complaint and to facilitate the informal resolution process. Based on this information-gathering process, the Title IX Coordinator or other designated facilitator

shall propose to the parties an informal resolution process, which may include, but is not limited to:

1. Participation by the parties in mediation or other alternative dispute resolution procedure facilitated by the Title IX Coordinator, other designated facilitator, or third-party mutually agreed upon by the parties;
2. Holding a meeting (or series of meetings) with the parties and their advisors (provided all parties consent to participation) to discuss a potential resolution;
3. Development by Title IX Coordinator or other designated facilitator of written behavior expectations of the respondent to redirect conduct; or
4. Arranging a documented meeting with the respondent that involves a discussion of the sex discrimination and sexual harassment policies and requirements for compliance.

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

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

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

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

Formal Resolution Procedure

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

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

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

the evidence gathered, which the investigator will consider prior to the completion of the investigative report.

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

Investigation Report

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

Submission of Questions and Responses to Report

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

Upon receipt of written questions from a party, the Superintendent or other designated decision-maker will pass on appropriate and relevant questions to the party or witness for response. Written responses shall be promptly submitted to the Superintendent or other designated decision-maker, who will then provide the written responses to both parties. The parties may submit reasonable and relevant follow-up questions to the Superintendent or other designated decision-maker for answer by the other party or a witness in the same manner as initial written questions.

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

Within ten business days of receipt of the investigation report, the parties may submit a written response to the report to the Title IX Coordinator or other designated investigator. The deadline to submit a written response to the investigation report may not be delayed by the submission or pendency of written questions.

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

Determination of Responsibility by Decision-Maker

Following the receipt of responses to any written questions and the responses to the investigation report by the complainant and respondent, the Superintendent or other designated decision-maker shall reach a determination regarding responsibility by applying the preponderance of the evidence.

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

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

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

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

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

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

Notice of Determination of Responsibility

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

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

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

Appeal Procedure

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

1. Procedural irregularity that affected the outcome of the matter;
2. New evidence that was not reasonably available when the determination of responsibility or dismissal decision was made that could affect the outcome of the matter; or

3. The Title IX Coordinator, investigator, or decision-maker had a conflict of interest or bias for or against complainants or respondents generally or the individual complainant or respondent that affected the outcome of the matter.

An appeal must be submitted in writing to the Board within 10 business days after receipt of the notice of determination or dismissal, and must identify the base(s) on which the appeal is being filed. Upon receipt of an appeal, the Board shall promptly provide written notice of the appeal to both parties and inform them of their right to submit written statements supporting or challenging the outcome and the deadline by which such statements must be submitted.

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

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

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

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

Discretionary and Mandatory Dismissals

The District may dismiss a formal complaint or allegations therein when:

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

The Title IX Coordinator must provide written notice of any dismissal decision to the complainant and the respondent simultaneously. The dismissal notice must state the reasons for dismissal and explain the parties' right to appeal the decision in accordance with the procedure set forth herein.

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

Training Requirements

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

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

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

Records Retention

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

End of Sargent Central Public School District Policy AAC-BR2
Reviewed July 13th, 2022
Adopted July 13th, 2022

SCHOOL YEAR AND CALENDAR

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

The school calendar shall:

1. List the opening and closing dates of the school year. A school year shall consist of the minimum number of hours required by state law. The Board will also schedule additional hours of classroom instruction that exceed the state minimum and require contract days sufficient to staff these additional days.
2. List professional development days for teachers and administrators. The Board shall schedule professional development days in accordance with law.
3. Set forth days of attendance for students, holiday and vacation periods, parent-teacher conference days, and other schedules of importance to the staff and public.
4. List days that may be used for the rescheduling of instructional time lost as a result of severe weather or other emergency conditions in accordance with 15.1-27-23.

Event Schedules

The building principal and activities director may develop separate practice and event schedules.

End of Sargent Central Public School District Policy ABAB

Reviewed May 10th, 2023

Adopted May 10th, 2023



CENTRAL

STORM MAKE-UP DAYS

Sargent Central Public School will allow two storm days to be missed each school year without requiring them to be made up. After the second day, storm days will be made up at a 2:1 rate until designated storm make up days in the master calendar have been made up. Partial days (late openings or early outs) will not be made up.

Day 1 - no make-up

Day 2 - no make-up

Day 3 - no make-up

Day 4 - make-up one full day

Day 5 - no make-up

Day 6 - make-up one full day

Day 7 - no make-up

Day 8 - make-up one full day

Day 9 - no make-up

Day 10 - make-up one full day

Day 11 and beyond may be made up per board discretion

End of Sargent Central Public School District Policy ABAB-B

Reviewed May 10th, 2023

Adopted May 10th, 2023



TOBACCO POLICY

Definitions

"District" means the Sargent Central school district.

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

"Tobacco Product" includes any product that contains tobacco, is derived from tobacco or contains nicotine or other similar substances, that is intended for human consumption, or is likely to be consumed, whether smoked, heated, inhaled, chewed, absorbed, dissolved, or ingested by any other means. The term "Tobacco Product" includes E-cigarettes and other electronic smoking devices, pipes and rolling papers, but does not include any product approved by the United States Food and Drug Administration for legal sale as a tobacco cessation product and is being marketed and sold solely for the approved purpose.

"E-cigarette" means any electronic oral device, such as one composed of a heating element, battery or electronic circuit, or both, which provides a vapor of nicotine or any other substance, and the use or inhalation of which simulates smoking. The term includes any such device, whether manufactured, distributed, marketed, or sold as an e-cigarette, e-cigar, and e-pipe or under any other product name, or descriptor. "E-cigarette" also includes any component part of such a product whether or not sold separately. "E-cigarette" does not include any product approved by the United States Food and Drug Administration for legal sale as a tobacco cessation product and is being marketed and sold solely for the approved purpose.

"Tobacco Use" means the use of any Tobacco Product in any form. Tobacco Use includes, but is not limited to, smoking, heating, inhaling, chewing, absorbing, dissolving or ingesting any Tobacco Product.

"Smoking" means inhaling, exhaling, burning, or carrying any lighted or heated cigar, cigarette, pipe or hookah, or any other lighted or heated tobacco or plant product intended for inhalation, in any manner or in any form. Smoking also includes the use of an e-cigarette.

Rationale for Regulating Possession & Use

The health hazards of tobacco use have been well established, and studies have shown that nearly 90% of current smokers began smoking as teenagers. This tobacco free 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) Establish a standard of healthy, tobacco free behavior by adults and students.

Use of tobacco products is the leading cause of preventable death and disability in North Dakota. To support and model a healthy lifestyle for our students, staff and community, the Sargent Central School Board establishes the following tobacco-free policy.

Use & Possession Prohibitions

- 1) Students: Possession and/or use of tobacco products by students on district property and at school-sponsored events (whether on or off district property) is prohibited at all times.
- 2) Employees and Visitors: The use of tobacco products by school employees and visitors on district property and at school-sponsored events (whether on or off district property) is prohibited at all times.

This tobacco-free policy includes all events held on district property whether or not such events are sponsored by, or associated with, the District, and all events sponsored by the District or any school within the District regardless of where such events are held.

- 3) Advertising and Sponsorship: The District prohibits all advertising of tobacco products, whether formal or informal, on district property, at school functions, and in all school publications. This includes all signs, clothing or other gear that contain a logo of, advertisement for, or reference to, any tobacco product.

The District will not accept any form of contribution including, but not limited to, financial support, gifts (such as curriculum, book covers, speakers, etc.) or in-kind support from the tobacco industry for the sponsorship or promotion of any event or activity affiliated in any manner with the District or located on district property.

Communicating the Policy to Students, Staff, & Public

This policy will be printed in the employee and the student handbooks. The District shall post signs indicating that the property is tobacco-free in all locations and in the manner identified in NDCC 23-12-10.4.1(a) and (b). In addition, notices should be posted in other highly visible places on district property including, but not limited to, school playgrounds, athletic fields, parking lots and at all school-sponsored events ([whether or not such events occur] on district property). Parents will be sent notification of this policy in writing, and the local media will be asked to communicate this tobacco-free policy communitywide.

Enforcement

All individuals on the district's premises share in the responsibility for adhering to and enforcing this policy. The District superintendent shall develop regulations for the enforcement and implementation of this policy. Violations should be reported to Sargent Central school staff.

Tobacco Cessation Services

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

End of Sargent Central Public School District Policy ABBA

Reviewed **September 27th, 2017**

Adopted **September 27th, 2017**



NON-CURRICULAR USE OF DISTRICT PROPERTY

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

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

Before the District grants use of school facilities, each of the groups listed above shall complete and submit a Facility Usage Contract and Facility Usage Waiver of Liability/Certificate of Insurance form to the Superintendent for approval and must agree to facility use regulations before rental/use. The District shall check with its insurance carrier to ensure coverage and, if available, obtain written confirmation of this coverage prior to granting a facility use request OR the party using property shall provide proof of insurance with the District named as an additional insured and/or shall agree to pay all damages resulting from rental and/or use.

The Superintendent shall develop facility use regulations. They shall be nondiscriminatory in content, applied uniformly, shall contain conditions for approval and disapproval of facility use requests, contain terms of use and supervision requirements.

End of Sargent Central Public School District Policy ABBB

Reviewed February 28th, 2018

Adopted February 28th, 2018



DISPLAYS OF RELIGIOUS OBJECTS OR DOCUMENTS

The District may display a religious object or document of cultural, legal, or historical significance which has influenced the legal and governmental systems of the United States and this state together with other objects or documents of cultural, legal, or historical significance, which have influenced the legal and governmental systems of the United States and this state.

Display Criteria

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

1. 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;
2. 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;
3. 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;
4. 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;
5. Nothing in the display shall call attention to the religious object or document apart from other objects or documents in the display;
6. The display is to be used as an illustration for purposes of the curriculum and is to be displayed in a classroom or library;
7. The display requires no active participation in any religious activity; and
8. The display, when practical, includes diverse religious, cultural, and ethnic symbols.

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

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

End of Sargent Central Public School District Policy ABBE

Reviewed November 12th, 2013

Adopted December 9th, 2013

Revised July 13th, 2022

Descriptor Code: ABBF

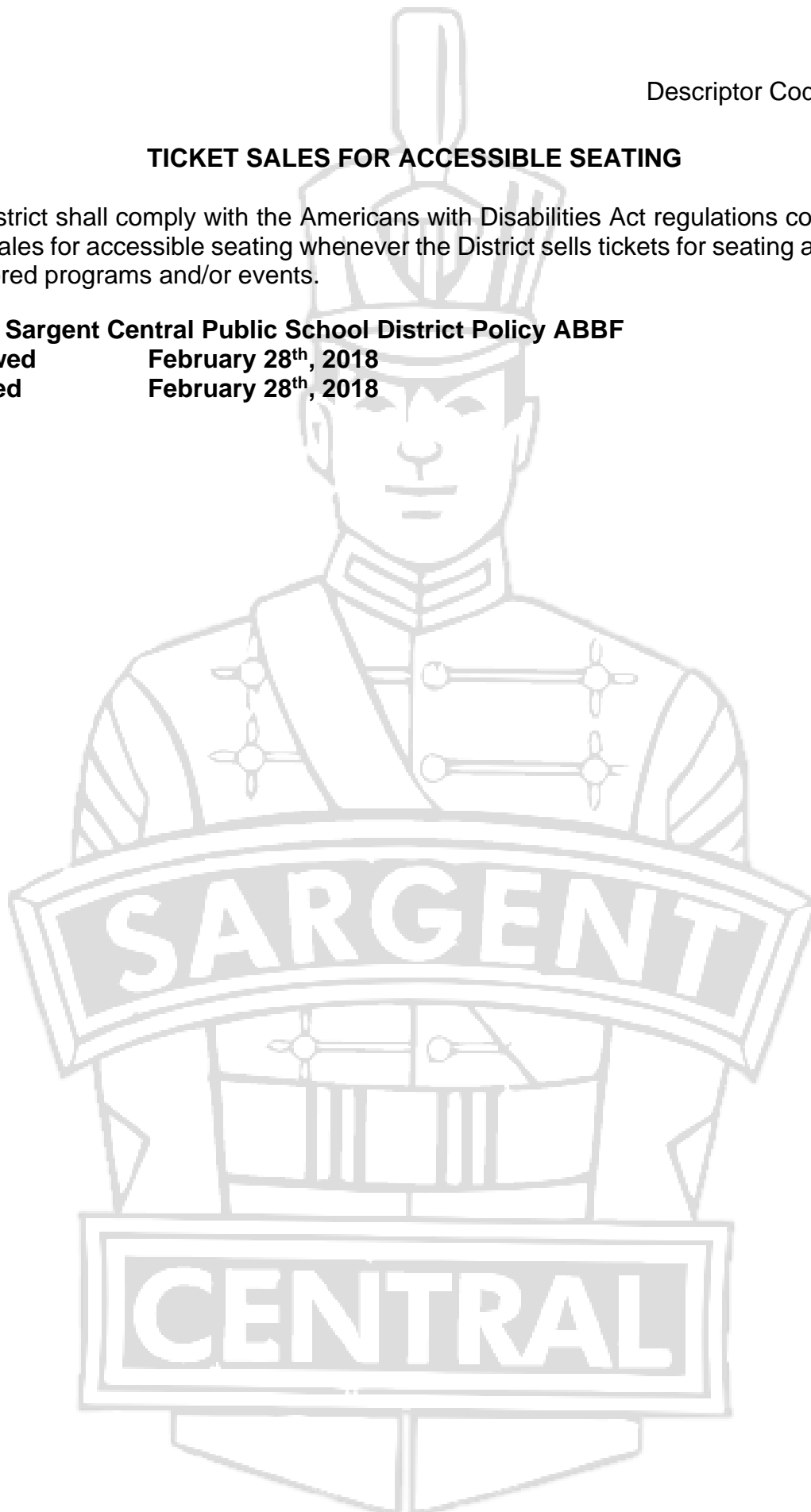
TICKET SALES FOR ACCESSIBLE SEATING

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

End of Sargent Central Public School District Policy ABBF

Reviewed February 28th, 2018

Adopted February 28th, 2018



Descriptor Code: ABCB

SPORTSMANSHIP

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

Rules of Conduct

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

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

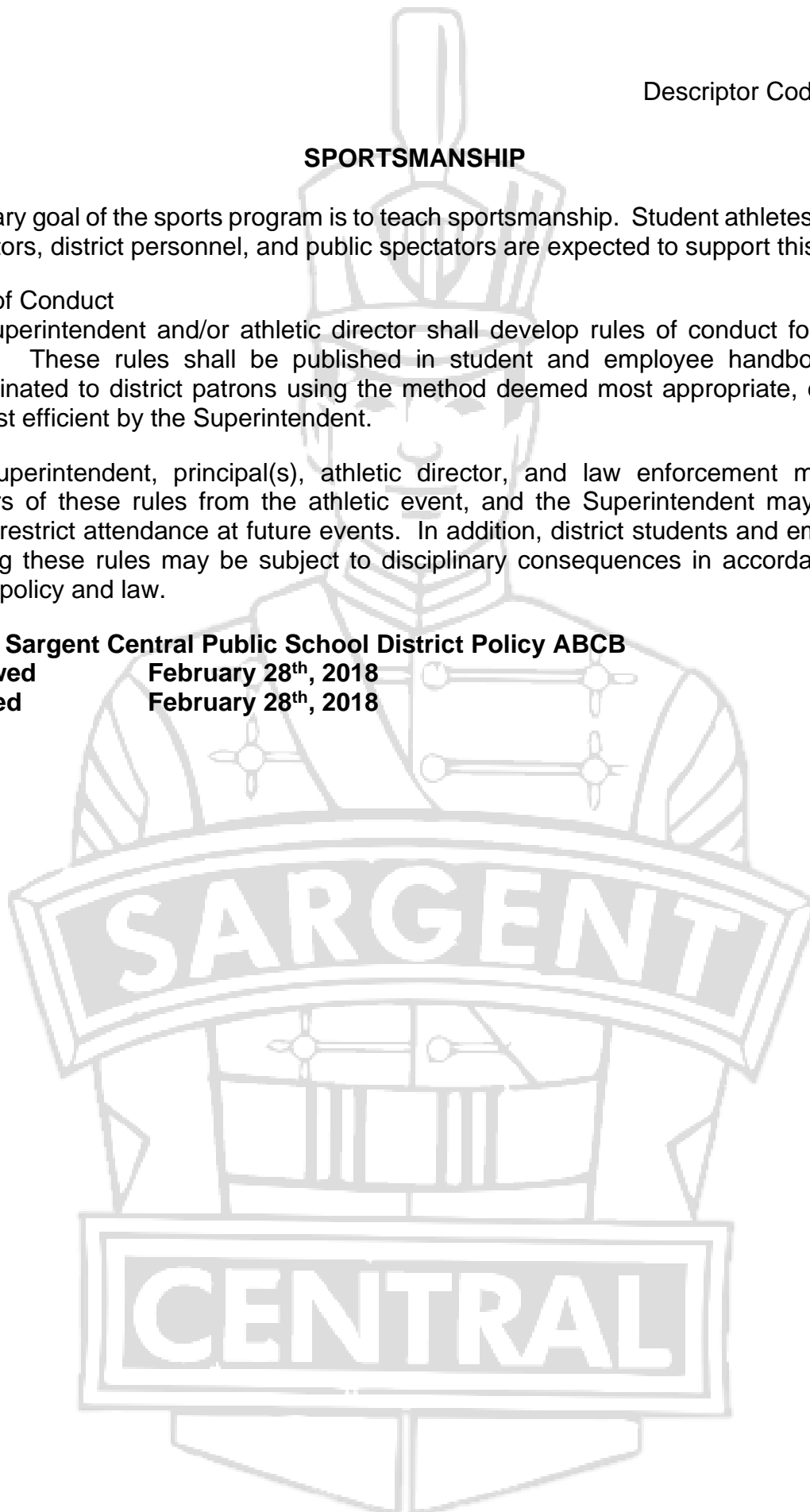
End of Sargent Central Public School District Policy ABCB

Reviewed

February 28th, 2018

Adopted

February 28th, 2018



WELLNESS POLICY

District Wellness Committee

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

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

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

The District Wellness Committee shall work with the Superintendent to evaluate each implementation plan. The Superintendent shall designate one individual per school building to ensure building-level compliance with this policy. Each designee shall collect, summarize, and report evaluation data to the committee.

At least once every three years, the District Wellness Committee shall conduct an assessment of the wellness policy and comply with all reporting requirements mandated by federal law. The District Wellness Committee shall provide the assessment to the Board and disseminate it publicly on the district's website. The District Wellness Committee may recommend amendments to the wellness policy for board consideration, based on the results of the assessment; changes in district priorities; changes in community needs; changes in wellness goals; advances in health science, information, and technology; new federal or state guidance; or the issuance of new standards or regulations.

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

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

Physical Activity

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

The goals of physical activity programs must be to:

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

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

Nutrition Education and Promotion

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

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

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

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

Other School-Sponsored Activities

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

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

Nutrition Standards

The District shall comply with applicable nutrition standards established in federal regulations for all reimbursable meals, e.g., the National School Breakfast and Lunch program. The District shall comply with the USDA Smart Snacks in School nutrition standards for all competitive foods and beverages sold on school grounds during the school day to students. The District shall not allow foods and beverages at a free or discounted price if those foods do not meet the USDA's Smarter Snacks in Schools nutrition standards. Non-food celebrations and rewards shall be promoted.

Foods purchased to raise funds must meet the USDA's Smart Snacks in Schools nutrition standards. The District may also encourage fundraising ideas that are non-food related.

Exception to Competitive Food and Beverage Sales

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

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

Hydration Standards

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

Marketing

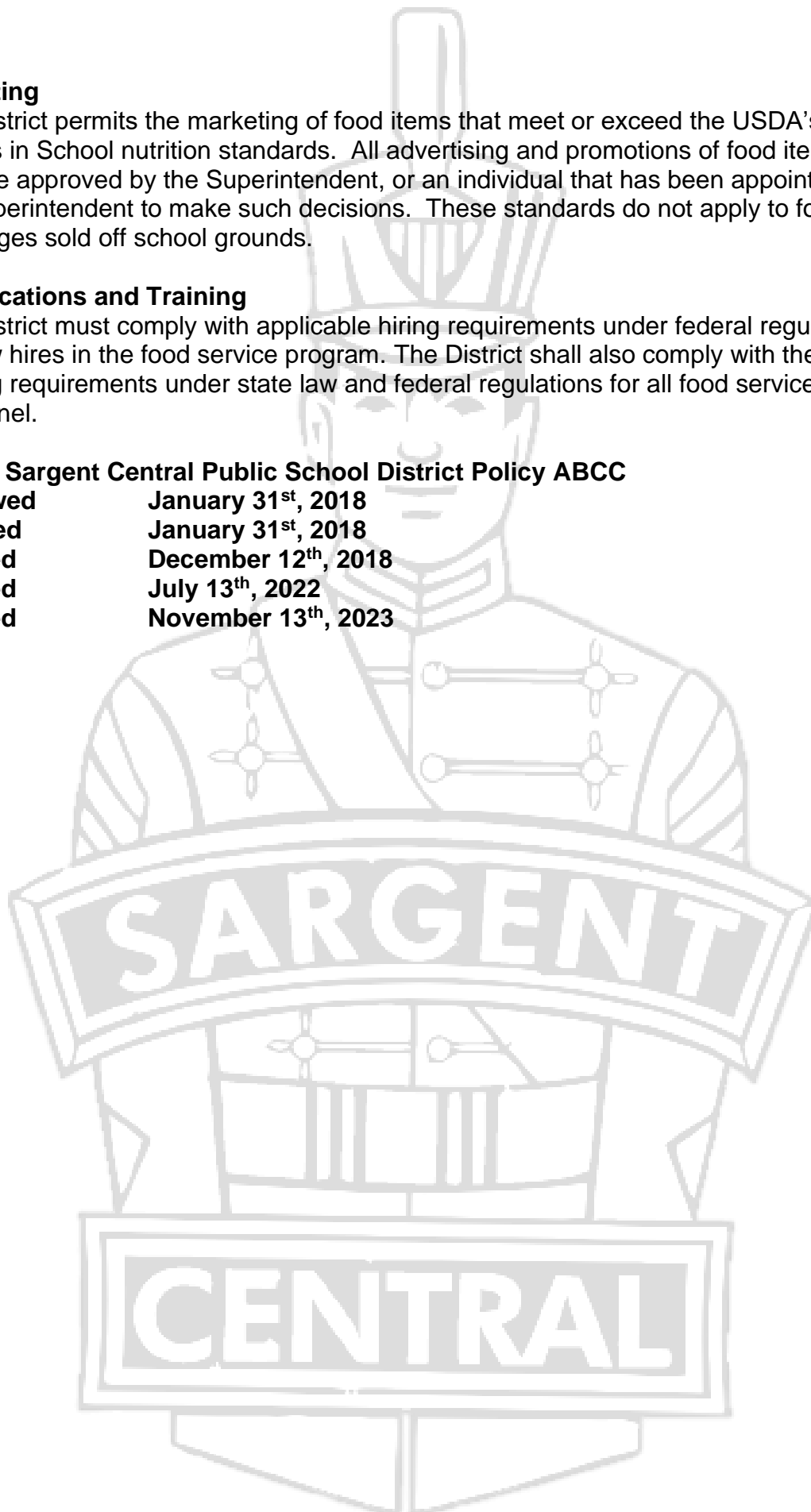
The District permits the marketing of food items that meet or exceed the USDA's Smart Snacks in School nutrition standards. All advertising and promotions of food items, must be approved by the Superintendent, or an individual that has been appointed by the Superintendent to make such decisions. These standards do not apply to foods and beverages sold off school grounds.

Qualifications and Training

The District must comply with applicable hiring requirements under federal regulations for new hires in the food service program. The District shall also comply with the annual training requirements under state law and federal regulations for all food service personnel.

End of Sargent Central Public School District Policy ABCC

Reviewed	January 31st, 2018
Adopted	January 31st, 2018
Revised	December 12th, 2018
Revised	July 13th, 2022
Revised	November 13th, 2023



RECORDS RETENTION

Definitions

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

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

Development of a District Records Retention Schedule

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

Role of Record Administrator

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

Records Hold

A records hold should be placed on documents (including electronic documents such as email) when there is a need to retain a document for purposes such as, but not limited to,

complying with an open records request or to prepare for foreseeable litigation (litigation hold).

Below are indicators that a records hold is required:

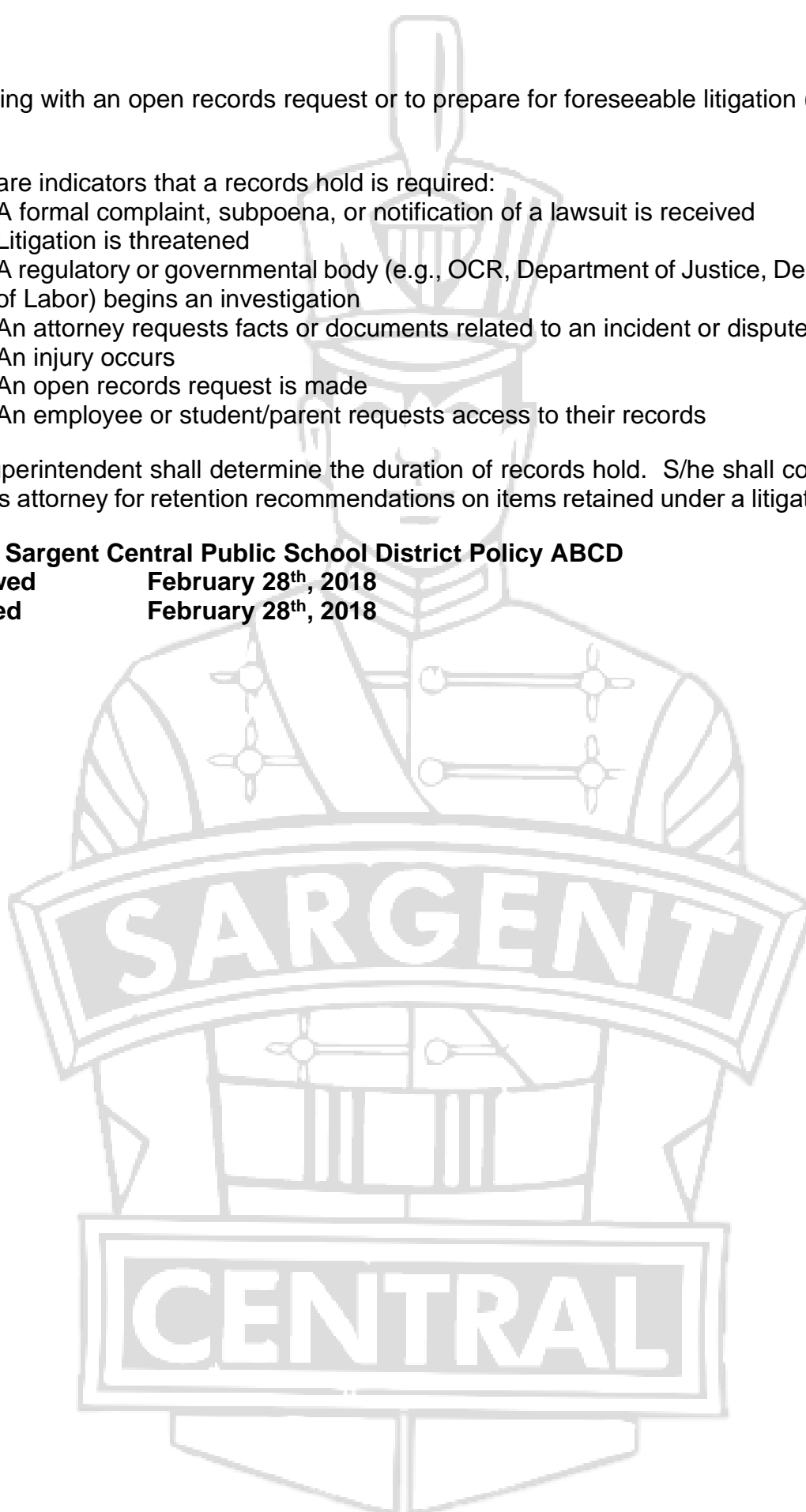
1. A formal complaint, subpoena, or notification of a lawsuit is received
2. Litigation is threatened
3. A regulatory or governmental body (e.g., OCR, Department of Justice, Department of Labor) begins an investigation
4. An attorney requests facts or documents related to an incident or dispute.
5. An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

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

End of Sargent Central Public School District Policy ABCD

Reviewed February 28th, 2018

Adopted February 28th, 2018



PROHIBITION ON AIDING SEXUAL ABUSE

Definitions

For the purpose of this policy:

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

Prohibited Action

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

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

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

1. The matter has been reported to law enforcement authorities and it has been officially closed or the school officials have been notified by the prosecutor or police

after an investigation that there is insufficient information to establish probable cause,

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

Reporting and Investigation

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

If the Superintendent is believed to have violated this policy, the alleged violation shall be reported to the Board President who is responsible for conducting the investigation and rendering a final decision on the outcome of the investigation.

Violation

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

Retaliation and Providing False Information Prohibited

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

End of Sargent Central Public School District Policy ABCE

Reviewed November 13th, 2019

Adopted November 13th, 2019



CENTRAL

SCHOOL MEAL CHARGE POLICY

Purpose

The purpose of this policy is to establish consistent district practices for the provision of meals to students who have insufficient funds in their school meal accounts and the collection of unpaid meal debt.

Adults

Adults are prohibited from charging meals.

Dissemination

The Superintendent must ensure that uniform meal account policy is posted on the District's website and provided in writing, to all parents of students at the start of each school year and to the parents of students transferring to the school mid-year. The Superintendent shall also provide the policy to all school and district-level staff members responsible for the enforcement of this regulation.

The District may use additional methods to disseminate the policy on an ongoing basis throughout the school year.

Payment Options

Parents are responsible to ensure that students have sufficient funds to purchase school meals each day or pre-pay for meals, to avoid accruing meal charges. District payment options for student meal accounts include in-person, online payment, automatic payment, etc.

Provision of Meals to Students with Insufficient Funds

A school meal may not be denied to a student who requests one regardless of the status of the student's meal account or ability to pay unless the student's parent or guardian has provided written permission to the school to withhold a meal. An alternative meal may not be served to a student with an unpaid student meal balance or without funds to pay for a meal. A school meal that has already been served to the student may not be disposed of or taken away from the student on account of the student having an unpaid meal balance or lacking the funds to pay for a meal.

A student's participation in any school activities, graduation ceremonies, field trips, athletics, activity clubs, or other extracurricular activities or access to materials, technology, or other items provided to students may not be limited as a result of an unpaid or negative student meal balance.

Payment Reminders

Whenever a student incurs a charge, district personnel shall notify the parents of the student by letter, phone, text, etc. Notice may be provided by requiring the student to deliver a sealed letter addressed to the child's parent or guardian, but the letter may not be distributed to the student in a manner that stigmatizes the student.

If a pattern of charging continues, administration shall attempt to contact the student's parents and encourage the parent to complete a free or reduced meal application. Nothing in this procedure prohibits school district personnel from reporting suspected abuse or neglect of a student as required by law.

Unpaid Meal Charges

Parents are expected to pay all charges within 30 calendar days. If they fail to do so, the District may roll over debt or refer the debt to collections. The District may use an alternative funding source (e.g., nonfederal funding or charitable funding source) to offset costs incurred from unpaid meal charges and collection fees. A student may not be required to provide services or perform work, including cleaning duties or chores, to pay for school meals debt.

Balance

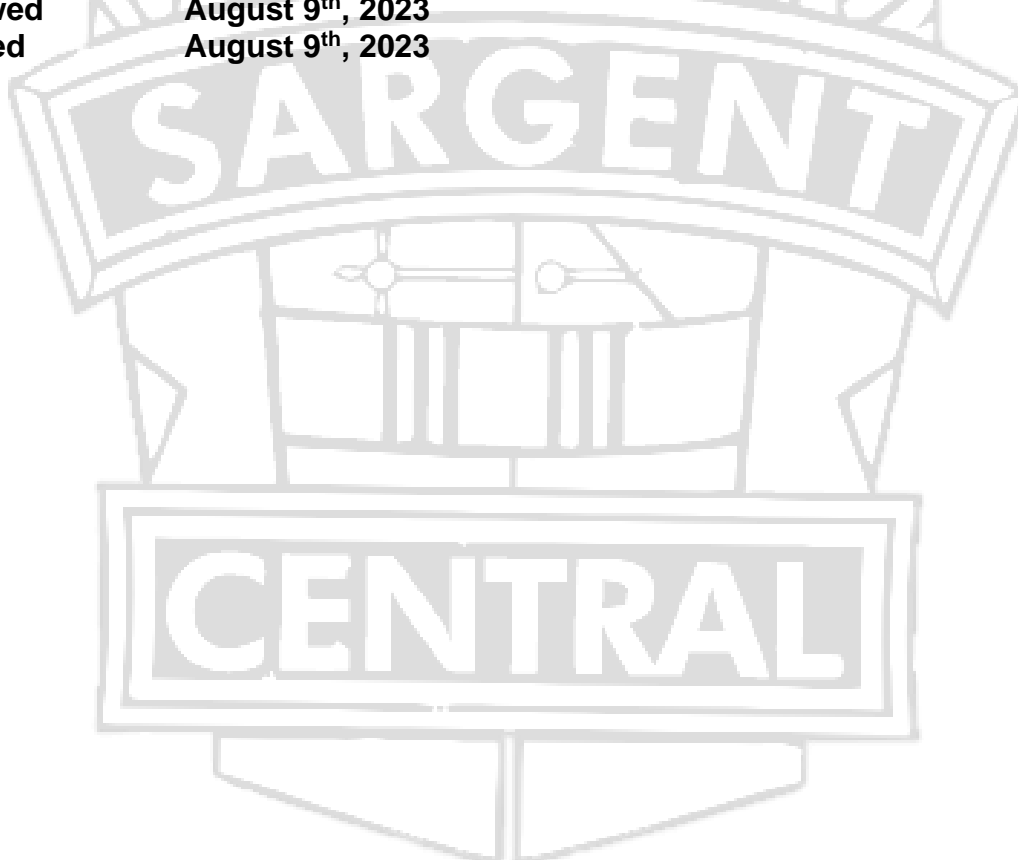
Students returning to school in the District shall see a positive meal balance rolled forward into their meal account for the next year. Students that graduate or withdraw from the District may receive a refund of the remaining balance in their meal account within 10 workdays of completion or departure unless they wish to donate the funds.

A written request for a refund of monies remaining in an enrolled student's meal account at the end of the school year must be submitted to the district office. A student who is graduating shall be given the option to transfer meal funds to a sibling's account. Any money left in an inactive account may be donated to help struggling students with insufficient funds in their meal accounts.

End of Sargent Central Public School District Policy ABEC

Reviewed August 9th, 2023

Adopted August 9th, 2023



ACCESSIBILITY POLICY

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

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

End of Sargent Central Public School District Policy ABDA

Reviewed January 31st, 2018

Adopted January 31st, 2018



Emergency Closings

The Board authorizes the Superintendent to delay the opening of, dismiss early, or close district schools in the event of hazardous weather, an epidemic, or other unexpected and extraordinary circumstances that threaten the health and/or safety of students and employees. The decision for an emergency closing shall not be arbitrary, capricious, or based merely on convenience.

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

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

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

Notification

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

Compliance

The Superintendent shall determine which district employees are required to report to work to ensure the operation of essential functions or departments during an emergency. Staff are expected to report for work unless unexpected and extraordinary conditions make this impossible. Staff that do not comply and/or do not have good cause for noncompliance may be subject to disciplinary consequences in accordance with policy, law, and, when applicable, the negotiated agreement.

End of Sargent Central Public School District Policy ACAA

Reviewed

April 12th, 2023

Adopted

April 12th, 2023

CENTRAL

AUTOMATED EXTERNAL DEFIBRILLATORS (AED)

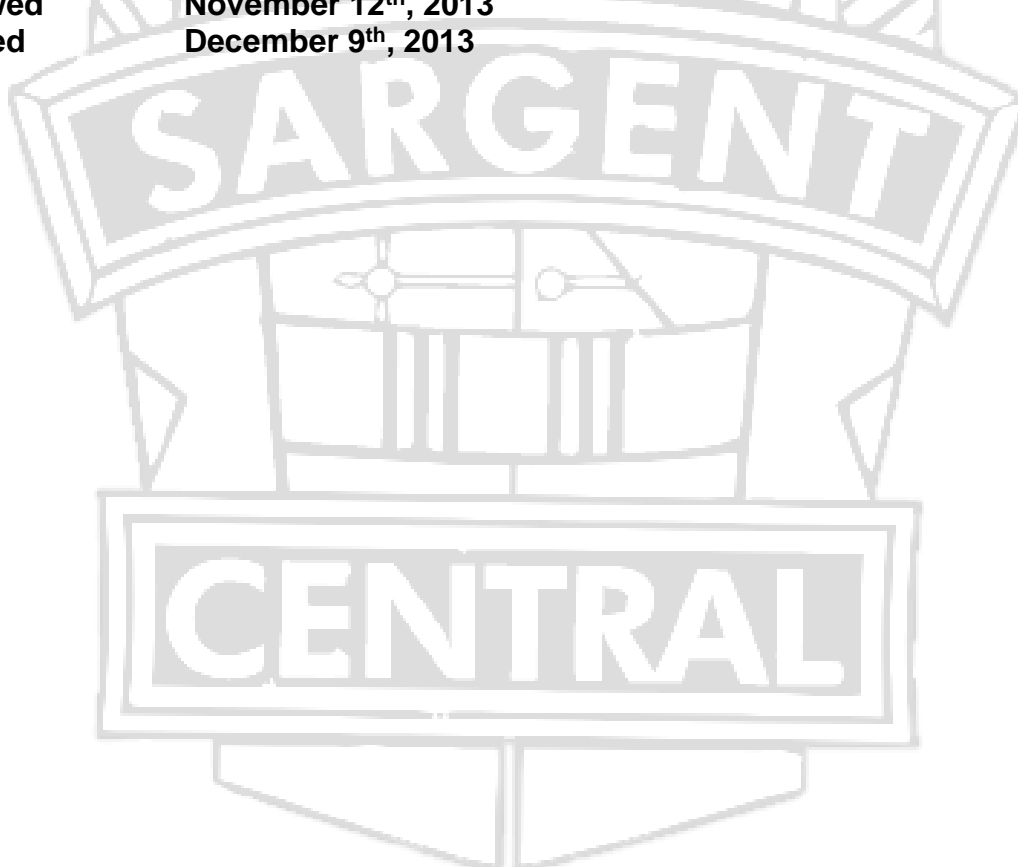
The Superintendent shall develop regulations to maintain, test, and implement the use of AEDs in the District in accordance with NDCC 32-03.1-02.3. The regulations shall include a requirement that in the event of a cardiac arrest emergency, a district responder shall contact an emergency medical service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

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

Training

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

End of Sargent Central Public School District Policy ACBA
Reviewed November 12th, 2013
Adopted December 9th, 2013



SIGNIFICANT CONTAGIOUS DISEASES

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

Definitions

- *Affected person, affected individual, or affected student* means an individual who has been diagnosed by a physician as having contracted a significant contagious disease.
- *Decisionmaker* is the affected person's personal physician. However, whenever an affected student is also disabled as defined under the Education For All Handicapped Children Act, 20 U.S.C. 1401(a)(1) or North Dakota Century Code chapter 15-59, the decisionmaker is the multidisciplinary team provided for under subsection 4 of North Dakota Century Code section 15-34.1-03.
- *Independent contractor* means any person or entity who is free of control or direction over performance of the service provided both under the contract and in fact, who renders service outside the ordinary course of business or outside of the place of business of the contractor and who is engaged in an independently established trade, organization, profession, or business.
- *Institution* includes all public kindergartens, elementary, junior high, and high schools operating within all school districts in North Dakota.
- *Reasonable accommodations* are defined by subsection 17 of North Dakota Century Code section 14-02.4-02 or U.S.C. 794.
- *Significant contagious disease* includes cytomegalovirus (CMV), hepatitis B (HBV) and human immunodeficiency (HIV) infection. The local board of health or the state health officer may determine that other diseases are significant contagious diseases.
- *Special provisions* are individually tailored education decisions designed to meet the needs of students requiring unique accommodations to ensure an educational opportunity. Special provisions are directed to students not covered by an individualized education program.
- *Universal precautions* mean protecting one's self from exposure to blood or body fluids, through the use of latex gloves, masks, or eye goggles, cleaning blood and body fluid spills with soap and water and then disinfecting and incineration or decontaminating infective waste before disposing in a sanitary landfill.

Universal Precautions

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

Nondiscrimination and Anti-Harassment

No person shall be denied admission as a student, a contract as an independent contractor, or employment solely because they have, or they are perceived to have a significant contagious disease. The District prohibits harassment and/or discrimination against an individual diagnosed as having a significant contagious disease on and using school property. Complaints alleging harassment/discrimination based on a significant contagious disease shall be handled in accordance with the district's Discrimination and Harassment Grievance Procedure (AAC-BR).

Confidentiality

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

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

Spokesperson

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

Reasonable Accommodations

1. **Students:** The District shall not prohibit a student from attending school solely because they have, or they are perceived to have, a significant contagious disease. If the student is well enough to attend the institution, and does not constitute a public health threat, as determined by the decisionmaker or local board of health, the student must be permitted to attend school. If the student is unable to attend regular class instruction or requires special consideration, then reasonable accommodations, special provisions or individualized education programs must be provided for the student.

The Superintendent shall establish special provisions procedures.

- 2. Employees and Contractors:** Employees, potential employees, and independent contractors may not be terminated or prevented from becoming employed in the District solely because they have, or they are perceived to have a significant contagious disease. If the employee is well enough to perform their job and does not constitute a public health threat to others, as determined by a decisionmaker or the local board of health, the employee must be permitted to perform the duties. The District shall consider and implement reasonable accommodations to allow the affected individual to become/continue as an employee or become/continue as an independent contractor.

Education

- 1. Students:** The District shall implement an instructional program on significant contagious disease appropriate to each participating grade level, providing information about the diseases, methods of transmission, the means of protecting against contracting the diseases in an educational setting, and the use of universal precautions and prevention. Instruction will begin in Grade PreK and continue through Grade 12. 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 shall 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 shall have an opportunity to preview/review the curriculum and materials.

- 2. Employees:** All district employees shall 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 shall receive additional training from qualified health education professionals.

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

End of Sargent Central Public School District Policy ACBB

Reviewed

November 12th, 2013

Adopted

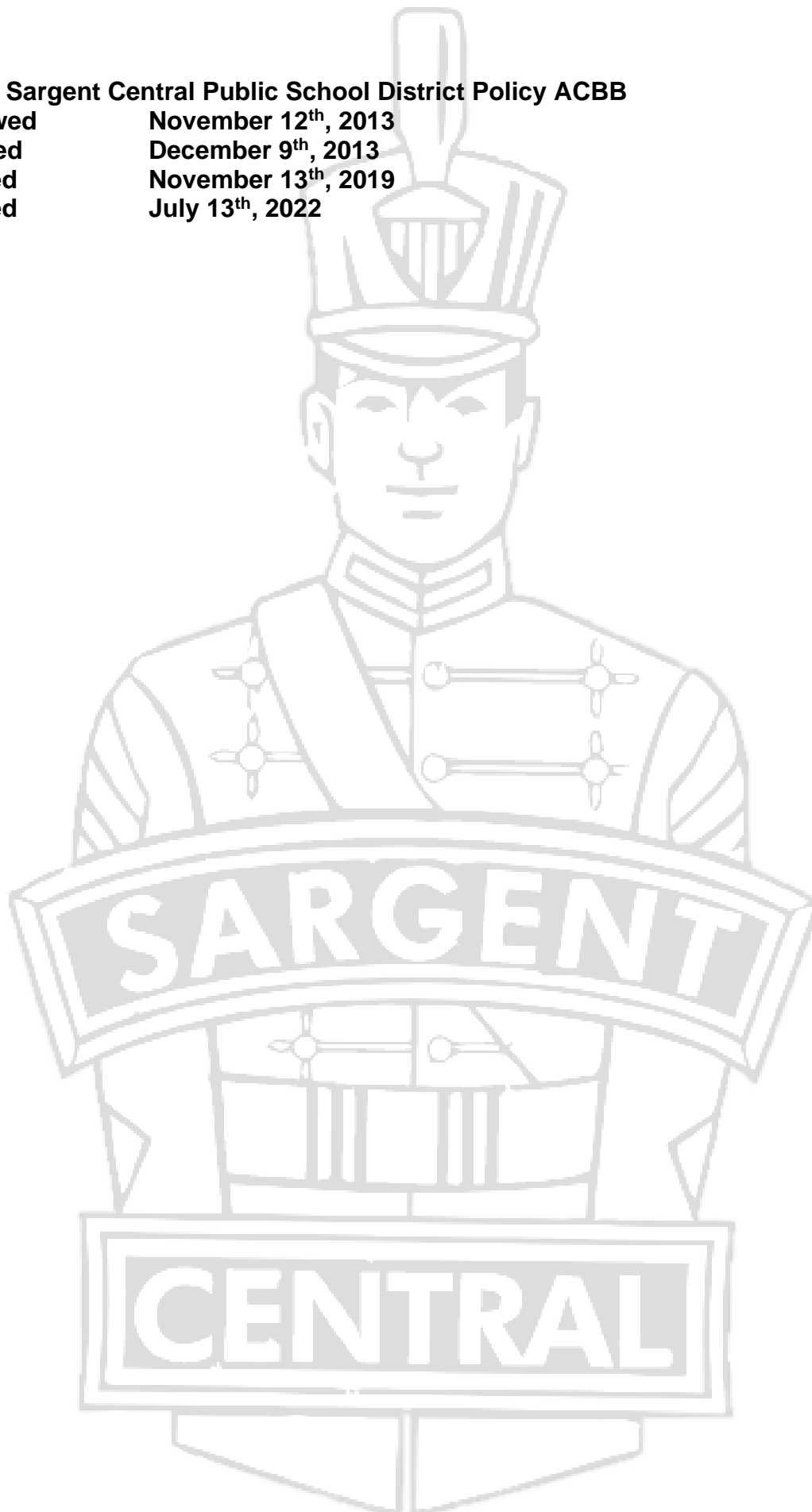
December 9th, 2013

Revised

November 13th, 2019

Revised

July 13th, 2022



RESPONDING TO POTENTIAL HEALTH THREATS

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

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

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

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

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

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

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

Excluding Students from School Due to a Potential Health Threat

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

- The student 's parent/guardian failed to provide, at the time of admission, either

proof of all required immunizations or valid immunization exemption documentation (NDCC 23-07-17.1). The District shall inform parents who fail to submit this required documentation of compulsory attendance requirements and law enforcement referral procedures. Students who are homeless must be admitted to schools regardless of whether or not they have submitted immunization records or immunization-exempt documentation at the time of admission. Homeless students shall be referred to public health to receive assistance complying with immunization requirements and/or opt-out assistance.

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

Educational Services for Students Excluded Due to a Potential Health Threat

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

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

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

Excluding Staff from District Facilities Due to a Potential Health Threat

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

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

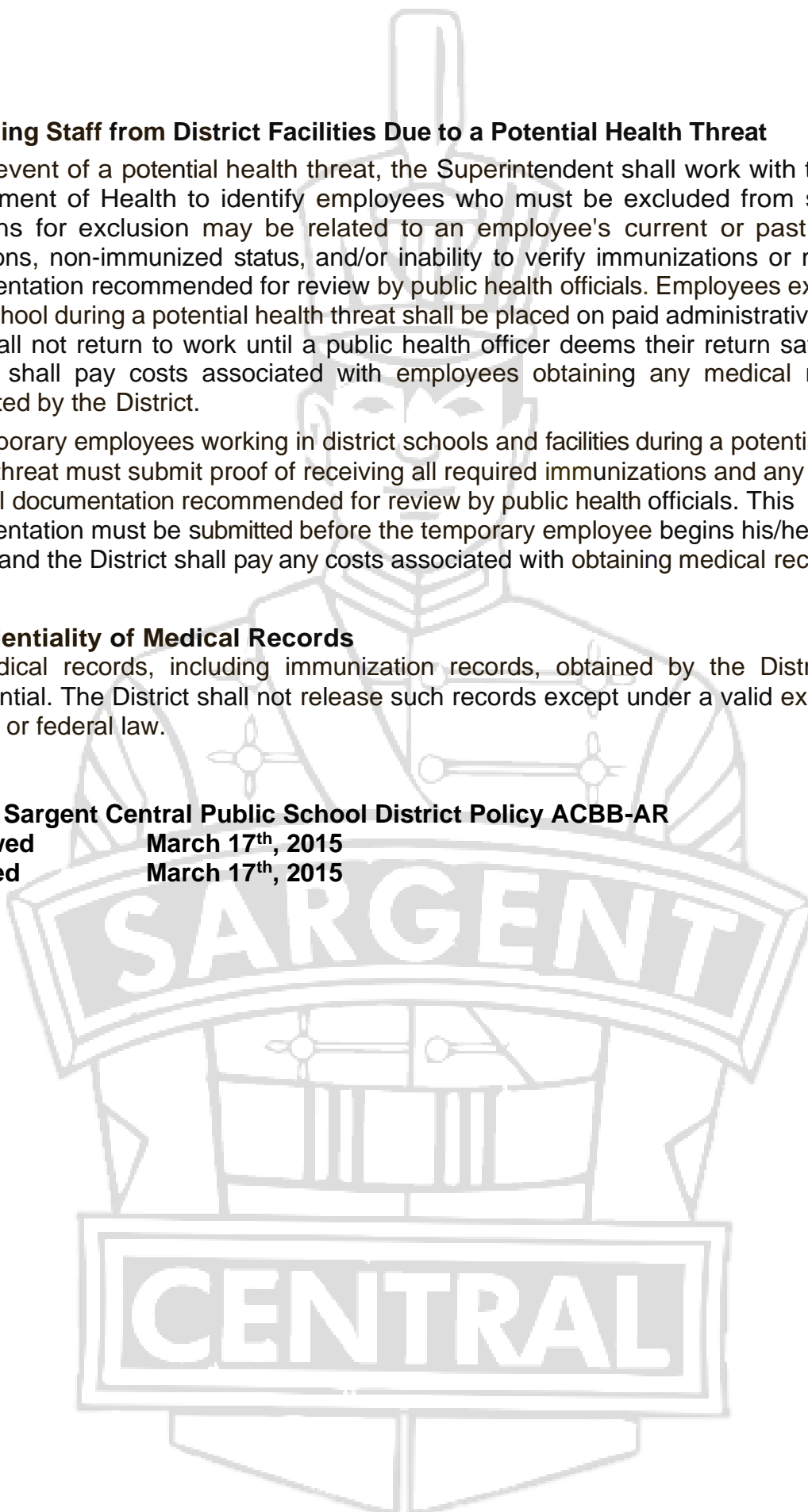
Confidentiality of Medical Records

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

End of Sargent Central Public School District Policy ACBB-AR

Reviewed March 17th, 2015

Adopted March 17th, 2015



UNIVERSAL PRECAUTIONS & SANITARY CLEANUP

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

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

Attending to the Victim

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

Cleaning & Disinfecting Environment

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

Cleanup for Attending Employee

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

End of Sargent Central Public School District Policy ACBB-E

Reviewed

November 15th, 2013

Adopted

December 9th, 2013

SCHOOL MEDICATION PROGRAM

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

Qualifications for Eligible School Medication Providers

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

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

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

Requirements and Prohibitions for All School Personnel

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

All school employees and volunteers are required, as soon as possible, to report to building administration or his/her designee any observed or reported sign or symptom that a student may be having an adverse medication reaction or allergic reaction.

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

Types of Medication Provided

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

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

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

Routes of Medication Provided

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

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

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

Students Eligible for Participation

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

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

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

First Dose of Medication

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

Requirements for Parents/Guardians Prior to District Providing Medication

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

1. **For over-the-counter medication:** Must include instructions from the parent/guardian on how, when, and how long to provide medication. Requests to provide a dosage other than as recommended by the manufacturer shall require approval from an appropriate healthcare provider.
2. **For prescription drugs:** Requires written authorization and instructions from an appropriate healthcare provider on how, when, and how long to provide medication.
3. **For more than one medication (prescriptions, over-the-counter medications, or both):** Must include information from a healthcare provider certifying that the

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drugs are not known to adversely interact or information on how to avoid any known adverse drug interactions.

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

Medication Check-In Requirements When District is Providing Medication

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

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

All medication must be hand delivered by a parent/guardian to the designated district official(s). This official shall ensure that the appropriate authorization form(s) is/are complete, that the medication has not expired, that the medication is appropriately labeled in accordance with above requirements, and that parents/guardians have complied with all other applicable provisions of this policy before accepting the medication from the parent/guardian.

Student Self-Administration Requirements

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

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

his/her known allergies and has received education and training on signs and symptoms of allergic reactions and how to prevent them.

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

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

Self-Administration Check-In Requirements

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

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

Prior to a student self-administering medication, the medication must be hand delivered by a parent/guardian to the designated district official(s). This official shall ensure that the appropriate authorization form(s) is/are complete, that the medication has not expired,

that the medication is appropriately labeled in accordance with above requirements, and that the parent/guardian and student has complied with all other applicable provisions of this policy before authorizing a student to self-administer the medication.

Additional Prohibitions, Restrictions, and Requirements for Students

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

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

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

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

Medication Off-Campus When Student is Under District Supervision

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

Liability Disclaimer

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

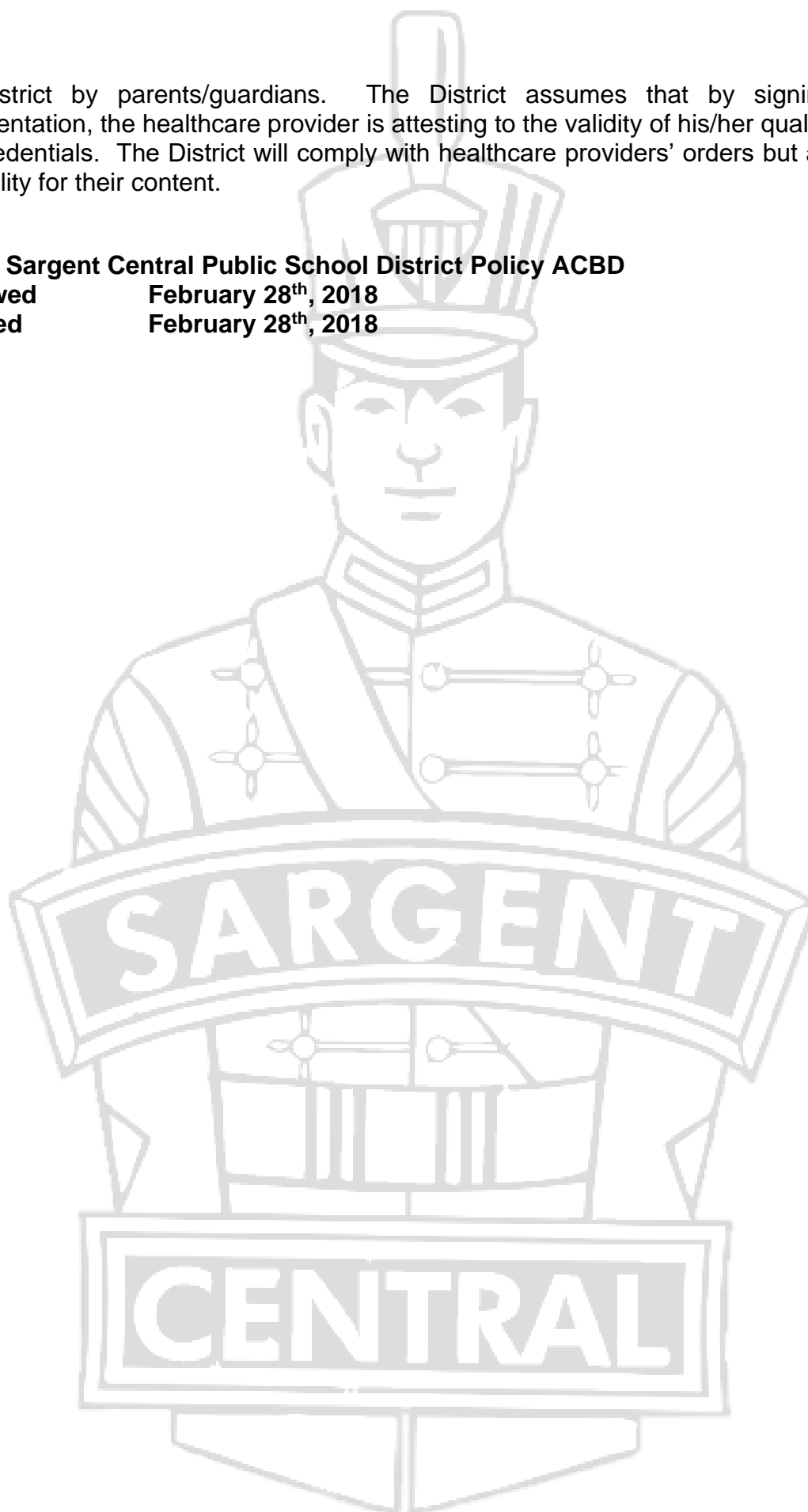
The District is not responsible for determining the qualifications of healthcare providers whose signatures appear on prescriptions and other medical documentation submitted to

the District by parents/guardians. The District assumes that by signing such documentation, the healthcare provider is attesting to the validity of his/her qualifications and credentials. The District will comply with healthcare providers' orders but assumes no liability for their content.

End of Sargent Central Public School District Policy ACBD

Reviewed February 28th, 2018

Adopted February 28th, 2018



SEXUAL OFFENDERS ON SCHOOL PROPERTY

Definitions

For the purpose of this policy:

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

1. Nonparent Sexual Offenders

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

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

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

2. Parent Sex Offenders

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

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

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

3. Student Sex Offenders

The Superintendent shall determine the appropriate educational placement for student sex offenders except those identified as having a disability. When

determining educational placement, the Superintendent shall consider such factors as the safety and health of the student population. The Superintendent shall develop guidelines for managing each student sexual offender in district schools. If the Superintendent determines that, in the best interest of district schools, the student sexual offender should be placed in an alternative educational setting, the District shall pay for the costs associated with this placement.

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

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

4. General Provisions

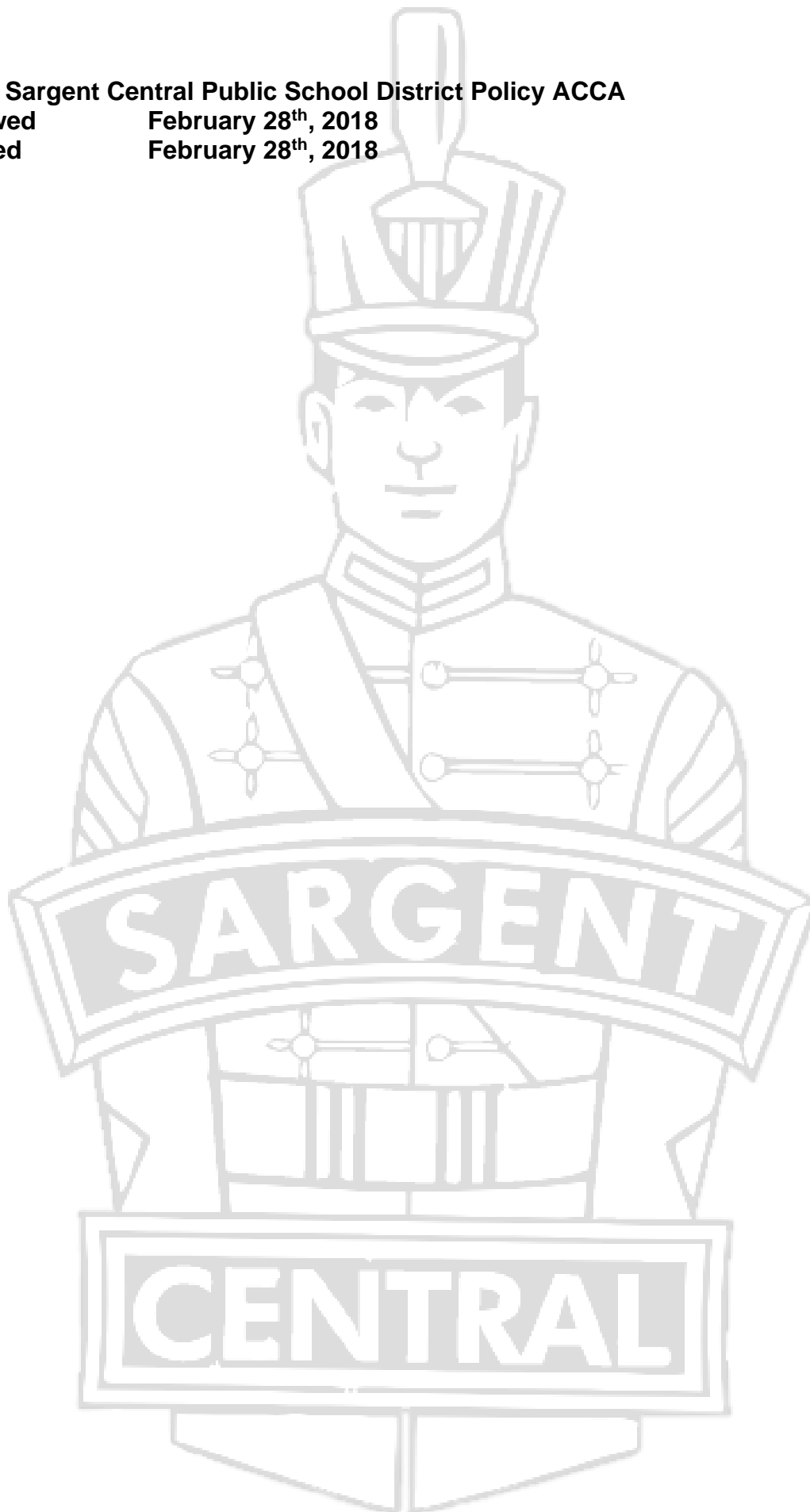
The Superintendent will inform the appropriate principal and other relevant district staff of the scope of the permission granted to each sexual offender.

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

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

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

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



ACCEPTABLE USE

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

Education

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

Monitoring Use

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

Prohibitions

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

1. Accessing, downloading, or publishing inappropriate Internet material;
2. Sending or posting threatening, harassing, insulting, annoying or alarming content;
3. Sending, posting, or using obscene language;
4. Violating the privacy rights of students and employees of the District;
5. Vandalizing and/or tampering with district computers, and/or networks;
6. Hacking or any other form of unauthorized access to accounts, computer systems, or files;
7. Attempting to breach network security or transmit viruses;
8. Violating copyright, trademark, trade secret, or other intellectual property laws;
9. Using the network for political purposes as defined by state law, financial gain, and/or commercial purposes;
10. Accessing social networking or other Internet sites for noncurricular

- purposes;
11. Other actions deemed inappropriate or is not in the best interest of the District, its employees, and students.

Violations

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

Consent

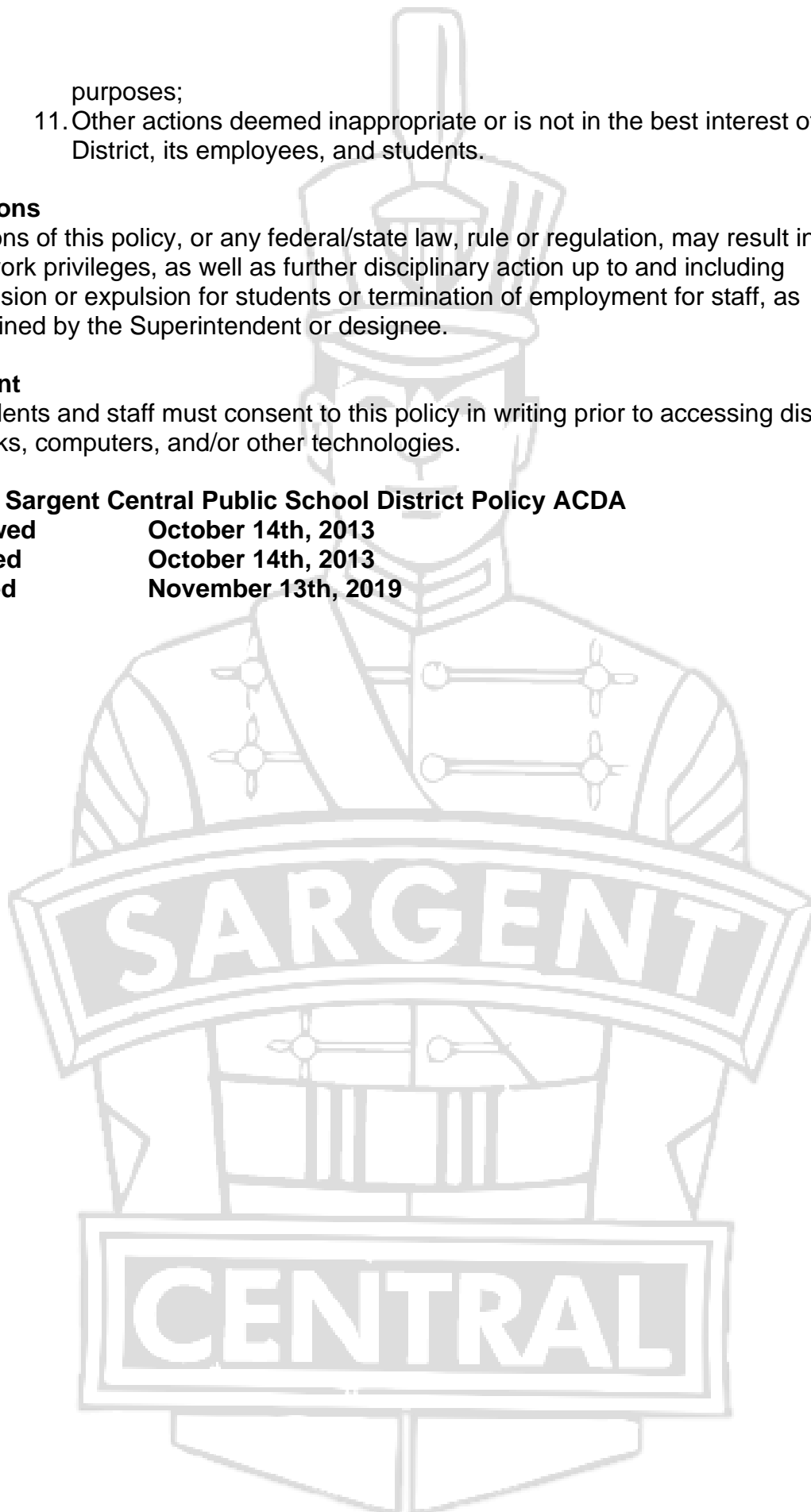
All students and staff must consent to this policy in writing prior to accessing district networks, computers, and/or other technologies.

End of Sargent Central Public School District Policy ACDA

Reviewed **October 14th, 2013**

Adopted **October 14th, 2013**

Revised **November 13th, 2019**



BULLYING POLICY

The Sargent Central Public School is committed to providing all students with a safe and civil school environment in which all members are treated with dignity and respect. Bullying of or by a student or school staff member is against federal, state, and local policy and is not tolerated by the Board. Bullying behavior can seriously disrupt the ability of the District to maintain a safe and civil environment, and the ability of students to learn and succeed. Therefore, it is the policy of the state and the District that students and school staff members shall not engage in bullying behavior while on school property.

Definitions

For the purposes of this policy:

- *Bullying* is defined in NDCC 15.1-19-17 as:
 - a. 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:
 - i. Is so severe, pervasive, or objectively offensive that it substantially interferes with the student's educational opportunities;
 - ii. Places the student in actual and reasonable fear of harm;
 - iii. Places the student in actual and reasonable fear of damage to property of the student; or
 - iv. Substantially disrupts the orderly operation of the public school; or
- Conduct 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:
 - i. Is so severe, pervasive, or objectively offensive that it substantially interferes with the student's educational opportunities;
 - ii. Places the student in actual and reasonable fear of harm;
 - iii. Places the student in actual and reasonable fear of damage to property of the student; or
 - iv. Substantially disrupts the orderly operation of the public school.
- Conduct received or sent by a student through the use of an electronic device while the student is outside a public school, off school district premises, and off school district owned or leased property and which:
 - i. Places the student in actual and reasonable fear of:
 - 1. Harm; or
 - 2. Damage to property of the student; and
 - ii. Is so severe, pervasive, or objectively offensive the conduct substantially interferes with the student's educational opportunities or substantially disrupts the orderly operation of the public school.

Conduct includes the use of technology or other electronic media (e.g. cyberbullying).

- *Electronic communication* is defined in NDCC 12.1-17-07(5) as a transfer of signs, signals, writing, images, sounds, data, or intelligence of any nature transmitted in whole or in part by a wire, radio, electromagnetic, photo-electronic, or photo-optical system.
- *Protected status* are classifications/characteristics protected from discrimination by NDCC 14-02.4-01 and federal law. The following statuses are protected: race, color, religion, sex (including sexual orientation, gender identity, and gender expression), national origin, age, disability (physical or mental), and status with regard to marriage or public assistance.
- *School property* is defined in NDCC 15.1-19-10(6)(b) as all land within the perimeter of the school site and all school buildings, structures, facilities, and school vehicles, whether owned or leased by a school district, and the site of any school-sponsored event or activity.
- *School-sanctioned activity* is defined as an activity that:
 - a. Is not part of the district's curricular or extracurricular program; and
 - b. Is established by a sponsor to serve in the absence of a district program; and
 - c. Receives district support in multiple ways (i.e., not school facility use alone); and
 - d. Sponsors of the activity have agreed to comply with this policy; and
 - e. The District has officially recognized through board action as a school-sanctioned activity.
- *School-sponsored activity* is an activity that the District has approved through policy or other board action for inclusion in the district's extracurricular program and is controlled and funded primarily by the District.
- *School staff* include all employees of the Sargent Central Public School volunteers, and sponsors of school-sanctioned activities.
- *True threat* is a statement that, in light of the circumstances, a reasonable person would perceive as a serious expression of an intent to inflict harm.

Prohibitions

A student or school staff member may not:

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

Reporting Procedures for Alleged Policy Violations

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

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

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

Bullying may be a repeated or, in rare cases, one-time exposure to deliberate, negative behavior by one or more individuals. Single incidents and conflicts between two or more individuals do not automatically constitute bullying behavior. Districts should investigate each situation to determine if the alleged behavior meets this policy's definition of bullying. If the misconduct does not meet this policy's definition of bullying, it may be addressed under other district policies.

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

Documentation and Retention

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

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

The form should be completed by an administrator when they:

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

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

Report forms and all other documentation related to an investigation of an alleged violation of this policy involving a student shall be retained by the District for six years after the student turns 18 years old or graduates from high school, whichever is later.

Investigation Procedures

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

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

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

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

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

Reporting to Law Enforcement and Others Forms of Redress

Law enforcement must be notified by a school administrator or the Board President if there is reasonable suspicion that a bullying incident constituted a crime on or off school property. Nothing in this policy shall prevent a victim/their family from seeking redress under applicable state and federal law.

Disciplinary and Corrective Measures

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

1. Require the student to attend detention.
2. Impose in- or out-of-school suspension or recommend expulsion. Due process procedures contained in the district's suspension and expulsion policy shall be followed.
3. Recommend alternative placement. This recommendation shall be submitted to the Superintendent for approval or denial. Alternative placement of special education students will be handled in accordance with applicable policy.
4. Create a behavioral adjustment plan.
5. Refer the student to a school counselor.
6. Hold a conference with the student's parent/guardian and classroom teacher(s), and other applicable school staff.
7. Modify the perpetrator's schedule and take other appropriate measures (e.g., moving locker) to minimize contact with the victim.
8. If applicable, contact the administrator of the website or social media platform on which the bullying occurred to report it.

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

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

Victim Protection Strategies

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

1. Additional training for all students and applicable staff on implementation of this policy and/or bullying prevention.
2. Notice to the victim's teachers and other staff to monitor the victim and his/her interaction with peers and/or the assignment of a staff member to escort the student between classes.
3. Assignment of district staff to monitor, more frequently, areas in the school where bullying has occurred.
4. Referral to counseling services for the victim and perpetrator.
5. Modification of the perpetrator's schedule and other appropriate measures imposed on the perpetrator (not the victim) to minimize the perpetrator's contact with the victim.

Dissemination and Education

The District shall review and revise this policy as it determines necessary. A copy of this district bullying policy and any amendments must be filed with the Department of Public Instruction.

The District shall place this policy, in its entirety, in student and staff handbooks and ensure that it is explained and discussed with its students each school year. The District shall also develop and implement bullying prevention programs for all students and staff professional development activities. School administration may develop guidelines to assist students and staff with identifying bullying conduct.

End of Sargent Central Public School District Policy ACEA

Reviewed	January 31st, 2018
Adopted	January 31st, 2018
Revised	November 13th, 2019
Revised	July 13th, 2022



HAZING

Definitions

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

Prohibitions

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

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

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

Reporting Requirements

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

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

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

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

End of Sargent Central Public School District Policy ACEB

Reviewed

February 28th, 2018

Adopted

February 28th, 2018



CENTRAL

WHISTLEBLOWER PROTECTIONS POLICY: PROHIBITION AGAINST RETALIATION

Protections: Employees

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

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

Protections: False Claims Act (FCA)

The District shall comply with the FCA and prohibits any district employee, contractor, or other district agent from knowingly submitting or causing the submission of a false or fraudulent claim to the federal government in the district's name. The District will not tolerate any form of reprisal, retaliation, or discrimination (including, but not limited to: discharge, discipline, threats, or penalizing compensation, work conditions, location, or privileges of employment) against any employee, contractor, district agent, student, or community member because s/he filed a complaint in good faith under FCA against the District and/or any of its employees, contractors, or agents.

Protections: Students & Community Members

The District will not tolerate any form of reprisal, retaliation, or discrimination against a student and/or community member because s/he, in good faith, filed a complaint against the District (or a district employee, contractor, or agent) under district policy or when authorized by law. Furthermore, the District will not tolerate any form of reprisal, retaliation, or discrimination against a student and/or community member because s/he participates in a district-related investigation, hearing, or inquiry.

Grievance Procedure

Anyone covered by the above protections who reasonably believes that this policy has been violated by a district employee, contractor, or other authorized district agent may file a grievance in accordance with the district's applicable complaint or grievance policy. In the absence of policy, or if policy is not applicable given the nature of the grievance, the individual should report to the Superintendent who shall investigate. If a grievance under this policy concerns the Superintendent, Business Manager, or a school board member,

the complainant should report to the Board President or Board Vice President (if the report concerns the Board President) who shall investigate. If the grievance concerns the entire school board, it should be filed with the County Superintendent for investigation.

Grievances not otherwise covered by deadlines in the applicable district policy must be reported within 180 calendar days unless state or federal law specifies otherwise. Failure to timely present the grievance shall be deemed a waiver of the grievance. Investigations of grievances filed under this policy shall be completed within 60 days unless the investigator documents in writing reasonable cause for extending this investigation deadline. Upon completion of the investigation, the investigator shall issue his/her findings to the complainant in a written report.

Complainants may also report grievances under this policy to the state agency with jurisdiction over the subject of the grievance (e.g., ND Department of Labor or ND Department of Public Instruction), the appropriate federal agency, and/or, if applicable, law enforcement.

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

Policy Violation Consequences

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

Prohibition of False Claims

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

Notice of Policy

Each employee, contractor, volunteer, school board member, and student will have access to a copy of this policy via the Sargent Central Public School District website.

End of Sargent Central Public School District Policy ACF

Reviewed

February 28th, 2018

Adopted

February 28th, 2018