School Board Policy Manual

Nesson Public School District #2
Po Box 564
Ray ND 58849

First Edition
Adopted: February 2024

Updated: August 12, 2026

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School Board 2023-2024
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RECOMMENDED Descriptor Code: AAA

PHILOSOPHY OF PUBLIC SCHOOLS

We, the Nesson 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.

RECOMMENDED Descriptor Code: AAB

DISTRICT GOALS & OBJECTIVES

The District shall comply with approval requirements in state law and shall strive to provide schools that meet the criteria for accreditation from the Department of Public Instruction 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 and will visit the strategic plan at least annually.

End of Nesson School District #2 Policy AAB .....**Reaffirmed: 12/20/2023**

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End of Nesson School District #2 Policy AAB.....Reaffirmed:12/20/2023

NONDISCRIMINATION AND ANTI-HARASSMENT POLICY

General Prohibitions

The Nesson School District is committed to maintaining a learning and working environment free from discrimination and harassment in all employment and educational programs, activities, and facilities. The District prohibits discrimination and harassment based on a student's, parent's, guardian's, or employee's race, color, religion, sex, gender identity, national origin, ancestry, disability, age, or other status protected by law. 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) and means a physical or mental impairment that substantially limits one or more major life activities, a record of this impairment, or being regarded as having this impairment.
- *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) and means a person who performs services for the District for compensation, whether in the form of wages, salaries, commission, or otherwise. Employee does not include a person elected to public office in the District by the qualified voters, i.e., a school board member.
- 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.
- *Retaliation* means intimidation, threats, coercion, or discrimination against any person by the District, a student, an employee, or any other person authorized by the District to provide an aid, benefit, or service under the District's education program or activity for the purpose of interfering with any right or privilege secured by law or this policy, or because the person reported information, made a complaint, testified, assisted, or participated in a grievance procedure or informal resolution process.
- *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.
  a.
- *Sexual harassment* under Title IX means any of three types of misconduct on the basis of sex that occurs in a school district education program or activity and is committed against a person in the United States:
  a. Quid pro quo harassment by a school district employee (conditioning the provision of an aid, benefit, or service of the school district on an individual's participation in unwelcome sexual conduct);
  b. Unwelcome conduct that a reasonable person would find so severe, pervasive, and objectively offensive that it denies a person equal educational access; or
  c. Any instance of sexual assault (as defined in the Clery Act, 20 U.S.C. §1092(f)(6)A(v)), dating violence, domestic violence, or stalking (as defined in

the Violence Against Women Act, 34 U.S.C. §12291).

- *Sexual harassment* examples may 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 in the Title IX Sexual Harassment Grievance Procedure, AAC-BR2.

Complaint Resolution Procedures

The Board has created informal and formal discrimination and harassment complaint resolution procedures in board regulation 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 formal resolution procedures provide for an impartial investigation free of conflicts of interest and bias.

Nothing in this policy or in the related grievance procedures 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 in 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 Nesson School, 224 2nd Ave. W., Ray, ND 58849, 701-568-3301. 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 applicants, students, parents or legal guardians, employees and unions. Any person may report sex discrimination, including sexual harassment, at any time (including during non-business hours).

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 Counselor as the 504/Title II Coordinator. They may be contacted at Nesson School, 224 2nd Ave. W., Ray, ND 58849, 701-568-3301.

The Nondiscrimination Coordinator's core responsibilities include overseeing the District's response to discrimination and harassment reports and complaints that do not include Title IX sex discrimination or harassment or 504/Title II disability discrimination or harassment.. The Board designates the Office Administrator as the Nondiscrimination Coordinator. They may be contacted at Nesson School, 224 2nd Ave. W., Ray, ND 58849, 701-568-3301.

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, regarding reports of sexual harassment under Title IX shall receive training in a number of areas specified in board regulation AAC-BR2.

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

- AAC-BR1, Discrimination and Harassment Grievance Procedure
- AAC-BR2, Title IX Sexual Harassment Grievance Procedure
- AAC-E1, Filing a State or Federal Discrimination and/or Harassment Complaint
- AAC-E2, Discrimination and/or Harassment Complaint Confidentiality Assessment
- AAC-E3, Discrimination and/or Harassment Training Requirements for Employees

- AAC-E4, Reasonable Accommodation Request Physician Form
- AAC-E5, Notice of Title IX Sexual Harassment Complaint
- ABBB, Non-Curricular Use of District Property
- DE, Staff Code of Conduct
- FGDB, Student Handbooks

End of Nesson School District #2 Policy AAC ..... **Reaffirmed: 12/20/2023**
Revised 11/17/2025

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 AAC, 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 the response to a discrimination, harassment, or retaliation report is authorized to receive assistance from the district's legal counsel throughout the process.

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

The formal resolution procedure must be completed within 60 days of a district employee reporting the complaint or incident to the appropriate grievance coordinator or a complainant or accused terminating the informal complaint procedure, unless the investigator documents reasons for delays and communicates these reasons with the complainant and accused. Acceptable reasons for delays include but are not limited to extended school breaks when witnesses are not available, cooperation during concurrent law enforcement investigations, 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, harassment, or retaliation 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 knowledge, the informal resolution facilitator shall propose an informal resolution, which may include, for example, requiring the accused to undergo training on discrimination, harassment, and/or retaliation; 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. The informal resolution should be documented. 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 prior to agreeing upon a resolution 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, harassment, or retaliation may have constituted a crime, the Superintendent should contact law enforcement and enter into a memorandum of understanding concerning sharing of evidence and coordination of the investigation if appropriate. 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 or designated investigator shall complete a written report containing a determination of whether the allegations were substantiated, whether the nondiscrimination and anti-harassment policy was violated, and recommendations for corrective action, if any. The appropriate grievance coordinator or designated investigator shall assess if discrimination, harassment, and/or retaliation "more likely than not" occurred. The following criteria may be relevant to this assessment:

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.

When it is determined a policy violation occurred, 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 and need not be non-disciplinary or non-punitive in nature and need not

avoid burdening the accused. The appropriate grievance coordinator shall communicate separately with the complainant to discuss what measures are appropriate. The report must also inform the complainant that support services are 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 with 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 Nesson School District #2 Board Regulation AAC-BR1..... **Reaffirmed: 12/20/2023**
Revised: 11/17/2025

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. Board policy requires all staff to fully cooperate when asked to participate in a harassment or retaliation investigation, except in circumstances when requiring cooperation would constitute prohibited retaliation. 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)(c) 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"* under Title IX means any of three types of misconduct on the basis of sex that occurs in a school district education program or activity and is committed against a person in the United States:
  a. Quid pro quo harassment by a school district employee (conditioning the provision of an aid, benefit, or service of the school district on an individual's participation in unwelcome sexual conduct);
  b. Unwelcome conduct that a reasonable person would find so severe, pervasive, and objectively offensive that it denies a person equal educational access; or
  c. Any instance of sexual assault (as defined in the Clery Act, 20 U.S.C. §1092(f)(6)A(v)) [1], dating violence[2], domestic violence[3], or stalking[4] (as defined in the Violence Against Women Act, 34 U.S.C. §12291).

  a.
- *Sexual harassment examples* may include, but are not limited to, the following:

[1] "*Sexual assault*" means an offense classified as a forcible or nonforcible sex offense under the uniform crime reporting system of the Federal Bureau of Investigation: Rape— (Except Statutory Rape) The carnal knowledge of a person, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental or physical incapacity; Sodomy—Oral or anal sexual intercourse with another person, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental or physical incapacity; Sexual Assault With An Object—To use an object or instrument to unlawfully penetrate, however slightly, the genital or anal opening of the body of another person, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental or physical incapacity; Fondling—The touching of the private body parts of another person, under or on top of clothing, for the purpose of sexual gratification without the person's consent, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental or physical incapacity; Incest—Nonforcible sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law; Statutory Rape—Nonforcible sexual intercourse with a person who is under the statutory age of consent. *"Consent"* is the existence of clearly understandable words or actions that manifest a knowing, active, voluntary, and present and ongoing agreement to engage in specific sexual or intimate conduct by one not suffering from incapacitation.

[2] "*Dating violence*'' means violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the complainant, where the existence of such a relationship shall be determined based on a consideration of the following factors: a) the length of the relationship, b) the type of relationship, and c) the frequency of interaction between the persons involved in the relationship.

[3] "*Domestic violence"* includes felony or misdemeanor crimes of violence committed by a current or former spouse or intimate partner of the complainant, by a person with whom the complainant shares a child in common, by a person who is cohabitating with or has cohabitated with the complainant as a spouse or intimate partner, by a person similarly situated to a spouse of the complainant under North Dakota domestic or family violence laws, or by any other person against an adult or youth complainant who is protected from that person's acts under North Dakota's domestic or family violence laws.

[4] "*Stalking*'' means engaging in a course of conduct based on sex directed at a specific person that would cause a reasonable person to fear for the person's safety or the safety of others; or suffer substantial emotional distress.

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.

- *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.

The District prohibits knowingly making a materially false statement or providing materially false information in connection with the allegations of sexual harassment set forth in a report or formal complaint. Charging an individual with a code of conduct violation for making a materially false statement in bad faith in the course of a grievance proceeding under this policy does not constitute retaliation; provided, however, that a determination regarding responsibility, alone, is not sufficient to conclude that any party made a materially false statement in bad faith. Disciplinary action may be taken upon a finding that a materially false statement in bad faith was made, including but not limited to suspension and expulsion for students and reprimands and termination for employees.

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 the response to a sexual harassment report 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. Similarly, if a particular supportive measure requested by the complainant is deemed inappropriate, the Title IX Coordinator shall document why the denial of the particular supportive measure was not clearly unreasonable in light of the known circumstances. Upon the filing of a formal complaint, the Title IX Coordinator shall also promptly contact the respondent, who must also be offered supportive measures.

Supportive measures must be designed to preserve equal 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 reasonably available to the complainant before or after the filing of a formal complaint or where no formal complaint has been filed, and where a formal complaint has been filed, should be equitably offered to both the complainant and the respondent.

Disciplinary sanctions or other actions that are not supportive measures shall not be taken against the respondent unless a formal complaint is filed and either an informal resolution agreement includes such actions or an investigation is conducted and a determination regarding responsibility is issued in accordance with the process set forth herein.

Emergency Removal of the Respondent
In the event the respondent poses an immediate threat to the physical health or safety of any student or other individual and this emergency situation arises from the allegations of sexual harassment, 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 Superintendent 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/or 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 that disciplinary action may result if false statements or false information are knowingly provided including but not limited to suspension and/or expulsion for students and reprimands and/or termination for employees;
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 prior to agreeing to a resolution and begin the formal resolution procedure;
8. Advise the parties of the District's obligation to conduct a formal investigation when the formal resolution procedure will be utilized;
9. Advise the parties of their right to advance written notice of the date, time, location, participants, and purpose of all investigative interviews to which they are invited or expected;
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 the informal resolution procedure, or to prepare for an initial interview if the formal resolution procedure will be used 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. However, 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 calendar 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 90 calendar 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 but are not limited to 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 formal resolution procedure must be used whenever the informal procedure is not permitted or deemed appropriate. If the informal resolution procedure is initiated, the informal resolution procedure may be facilitated at any time prior to reaching a determination regarding responsibility.

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 designated investigator shall conduct a fair and impartial investigation of the allegations of sexual harassment set forth in a formal complaint. If the 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 Title IX Coordinator and/or Superintendent shall designate another appropriate person to conduct the investigation.

The fact-gathering portion of the investigation must be carried out or overseen by the 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 investigator 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 (10) calendar 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 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 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 investigator shall provide a copy of the investigation report to the designated decision-maker.

Submission of Questions and Responses to Report
Within five (5) calendar days of receipt of the investigation report, the parties may submit relevant written questions to the 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 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 designated decision-maker for an answer by the other party or a witness in the same manner as initial written questions.

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

Within ten (10) calendar days of receipt of the investigation report, the parties may submit a written response to the report to the designated decision-maker. The deadline to submit a written response to the investigation report may not be delayed by the submission or pendency of written questions.

Standard of Evidence
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[5]
Following the deadlines for written submission of questions and receipt of any written responses to the investigation report by the complainant and respondent, the designated decision-maker shall reach a determination regarding responsibility by applying the preponderance of the evidence standard.

[5] The decision-maker must not be the same person as the Title IX Coordinator or other investigator.

In reaching a determination on responsibility, the designated decision-maker must objectively evaluate all relevant evidence, including inculpatory and exculpatory evidence. In doing so, the 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 designated decision-maker determines the respondent engaged in sexual harassment in violation of Title IX, the 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.

Notice of Determination of Responsibility

The 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 separately with 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. Such remedies may include supportive measures and need not be non-disciplinary or non-punitive in nature and need not avoid burdening the respondent. 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[6]

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 designated appeal decision-maker within five (5) calendar 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 designated appeal decision-maker 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 designated appeal decision-maker must the decision-maker's written determination, any written statements filed by the complainant or respondent following initiation of appeal, and any other file material deemed necessary

[6] The decision-maker on appeal must not be the Title IX Coordinator, the investigator, or the decision-maker on the determination of responsibility or dismissal decision.

by the appeal decision-maker in order to determine if the determination of responsibility or dismissal decision was appropriate. The designated appeal decision-maker 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 procedures.

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 District must dismiss a formal complaint or allegations when:

1. The allegations set forth do not meet the definition of sexual harassment even if proved;
2. The alleged sexual harassment did not occur against a person in the United States; or
3. The alleged sexual harassment did not occur in a district education program or activity.

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 codes 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 Nesson School District #2 Board Regulation AAC-BR2..... Amended: 02/21/2022
Revised 11/17/2025

NOTICE OF TITLE IX SEXUAL HARASSMENT COMPLAINT

This is a notice that a formal complaint containing allegations of sexual harassment has been filed with the Nesson School District. This notice is being provided to the complainant and the respondent in accordance with section 106.45(b)(2)(i)(B) of the Title IX sexual harassment regulations. The purpose of this written notice is to help ensure that the nature and scope of the investigation, and the district's procedures, are clearly understood by all parties at the commencement of the investigation.

Complainant Name: _____

Last First Middle Initial

Respondent Name: _____

Last First Middle Initial

Date(s) of alleged incident(s): _____

Time of alleged incident(s) (if known): _____

Location of alleged incident(s): _____

Details of the conduct that potentially constitutes sexual harassment:

_____

_____

_____

_____

The following are a list of supportive measures available to the complainant and respondent prior, during, or after the filing of a formal complaint alleging sexual harassment:

1. _____
2. _____
3. _____

The following are a list of disciplinary actions the District may impose against the respondent following a determination of responsibility:

1. _____
2. _____
3. _____

The following are a list of remedies the District may provide to the complainant following a determination of responsibility:

1. _____
2. _____
3. _____

Please be advised of the following:

1. The District has adopted the grievance process set forth in board regulation AAC-BR2, a copy of which is being provided;
2. The District must recognize a 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 set forth in board regulation AAC-BR2, a copy of which is being provided along herewith;
3. The complainant and the respondent each have the right to the assistance of an adult advisor of their choice, including who may be, but is not required to be, an attorney, throughout the grievance process;
4. The complainant, respondent, and their advisor are prohibited from knowingly making a materially false statement or providing materially false information in connection with the allegations of sexual harassment set forth in the formal complaint. Any party who violates this prohibition will be subject to discipline in accordance with the district's code of conduct policies;
5. The District may offer the parties an informal resolution procedure to resolve the allegations set forth in the formal complaint. 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 to participate in writing. 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. Either party may terminate or withdraw from the informal resolution procedure and resume the formal resolution procedure at any time prior to agreeing to a resolution;
6. The District is required to conduct a fair and impartial investigation of the allegations of sexual harassment set forth in any formal complaint;
7. The parties have the right to advance written notice of the date, time, location, participants, and purpose of all investigative interviews;
8. The parties have the right to review all evidence obtained as part of the investigation that is directly related to the allegations raised in the formal complaint. The parties also have the right to submit a written response to the evidence prior to the conclusion of the investigation;
9. The parties of the 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 to submit additional, limited follow-up questions;

10. The District will apply 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. Additional information regarding this standard is contained within board regulation AAC-BR2, a copy of which is attached;

11. The complainant or the respondent may appeal the determination of responsibility, including 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. The bases of appeal and the appeal procedure are described in detail in the AAC-BRs regulation, a copy of which is attached; and

12. The parties shall not discuss or disseminate the allegations set forth in the formal complaint, or information gathered in the course of an investigation, in a manner that constitutes retaliation or unlawful tortious conduct.

In the event allegations in the formal complaint change or additional potential violations are discovered, the Title IX Coordinator will promptly provide written notice of the changes or additional potential violations to the complainant and the respondent.

_____ _____

Title IX Coordinator Date

By my signature below, I acknowledge that I have received this written notice of the sexual harassment allegations.

_____ _____

Signature Date

End of Nesson School District #2 Exhibit AAC-E5

REQUIRED

AACA - SECTION 504 OF THE REHABILITATION ACT OF 1973 POLICY

The Nesson School District prohibits discrimination against any student with a disability as defined in Section 504 of the Rehabilitation Act of 1973 (Section 504) and in policy AAC, Nondiscrimination and Anti-Harassment Policy. The Board designates the Superintendent as the 504 Coordinator to ensure compliance with applicable laws and policy. The 504 Coordinator may be contacted at: (701) 568-3301.

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.

Qualified Student Determination

Section 504 covers qualified students with disabilities who are determined to have a physical or mental impairment that substantially limits one or more major life activities; have a record of such an impairment; or have been regarded as having such an impairment. Qualified students who have an impairment that substantially limits a major life activity must be provided a “free appropriate public education” (FAPE) as defined under Section 504. Determinations regarding a “qualified student” are made based on individual inquiry in accordance with Section 504 regulations. Qualified students remain eligible for Section 504 protections for as long as their impairment substantially limits their ability to learn or any other major life activity.

Establishing a Section 504 Team

The District may request supporting documentation from a treating provider for a Section 504 evaluation as identified under this policy and accompanying regulations. Providing documentation is not a precondition for evaluation, but documentation may be informative in the evaluation and placement processes. In identifying, evaluating, and placing qualified students, the Section 504 Coordinator shall convene a team of individuals who are knowledgeable about the student, which may include, but is not limited to, the Coordinator, administrator(s), teacher(s), school specialists, other relevant staff, parents/guardians, and, if appropriate, the qualified student. Following the eligibility determination, the 504 team shall convene to develop a Section 504 plan, or other appropriate individualized program or plan as outlined under this policy.

Section 504 Plan

The Section 504 team may develop a Section 504 plan, or other appropriate individualized program or plan, focused on providing accommodations a qualified student needs to receive FAPE in accordance with Section 504. District employees must implement the provisions of a student’s Section 504 or other plan when the plan

governs the employee's treatment of students for whom they are responsible. The 504 team may provide teachers and staff with support and strategies for helping qualified students and for implementing 504 and other plans.
If a student with a disability transfers to the District from another school district with a Section 504 plan, the District will review the plan and supporting documentation. If the District's 504 team, including persons knowledgeable about the meaning of the evaluation data and knowledgeable about the placement options, determines the qualified student's incoming plan is appropriate, the District will implement the plan. If the District determines the plan is inappropriate, the District will evaluate the student consistent with Section 504 procedures and the district's policies and regulations and determine which educational program is appropriate for the student. If a transferring student has an individualized education program (IEP) in place, the District will implement the IEP during the interim period when additional evaluation may occur in accordance with Section 504 and/or the IDEA.

Free Appropriate Public Education (FAPE)

The District shall perform "child find" obligations under Section 504 by identifying, locating, evaluating, and providing 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 as defined under Section 504.

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. The District will implement the individualized education program (IEP) of a student who also qualifies under the Individuals with Education Act (IDEA) when providing the education and related aid required for the student in compliance Section 504. The District may also place or refer a qualified student for aid, benefits, or services other than those the District operates or provides as the district's means of carrying out FAPE.

Educational Setting

1. **Academic setting.**

The District may educate a qualified student in an academic setting. The District shall educate students with disabilities with non-disabled students 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 consider the proximity of the alternate setting to the student's home.

The District may place a student with a disability in, or refer the student to, a program not operated by the 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.

2. Nonacademic settings

In providing or arranging for the provision of nonacademic and extracurricular services and activities, including meals, recess periods, and other services and activities covered under law (e.g., counseling services, recreational activities, transportation, special interest groups or clubs, student employment, etc.), the District shall ensure that qualified students with disabilities participate with non-disabled students in such activities and services to the maximum extent appropriate to the needs of the qualified student in question.

3. Comparable Facilities

The District shall ensure the facilities it operates that are identified for students with disabilities and the services and activities provided therein are comparable to the district's other facilities, services, and activities.

Child Find Obligations – Evaluation and Placement

Section 504 imposes “child find” obligations on the District to identify and locate every qualified student with a disability residing in the district’s jurisdiction who is not receiving a public education. The District must also evaluate students with known or suspected disabilities who may need special education or related services.

To this extent, the District shall conduct an initial evaluation (with parental consent at the time of 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 AACA-AR. Placement decisions shall be made in compliance with educational setting requirements. The District is ultimately responsible for providing accommodations and placements in accordance with Section 504 requirements. Parent input will be considered during the 504 team meeting and 504 planning processes.

The District shall periodically re-evaluate students who are provided special education or related services, and prior to a significant change in placement as defined under Section 504.

Procedural Safeguards

The District shall develop and implement a system of procedural safeguards for parents or guardians with respect to District actions regarding the identification, evaluation, or educational placement of qualified students under Section 504. 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 District will also obtain parent or guardian consent for initial evaluations. However, if the District suspects a student needs, or is believed to need, accommodations or services under Section 504 and parental/guardian consent is withheld, the District may use due process hearing procedures to override the parental/guardian denial of consent for initial evaluation.

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 this policy any accompanying regulations. 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.

Inquiries related to Section 504 may also be made to the Superintendent of Public Instruction at 600 East Boulevard Avenue, Department 201, Bismarck, ND 58505-0340;NDDPI Section 504 Federal Law Guidance .

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, counseling services, school-sponsored interest groups or clubs, 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 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.

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

- AAC, Nondiscrimination and Anti-Harassment Policy
- AAC-BR1, Discrimination and Harassment Grievance Procedure
- AACA-AR, Section 504 Evaluation Standards and Procedures
- AACA-E1, Section 504 Notice of Parent/Guardian and Student Rights
- AACA-E2, Section 504 Eligibility Determination Form
- FDE, Education of Special Education/Disabled Students

  Legal References

  - 20 U.S.C. § 1400 et esq., Individuals with Disabilities Education Act
  - 29 USC § 794, Nondiscrimination Under Federal Grants and Programs
  - 34 C.F.R. § 300.101, Free Appropriate Public Education
  - 43 C.F.R. Part 104, Section 504 of the Rehabilitation Act of 1973
  - NDCC § 15.1-32, Special Education

REQUIRED Descriptor Code: ABAC

VIRTUAL LEARNING BECAUSE OF WEATHER OR OTHER CONDITIONS

Definitions

- *Virtual instruction* means teaching and learning that takes place remotely and can be synchronous or asynchronous.
- *Weather or other conditions* means inclement weather, other unforeseen circumstances that render the school building unusable or inaccessible, or other conditions that temporarily warrant remote instruction for one or more students.
- *Cancel hours of instruction* means that a school district has decided not to provide in-person instruction for one or more students for all or part of a previously scheduled school day. This may include one or more students not being able to attend school due to extenuating circumstances because of weather or other conditions.

Virtual Learning Requirements

The District may temporarily offer virtual instruction when weather or other conditions require the Superintendent or designee to cancel hours of instruction. The District must ensure that affected students make up all lost hours of instructional time if the absence will result in the school failing to meet the minimum number of hours required by state law.

Prior to the District offering virtual instruction, the Board in collaboration with the Superintendent shall:

1. Identify the mode of virtual instruction to be provided to students, method of content delivery, and process for monitoring learning when the decision is made to cancel hours of instruction because of weather or other conditions;
2. Establish procedures for transitioning students into and out of the virtual instruction period;
3. Establish procedures for ongoing communication with students, parents or legal guardians during the virtual instruction period;
4. Establish processes for how districts will track participation and attendance of all students during virtual instruction; and
5. Communicate roles and responsibilities for staff working remotely and providing student services during virtual instruction.

Reporting

At the conclusion of each school year, the District shall report to the Department of Public Instruction the days in which virtual instruction was provided in accordance with this policy.

End of Nesson School District #2 Policy ABAC ..... Amended: 02/21/2024

NORTH DAKOTA'S COMPREHENSIVE MODEL SCHOOL POLICY FOR TOBACCO USE

Definitions

For purposes of this policy:

- *Electronic smoking device* means any product containing or delivering nicotine, or any other substance, whether natural or synthetic, intended for human consumption through the inhalation of aerosol or vapor from the product. Electronic smoking device includes, but is not limited to, devices manufactured, marketed, or sold as e-cigarettes, e-cigars, e-pipes, vape pens, e-hookahs, mods, tank systems, Juul, Suorin, or under any other product name or descriptor. Electronic smoking device also includes any component part of a product, whether or not marketed or sold separately, including, but not limited to, e-liquids, e-juice, cartridges, or pods..
- *Imitation tobacco product* means any edible non-tobacco product designed to resemble a tobacco product, or any non-edible non-tobacco product designed to resemble a tobacco product and intended to be used by children as a toy. Imitation tobacco product includes, but is not limited to, candy or chocolate cigarettes, bubble gum cigars, shredded bubble gum resembling chewing tobacco, pouches containing flavored substances packaged similar to snus, and shredded beef jerky in containers resembling snuff tins.
- *Lighter* means a mechanical or electrical device typically used for lighting tobacco products.
- *Possession of tobacco products* means:
    a. Actual physical possession of the tobacco product while on school property;
    b. Use or consumption of the tobacco product while on school property;
    c. Tobacco product located in the student's locker, car, handbag, backpack, or other belongings while on school property; or
    d. Appearance by a student on school property after having consumed or ingested the tobacco product that is noticeable by breath odor.
- *Smoking* means inhaling, exhaling, burning, or carrying any lighted or heated cigar, cigarette, or pipe, or any other lighted or heated tobacco, nicotine, or plant product intended for inhalation, including hookah and marijuana, whether natural or synthetic. "Smoking" also includes the use of an electronic smoking device. This excludes any FDA-approved nicotine replacement therapy.
- *School property* is defined in NDCC 15.1-19-10 (6)(b) as all land within the perimeter of the school site and all school buildings, structures, facilities, and school vehicles, whether owned or leased by a school district, and the site of any school-sponsored event or activity.
- *Tobacco product* means any product containing, made, or derived from tobacco, or that contains nicotine, whether synthetic or natural, that is intended for human consumption or is likely to be consumed, whether smoked, heated, chewed, absorbed, dissolved, inhaled, snorted, sniffed, or ingested by any other means, or

any component, part, or accessory of a tobacco product, including, but not limited to: a cigarette; electronic smoking device; cigar; little cigar; cheroot; stogie; perique; granulated, plug cut, crimp cut, ready rubbed, and other smoking tobacco; cavendish; plug and twist tobacco; fine-cut and other chewing tobacco; shorts; snuff; snuff flour; snus; refuse scraps, clippings, cuttings and sweepings of tobacco; and other kinds and forms of tobacco. Tobacco product also includes any electronic smoking device.

- *Tobacco use* means smoking and the heating, inhaling, chewing, absorbing, dissolving or ingesting of any tobacco product.

- *Visitor* means any person subject to this policy that is not a district student or staff member. This includes school volunteers, independent contractors, individuals performing services on behalf of the District, and individuals attending school-sponsored events or activities.

Rationale for Regulating Possession & Use
The health hazards of tobacco use have been well established. This policy is established to:

1. Reduce the high incidence of tobacco use in North Dakota.
2. Protect the health and safety of all students, employees, and the general public.
3. Set a non-tobacco-use example by adults.
4. Assist in complying with smoking restrictions in state and federal law (NDCC 23-12-10 and 20 U.S.C. 7973).

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

Prohibitions
Students are prohibited from possessing, using, consuming, displaying, promoting, or selling tobacco products, electronic smoking devices, imitation tobacco products, or lighters at any time on school property or at any school sponsored event or activity. In addition, students who participate in extracurricular activities are prohibited from possessing or using tobacco products at any time, on and off school property, as directed by district policy (FFE) and the North Dakota High School Activities Association bylaws.

District staff and visitors are prohibited from using, consuming, displaying, activating, promoting, or selling tobacco products, electronic smoking devices, imitation tobacco products, or lighters at any time on school property or at any school sponsored event or activity. This policy includes all events on school property that are not sponsored by, or associated with, the school.

The District shall not promote or allow promotion of tobacco products, electronic smoking devices, imitation tobacco products, or lighters on school property, at any school

sponsored event or activity, or in any school publications. This includes promotion of these products via gear, technology accessories, bags, clothing, any personal articles, signs, structures, vehicles, flyers or any other materials.

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

Exceptions
It shall not be a violation of this policy for an individual to possess or provide tobacco, electronic smoking devices, imitation tobacco products, or lighters to any other individual as part of a genuine indigenous practice or a lawfully recognized religious, spiritual, or cultural ceremony or practice off of school property. It shall not be a violation of this policy to use a tobacco product as part of an educational experience related to indigenous tobacco practices when such use and education experience has been approved by administration.

It shall not be a violation of this policy for tobacco products, electronic smoking devices, imitation tobacco products, or lighters to be included in an instructional or work-related activity on school property if the activity is conducted by a staff member or an approved visitor, the activity does not include smoking, chewing, or otherwise ingesting the tobacco product, and has been approved by administration.

It shall not be a violation of this policy for non-students 18 years and older to use or possess a product that has been approved by the U.S. Food and Drug Administration for sale as a tobacco cessation product, as a tobacco dependence product, or for other medical purposes, and is being marketed and sold solely for such an approved purpose.

Communicating to Students, Staff, & Public
The District shall comply with all smoking prohibition posting requirements in law. Appropriate signage shall be posted throughout the district at building entrances and other highly visible locations on school property, such as, but not limited to, school buildings, district vehicles, vehicular entrances to school grounds, school playgrounds, and all indoor and outdoor athletic facilities. Signage shall indicate that the Nesson School District is tobacco free. This policy will be printed in employee and student handbooks. Parents and/or guardians shall be notified of this policy, and the local media may be asked to communicate this tobacco-free policy communitywide.

Responsibility for Violations
All individuals on the district's premises share in the responsibility for adhering to and enforcing this policy. The Superintendent shall develop regulations for the enforcement and implementation of this policy (ABBA-AR).

Prevention Education
The District may consult with the county health department and other applicable health organizations to provide students with age-appropriate tobacco prevention information that follows the guidance from the Centers for Disease Control and Prevention.

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.

Evaluation
The Board shall review this policy at regular intervals, at least once a year, to determine whether policies and practices are properly implemented and effective.

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

- ABBA-BR, Tobacco Free Policy Violations
- DE, Staff Code of Conduct
- DEAA, Drug & Alcohol Free Workplace
- FF, Student Conduct & Discipline
- FFE, Extracurricular Participation Requirements
- FGDE, Student Distribution & Posting of Non-curricular Material
- HDD, Gifts & Bequests
- KAAA, Visitors in Schools
- KAAA-AR, Visitors in Schools Regulations
- KAAD, Distribution of Non-curricular Material in Schools

End of [Name of District] Policy ABBA ..... Adopted: 7/16/25

[07/20]

POLITICAL ACTIVITIES

Purpose

The purpose of this policy is to outline the restrictions placed on school districts under the Corrupt Practices Act, NDCC 16.1-10, and to identify the political activities that are allowed and not allowed within the Nesson School District #2. Under state law, no person may use any property belonging to or leased by the District, or any service which is provided to or carried on by the District (either directly or by contract) for a "political purpose."

Definitions

For the purposes of this policy, the following definitions under NDCC 16.1-10-02 are adopted:

- *Political purpose means* any activity undertaken in support of or in opposition to a statewide initiated or referred measure, a constitutional amendment or measure, a political subdivision ballot measure, or the election or nomination of a candidate to public office and includes using "vote for", "oppose", or any similar support or opposition language in any advertisement whether the activity is undertaken by a candidate, a political committee, a political party, or any person. In the period thirty days before a primary election and sixty days before a special or general election, "political purpose" also means any activity in which a candidate's name, office, district, or any term meaning the same as "incumbent" or "challenger" is used in support of or in opposition to the election or nomination of a candidate to public office. The term does not include activities undertaken in the performance of public office or a position taken in any bona fide news story, commentary, or editorial. Factual information may be presented regarding a ballot question solely for the purpose of educating voters if the information does not advocate for or against or otherwise reflect a position on the adoption or rejection of the ballot question.
- *Property* includes motor vehicles, telephones, typewriters, adding machines, postage or postage meters, funds of money, and buildings. However, nothing in this section may be construed to prohibit any candidate, political party, committee, or organization from using any public building for such political meetings as may be required by law, or to prohibit such candidate, party, committee, or organization from hiring the use of any public building for any political purpose if such lease or hiring is otherwise permitted by law.
- *Services* includes the use of employees during regular working hours for which such employees have not taken annual or sick leave or other compensatory leave.

Rights and Restrictions

The District recognizes that district employees, students, volunteers, and board members have certain individual, civic rights (e.g., the right to be an active member of a political party of choice; the right to seek, campaign for, and serve in public office; the right to vote). However, in accordance with law, the District prohibits the use of school property, school time, and school services for political purposes except as authorized by law and board approval. Use of the school delivery system for political purposes is also

prohibited. Employees shall not use on-duty hours for political purposes and shall observe state law prohibiting political activities by public employees. No district employee or volunteer shall exploit students for political purposes.

Nothing in this policy shall prevent:

1. The discussion and study of politics and political issues, when such discussion and study are appropriate to classroom studies. During any such study or discussion, employees shall observe the district's policy on academic freedom.
2. The conducting of student and employee organization elections and campaigning connected therewith.
3. Voluntary patriotic exercises as allowed under District policy or in compliance with the law.

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

- ABBD, Commercial and Political Use of Schools
- DDCA, Political Leave
- DDCA-BR, Political Leave Regulations
- DE, Staff Code of Conduct
- GACB, Patriotic Exercises
- GBA, Academic Freedom

End of Nesson School Distirct #2 Policy ABBDA.....Adopted: 7/16/2025

[03/25]

RECOMMENDED Descriptor Code: ABCA

COPYRIGHTED MATERIAL AND INTELLECTUAL PROPERTY

Copyright Prohibitions

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

Compliance

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

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

Intellectual Property

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

The Board authorizes the Superintendent to dispose of or sell "work made for hire" products to other school systems, organizations, or commercial firms in accordance with applicable laws and regulations**.**

Violations

Administration shall investigate all complaints of alleged copyright violations.

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

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

- ABDB, Generative Artificial Intelligence (AI) in Education
- ACDA, Acceptable Use

- DE, Staff Code of Conduct
- DHC, Research and Publishing
- IAD, Sale of District Property
- ICCB, Disposal of School Equipment and Supplies

End of Nesson School District #2 Policy ABCA.....**Adopted: 7/16/2025**

[03/25]

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. Sportsmanship is a commitment to fair play, ethical behavior, and integrity. In terms of perception and practice, sportsmanship is defined as those qualities which are characterized by generosity and genuine concern for others. The ideals of sportsmanship apply equally to all activity disciplines. Individuals, regardless of their role in activities, are expected to be aware of their influence on the behavior of others and model good sportsmanship.

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.

All visitors on school district property and at school-sponsored events and activities must adhere to visitor expectations set forth by the District, including complying with applicable laws and District policies/regulations. Athletes, coaches, and sporting event attendees are, at all times, prohibited from engaging in disruptive conduct that interferes or interrupts the orderly operation of the event and/or engaging in conduct that is insulting, harassing, or threatening to others. Those who engage in such conduct may immediately be asked to leave school property.

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

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

- DE, Staff Code of Conduct
- FF, Student Conduct and Discipline
- FF-AR, Student Conduct Standards and Disciplinary Procedures
- FF-E, Examples of Student Conduct Violations
- KAAA, Visitors in Schools
- KAAA-AR, Visitors in Schools Regulations

End of Nesson School Distrcit #2 Policy ABCB.....**Adopted: 7/16/2025**

[03/25]

REQUIRED Descriptor Code: ABBE

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 Superintendent 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.

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

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

End of Nesson School District #2 Policy ABBE ..... Amended: 02/21/2024

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 the District knows or has probable cause to believe that the school employee, contractor, or agent has engaged in sexual misconduct with a student or minor 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 regarding the transmission of administrative or 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 information has been properly reported to a law enforcement agency with jurisdiction over the alleged misconduct, and any other authorities as required by federal, state, or local law; and
   a. The matter 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;
   b. The individual has been charged with, and acquitted or otherwise exonerated of the alleged misconduct; or

c. The case remains open and there have been no charges filed against, or indictment of, the individual within four years of the date on which the information was reported to a law enforcement agency.

Reporting and Investigation
If an individual has reason to believe that an employee may have violated this policy, they are 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 or Business Manager 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 making a recommendation based on the outcome of the investigation to the Board for determination and final action. The Board President may retain an attorney or consultant to assist with the investigation process.

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

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

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

- ACCA, Sexual Offenders on School Property
- BA, School Board Ethics
- DBAA, Recruitment, Hiring, & Background Checks for New Classified Personnel
- DBAC, Recruiting & Hiring Teachers
- DE, Staff Code of Conduct
- DEBD, Maintaining Professional Employee-Student Boundaries

End of Nesson School District #2 Policy ABCE .....Adopted: 12/20/2023

WEBSITE ACCESSIBILITY

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

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

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

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

End of Nesson School District #2 Board Regulation ABDA-BR1.....**Reaffirmed: 12/20/2023**

WEBSITE ACCESSIBILITY CONCERNS, COMPLAINTS AND GRIEVANCES

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

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

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

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

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

1. An investigation of the complaint must be completed within fifteen working days. Extension of the time line may be approved only by the Superintendent.
2. The investigator shall prepare a written report of the findings and conclusions within five working days of the completion of the investigation.
3. The investigator shall contact the complainant upon conclusion of the investigation to discuss the findings and conclusions and actions to be taken as a result of the investigation.
4. A record of each complaint and grievance made pursuant to board policy copy of the complaint or grievance filed, report of findings from the investigation, and the disposition of the matter.

ACCESSIBILITY POLICY

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

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

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

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

End of Nesson School District #2 Policy ABDA ..... **Reaffirmed: 12/20/2023**

ABEA - 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. The name of each designee must be listed in administrative regulations (see ABEA-AR1). 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 by 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 (ABEA-AR3).

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

Physical Activity

In addition to state standards and mandates[1][1] 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.

[OPTIONAL: The District has implemented regulation ABEA-AR2, which contains additional programs and guidelines the District uses to promote physical activity.]

Nutrition Education and Promotion

The District shall teach, model, and support healthy eating in grades K-12 through the curriculum and through other promotional methods[2][2]. 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 Movement[3][3]). 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, including those foods and beverages provided at celebrations and parties and classroom snacks brought by staff or family members. The District shall not allow foods and beverages at a free or discounted price if those foods do not meet the USDA's Smarter Snacks in Schools nutrition standards. Non-food celebrations and rewards shall be promoted, and a list of ideas made available to staff and family members.

Foods purchased to raise funds must meet the USDA's Smart Snacks in Schools nutrition 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 mealtimes.

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 only water throughout the day.
[OPTIONAL: The District may serve whole, two percent, and flavored pasteurized milk through a bulk milk dispenser for students to utilize during mealtimes.

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

Complementary Documents (may contain items not adopted by the Board)

- ABEA-AR1, Building-Level Wellness Policy Coordinators
- ABEA-AR2, Physical Activity and Recess Regulations
- ABEA-AR3, Smart Snacks in Schools Regulations
- ABEA-E, Wellness Policy Assessment
- BBBB, School Board Committees
- BDA, Procedure for Adopting Board Policy
- BDBC, Citizens' Advisory Committees
- FGDB, Student Handbooks
- ABEB, Child Nutrition Programs

Legal References

- 7 C.F.R. § 210.10, Meal Requirements for Lunches and Requirements for Afterschool Snacks
- 7 C.F.R. § 210.11, Competitive Food Service and Standards
- 42 U.S.C. § 1758, Program Requirements (National School Lunch Program and the School Breakfast Program)
- 42 U.S.C. § 1779,Child Nutrition Regulations
- NDCC Ch. 15.1-09, School Boards
- NDCC Ch. 15.1-35, Child Nutrition and Food Distribution Programs

End of Nesson School District #2 Policy ABEA . . . . . Adopted: 7/16/25

REQUIRED Descriptor Code: ABEC

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 by cash, check, or online payment, or automatic payment through e-funds for schools..

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 14 days. If they fail to do so, the District may rollover 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 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.

Complementing NDSBA Templates (may contain items not adopted by the Board)
- ABEC-AR, Adult Meals

RECOMMENDED Descriptor Code: ACBA

AUTOMATED EXTERNAL DEFIBRILLATORS (AED)

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

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

Training

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

Limited Liability

In accordance with NDCC 32-03.1-02.3, an individual who in good faith and without compensation provides training to use an automated external defibrillator, or emergency care or treatment by using an automated external defibrillator is immune from civil liability for any personal injury resulting from the training, emergency care, or emergency treatment and for any act or failure to act in providing or arranging further medical treatment if the individual providing the training, emergency care, or emergency treatment acted as an ordinary, reasonable, prudent person would act under the same or similar circumstances. Any person responsible for the site on which the automated external defibrillator is located is also immune from civil liability.

Immunity from civil liability does not apply if a personal injury results from the gross negligence or from the willful or wanton misconduct of the individual providing the training, emergency care, or emergency treatment. NDCC 32-03.1-02.3 does not limit civil liability protection provided by any other law.

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

- ACAB, Emergency & Disaster Plans & Drills

SIGNIFICANT CONTAGIOUS DISEASES

The Nesson 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* include 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 discrimination and/or harassment against an individual diagnosed as having a significant contagious disease on and using school property. Complaints alleging discrimination/harassment based on a significant contagious disease shall be handled in accordance with the district's Discrimination and Harassment Grievance Procedure (AAC-BR1).

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 principal 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 accommodation, 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 K and continue through Grade 12.[1] 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.

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

- AAC, Nondiscrimination and Anti-Harassment Policy
- AAC-BR, Discrimination and Harassment Grievance Procedure
- AAC-E1, Filing a State or Federal Discrimination and Harassment Complaint
- ACBB-AR1, Responding to Potential Health Threats
- ACBB-AR2, Universal Precautions and Sanitary Cleanup

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

- ACBB-E, Laws on Communicable Diseases, Immunization Requirements, Reportable Diseases, and Significant Contagious Diseases
- KBA, Relations with the News Media

End of Nesson School District #2 Policy ACBB ..... Amended: 02/21/2024

RECOMMENDED Descriptor Code: ACBC

USE OF ANIMALS IN DISTRICT SCHOOLS & IN CURRICULAR PROGRAMS

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

Definitions

For purposes of this policy:

- *Disability* is defined in 28 CFR Part 35.108 with respect to an individual, as a physical or mental impairment that substantially limits one or more of the major life activities of such individual; a record of such an impairment; or being regarded as having such an impairment.
- *Service animal* is defined in NDCC 25-13-01.1 as any dog, trained to do work, perform tasks, or provide assistance for the benefit of an individual with a disability. The term includes a dog trained to provide assistance to an individual with a disability, pull a wheelchair, lend balance support, retrieve dropped objects, or provide assistance in a medical crisis.
- *School property* is defined in NDCC 15.1-19-10(6)(b) as all land within the perimeter of the school site and all school buildings, structures, facilities, and school vehicles, whether owned or leased by a school district, and the site of any school-sponsored event or activity.

Use of Animals for Educational Purposes

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

Use of Service Animals by the Disabled

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

Would the presence of the service animal:

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

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

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

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

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

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

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

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

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

End of Nesson School District #3 Policy ACBC ..... Amended: 02/21/2024

RECOMMENDED

ACCA - SEXUAL OFFENDERS ON SCHOOL PROPERTY

Definitions
For the purpose of this policy:

- A *sexual offender* is defined in NDCC § 12.1-32-15.
- 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* is as defined in NDCC 15.1-19-10(6)(c) 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.

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

1. When they are a qualified voter and are entering school property solely for the purpose of casting their vote.

2. To attend an open meeting as defined in NDCC Ch. 44-04.

A nonparent sexual offender who attempts to communicate electronically or in any method, mode, or format with a student or an adult with whom they are not allowed to have contact while that student or adult is on school property will be considered on school property without permission and will be in violation of this policy and other policies as applicable. Reports to law enforcement and/or other local agencies or authorities may apply as required or appropriate in the best interest of students, staff, and visitors.

Parent Sex Offenders
Parent sexual offenders are prohibited from entering school property except for purposes outlined in the "Nonparent Sexual Offenders" section of this policy. Parent sexual offenders may only be on school property with the superintendent's prior written approval in accordance with the regulations developed by the District in the following instances:

1. To transport their child to and/or from school. The parent sex offender will only be permitted to transport their own child;

2. To attend a conference to discuss their child's progress, placement, educational-related issues, individual education program (IEP), Section 504 plan, or other plan or program that allows for the parent's attendance or participation in accordance with applicable state or federal laws (whereby limitations may be placed regarding in-person versus virtual or telephonic attendance);

3. Their child is attending or participating in an activity or function on school property and the parent offender asked the Superintendent for and received permission allowing the offender's limited presence at a specific activity or function; and

4. Under other circumstances on a case-by-case basis, as determined by the Superintendent.

A parent sexual offender who attempts to communicate electronically with a student other than his/her child or an adult with whom they are not allowed to have contact while the student or adult is on school property will be considered on school property without permission and will be in violation of this policy and other policies as applicable. Reports to law enforcement and/or other local agencies or authorities may apply as required or appropriate in the best interest of students, staff, and visitors.

Student Sex Offenders
If a student sexual offender committed a sexual offense upon another student enrolled in the same school, the District shall refer to policy ACCB, Protection for Student Victims of Sexual Offenses, for the appropriate procedure to follow to ensure the safety and well-being of students on school property.

An IEP team, Section 504 team, or other team as applicable under state or federal law shall determine the educational placement of a student sexual offender with a disability. The student with a disability may be entitled to the due process procedures available to a student with a disability under the Individuals with Disabilities Education Act (IDEA), Section 504 of the Rehabilitation Act, and/or other applicable law. The applicable team shall develop procedures for managing each student sexual offender with a disability that attends a district school. If the 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.

For all other student sexual offenders, the Superintendent shall develop guidelines and determine the appropriate educational placement. When determining educational placement, the Superintendent shall consider such factors as the safety and health of the student population. 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.

The District will follow applicable protections and exceptions related to requests for the release of any personally identifiable information (PII) or education records in accordance with the Family Educational Protection Act (FERPA) and other applicable laws.

General Provisions
The Superintendent will inform the appropriate administrator 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. Administration 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 sexual offender to transport his/her child to and from school, and when a student sexual offender receives permission to enroll and attend a district school, in which case the guidelines developed for that individual student 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 or any other applicable policy.

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

- ACCA-BR, Criteria for Granting Parent Offenders Privileges to Enter School Property
- ACCB, Protection for Student Victims of Sexual Offenses
- KAAA, Visitors in the Schools

End of Nesson School District #2 Policy ACCA . . . . . Adopted: 07/15/2026

[12/25]

PROTECTION FOR STUDENT VICTIMS OF SEXUAL OFFENSES

The purpose of this policy is to establish clear procedures which ensure the safety and well-being of students on school property who are survivors of sexual offenses committed by peers.

Definitions

For the purpose of this policy:

- *Responsible student* means a student enrolled in a school who is an adjudicated juvenile or an adult convicted of committing a sexual offense upon another student enrolled in the same school.
- *Sexual offense* means an offense under NDCC Ch. 12.1-20 for which "sexual act" or "sexual contact" is an element as defined under the chapter, including sexual imposition and gross sexual imposition, sexual abuse of a child, sexual abuse of wards, sexual act in public, sexual assault and any other acts with the requisite elements; and offenses including corruption or solicitation of minors; luring minors by computer or other electronic means; indecent exposure; surreptitious intrusion; and sexual extortion.

Safety Plan

Upon notification of a responsible student enrolled in the District and a copy of an order of disposition or judgment provided by juvenile court, the state's attorney, or a victim, the District shall develop an individualized safety plan. Each safety plan shall be aimed at eliminating direct or indirect contact between the responsible student and the victim. Components may include:

1. Consideration of the victim's input.
2. No contact between the responsible student and the victim.
3. Holding an expulsion hearing for the responsible student which grants procedural due process to the responsible student as provided by law and within the time period prescribed under N.D.C.C. § 15.1-19-09. For a misdemeanor offense, before holding an expulsion hearing, school administration shall review the offense to determine whether an expulsion hearing is warranted.
4. Transferring the responsible student to an alternative education program, which may include virtual education if the responsible student is properly supervised.
5. Transferring the responsible student to another school or building within the school district.
6. Keeping the responsible student separate from the victim at all times in school buildings and educational activities, if transferring the responsible student is not possible. Efforts to keep them separate may include:

    a. Rearranging classroom schedules and seating

    b. Adjusting transportation arrangements

c. Providing guidelines for and/or monitoring the responsible student's use of facility areas (e.g., lunchroom, restrooms, gymnasium, etc.)

d. Supervision adjustments

7. Scheduled other appropriate reoccurring time reviews of the safety plan to assess necessary adjustments and ensure continued safety of the victim.
8. Other measures deemed appropriate to ensure the safety of the victim.

The school shall determine the duration of a separation resulting from the safety plan based on:

1. The victim's input and well-being;
2. The responsible student's age at the time of adjudication or conviction;
3. The nature and severity of the offense;
4. The responsible student's compliance with recommended intervention programs;
5. The input of the victim's and/or responsible student's legal guardian(s) or custodian(s), child welfare and mental health professionals, and legal representatives; and
6. Other factors deemed appropriate.

Coordination and Confidentiality

Individual safety plans shall be developed collaboratively by administration, school counselors, victim support staff, law enforcement/child protection agencies, special education teams (when applicable), and other interested/ relevant parties, as appropriate.

All parties involved must maintain confidentiality as required under state and federal law, limiting disclosures to individuals with a clear need to know. Either the victim or responsible student (or their applicable legal guardian or custodian) may request a review of the safety plan, including modification or removal of restrictions.

Student Support

The District may assign a trained staff member (e.g., counselor, psychologist) to support the victim and/or responsible student as appropriate or required.

The safety plans shall be developed with the goal of causing as little disruption as possible to the students' learning environments. The District shall ensure that students' academic and emotional needs are monitored regularly, with access to necessary accommodations (e.g., remote instruction, mental health services) as appropriate and developed with the students and their support teams.

Notification to School

Upon adjudication or conviction of a responsible student, the juvenile court in a juvenile case or the state's attorney in an adult case shall provide the superintendent or designee of the school district in which the responsible student is enrolled with a copy of the order of disposition or judgment and, upon consent of the victim, the victim's name. A record

provided under this section is confidential under the Juvenile Court Act, NDCC § 27-20.2-21.

Notification to Parents
The District shall notify the parents/guardians of both the victim and responsible student about the safety plan measures and any disciplinary actions in accordance with the Family Educational Rights and Privacy Act (FERPA) and other confidentiality requirements required by North Dakota and federal law.

Training and Awareness
Applicable District staff shall receive annual professional development covering:
1. State and federal requirements regarding student victim safety and safety plan development;
2. Procedures for addressing sexual offense adjudications and convictions; and
3. Trauma-informed response strategies and available support resources.

Confidential Record-Keeping
The District shall maintain confidential records including:
1. Documentation of the order of disposition or judgment against the responsible student and the victim identification (upon consent of the victim).
2. Individual safety plan documentation.
3. Communications with parents/guardians.
4. Outcome tracking (e.g., implementation, effectiveness, and follow-up actions).

These records must be stored securely and treated as confidential educational records.

Complementing NDSBA Templates (may contain items not adopted by the Board)
- AAC, Nondiscrimination and Anti-Harassment Policy
- AAC-BR2, Title IX Sexual Harassment Grievance Procedure
- ACCA, Sexual Offenders on School Property
- FDE, Education of Special Education Students/Students with Disabilities
- FF, Student Conduct and Discipline
- FFE, Extracurricular Participation Requirements
- FFF, Field and Other School-Sponsored Trips
- FFK, Suspension and Expulsion
- FGA, Student Education Records and Privacy
- FGDB, Student Handbooks

Legal References
- NDCC Ch. 12.1-20, Sex Offenses
- NDCC Ch. 15.1-19, Students and Safety

End of Nesson School District #2 Policy ACCB . . . . . Adopted: 7/16/2025

ACCEPTABLE USE

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

Education

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

Monitoring Use

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

Prohibitions

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

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

Violations

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

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

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

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

End of Nesson School District #2 Policy ACDA ..... Amended: 02/21/2024

VIOLENT & THREATENING BEHAVIOR

Threatening Behavior

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

Reporting

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

Threat Assessment

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

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

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

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

Disciplinary Consequences for Threatening Behavior

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

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

Violent Behavior

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

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

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

- DE, Staff Code of Conduct
- FFD, Carrying Weapons
- FFK, Suspension & Expulsion
- FFK-BR, Suspension & Expulsion Regulations

End of Nesson School District #2 Policy ACE..... Amended: 02/21/2024

REQUIRED Descriptor Code: ACEA

BULLYING POLICY

The Nesson School District 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

  b. 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.

  c. 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 Nesson School District, 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 (ACEA-E4). 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 (ACEA-E3). 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, an assistant superintendent, 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 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.

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

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

End of Nesson School District #2 Policy ACEA ..... Amended: 02/21/2024

RECOMMENDED Descriptor Code: ACF
COGNIA

WHISTLEBLOWER PROTECTIONS POLICY: PROHIBITION AGAINST RETALIATION

Protections: Employees

The Nesson 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 Nesson 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, community member because s/he filed a complaint in good faith under FCA against the District and/or any of its employees, contractors, or agents.

Protections: Students & Community Members

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

Grievance Procedure

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

the complainant should report to the Board President or Board Vice President (if the report concerns the Board President) who shall investigate.

Grievances not otherwise covered by deadlines in the applicable district policy must be reported within 180 calendar days unless state or federal law specifies otherwise.[1] Failure to timely present the grievance shall be a 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[2], 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 should receive a copy of this policy and should sign a statement verifying his/her receipt and understanding of this policy.

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

[1] FCA has a three-year statute of limitations.
[2] State and federal agencies may have reporting deadlines in place after which the grievance may be denied.

- DE, Staff Code of Conduct

End of Nesson School District #2 Policy ACF ..... Adopted: 02/21/2024

CHILD SAFETY LIAISON WORK GROUP AND MANDATORY TRAINING

The purpose of this policy is to protect the health and welfare of the Nesson School District #2 students by establishing clear procedures for the coordination and cooperation with child protective services; to provide mandated reporter training and related requirements; and to outline child protective services processes upon receipt of a report of suspected child abuse or neglect.

Definitions

For the purpose of this policy:

- *Child protective services* means an "authorized agent" (human service zone) or the "department" (department of health and human services) as the terms are defined under NDCC § 50-25.1-02.
- *Child safety liaison work group* means a group formed by the District and the corresponding human service zone, each of which has an equal number of designated representatives representing each party, with the goal of focusing on child safety issues as identified under NDCC § 15.1-07-34.1.

Child Safety Liaison Work Group

The District may consult with the corresponding human service zone to form a child safety liaison work group that is proportional in member size to the need and population served in the District.

Representatives

When both parties agree to form a child safety liaison work group, administration shall assign representative(s) to the group in a number equal to the representatives assigned by the human service zone.

The child safety liaison work group shall focus on child safety issues, including:

1. The roles and responsibilities of child protective services and mandatory reporters;

2. Opportunities for improved relations between the human service zone and school district; and

3. Coordination of services for children and families.

Meetings

The child safety liaison work group must meet at least twice annually. The human service zone is responsible for coordinating the child safety liaison work group meetings.

Formal Reports

The child safety liaison work group must report to the human service zone board, the school board, and the children's cabinet by July 31 of each year. The report shall include the following:

1. Recommendations;

2. Proposed solutions;

3. Progress;

4. Training needs; and

5. Identified gaps in service coordination.

Coordination and Confidentiality

Both parties will comply with and follow applicable federal and state laws regarding the confidentiality and limited release of personally identifiable information (PII) in accordance with the Family Educational Rights and Privacy Act (FERPA), the Child Abuse Prevention and Treatment Act (CAPTA), and NDCC Ch. 50-25.1. The human service zone shall be asked to limit requests for information to the minimum amount of records necessary to enable determinations to be made in accordance with NDCC § 50-25.1-05 (5) and to make assessments necessary as part of the child safety liaison work group. When auditing or evaluating the district's federal or state supported education programs as related to child safety liaison work group concerns, the District and human service zone must enter into a written data sharing agreement in accordance with FERPA regulations (20 U.S.C. 1232g (b)(3) and (5); 34 CFR § 99.35).

The written agreement must specify:

1. **Authorized Representatives**: The designated individuals of the work group who are responsible for the PII being disclosed.
2. **Information to be Disclosed**: Identification of the PII that will be disclosed.
3. **Purpose of Data Sharing**: The purpose for which the PII is disclosed.
4. **Scope of Data Sharing**: A description of the activity of the work group with sufficient specificity to make clear how the information will be used.
5. **Duration and Disposition**: The anticipated start and end dates for the data sharing and a description of the data destruction.

All data collected by the child safety liaison work group shall be protected in a manner which will not permit the personal identification of students and their parents by anyone other than those members of the group. All personally identifiable data shall be destroyed when no longer needed for any such audit and evaluation conducted by the group.

Mandated Reporter Training

School personnel who are mandated reporters under NDCC § 50-25.1-03 are required to report suspected or known child abuse or neglect. Every two years, the District may provide a minimum of eight (8) hours of professional development on youth behavioral health, child abuse, and child neglect to elementary, middle, and high school teachers and administrations The District may require ancillary and support staff to participate in the professional development.

Based on the annual needs assessment of the District, professional development may be designated from the following categories:

1. Trauma

2. Social and emotional learning, including resiliency;

3. Suicide prevention;

4. Bullying;

5. Understanding of the prevalence and impact of youth behavioral health wellness on family structure, education, juvenile services, law enforcement, and health care and treatment providers;

6. Knowledge of behavioral health symptoms, and risks;

7. Awareness of referral sources and evidence-based strategies for appropriate interventions;

8. Child protective services;

9. Other evidence-based strategies to reduce risk factors for students; or

10. Current or new evidence-based behavior prevention or mitigation techniques.

Before initial licensure, all district teachers, administrators, librarians, and counselors must submit documentation to the ND Education Standards and Practices Board verifying completion of a mandated reporter training program for suspected child abuse or neglect as outlined under NDCC § 15.1-07-34 (5).

Mandated Reporting
State law requires mandated reporters having knowledge of or reasonable cause to suspect that a child is abused or neglected or has died as a result of abuse or neglect to make oral or written reports to the department or human service zone in accordance with NDCC § 50-25.1-04. In school districts, mandated reporters include teachers, administrators, school counselors, child care workers, licensed social workers, or mental health professionals as defined under NDCC § 50-25.1-03. Reporters may use SFN 960 Report of Suspected Child Abuse or Neglect.

A single report from the District will meet the reporting requirements under state law.

Child Protective Services Processes
Upon receipt of a report of suspected child abuse or neglect, child protective services will engage in the processes outlined under NDCC ch. 50-25.1. The District will cooperate with those processes to the greatest extent required or allowed under the law. Administration may consult with legal counsel as necessary when engaging in those processes. Administration shall delegate a qualified individual to be the primary contact to child protective services during individual investigations and related processes.

Reports Against Parents and Guardians
When a report of suspected child abuse or neglect is filed against a parent or guardian, the local human services zone may investigate and make determinations as related to

those individuals in accordance with state law. The District may be asked to cooperate in that investigation and provide relevant information. All information provided in response must comply with applicable laws related to the release of confidential information, including the Family Educational Rights and Privacy Act (FERPA), the Child Abuse Prevention and Treatment Act (CAPTA), and NDCC Ch. 50-25.1 as outlined under this policy.

Reports Against the District

When a report of suspected child abuse or neglect is filed against the District, then the NDDHS Institutional Child Protection Services (ICPS) Unit may investigate and make determinations as related to the District itself (not individuals) in accordance with state law. The District will be asked to cooperate in that investigation and provide relevant information, including policies, internal investigation information, and other relevant information. All information provided in response must comply with applicable laws related to the release of confidential information, including the Family Educational Rights and Privacy Act (FERPA) the Child Abuse Prevention and Treatment Act (CAPTA), and NDCC Ch. 50-25.1 as outlined under this policy. ICPS and the District should coordinate and plan for the completion of the institutional assessment and any concurrent investigation internal to the District to avoid a duplication of fact-finding efforts and multiple interviews.

Upon completion of an ICPS investigation, NDDHS, the State Child Protection Team, and representation from the District may meet. Based upon the preponderance of the evidence, child protective services may make a determination whether a child meets the definition of an abused or neglected child, with the District held culpable. When there is an indicated finding concerning a school, notice will be given to the ND Superintendent of Public Instruction, District administration, and the School Board President.

ICPS investigations and determinations are separate from law enforcement investigations and the District's internal investigations that may be related to the same matter. The District must fulfill any internal investigation and response requirements under other applicable policies, regulations, and laws separately from the ICPS process.

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

- DEBA, Confidentiality
- DGGA, Professional Development Plan
- FGA, Student Education Records and Privacy
- FGA-BR1, Student Education Records Access and Amendment Procedure
- FGA-BR2, Criteria for Approving and Denying Directory Information and PII Release Requests
- FGA-E1, Notice for Directory Information
- FGA-E2, Model Notice of Rights Under FERPA for Elementary and Secondary Schools
- FGA-E3, FERPA Release Form for Parents
- FGA-E4, Notice of Executive Session Tape on File

- FGA-E5, Student Information Sharing Request
- FGA-E6, Model Form for Disclosure to Parents of Dependent Students
- FGA-E7, School Officials' Guide to FERPA and Data Privacy
- FGA-E8, Parties Approved to Receive Student Data

End of Nesson School District #2 Policy ACG . . . . . Adopted: 7/16/2025

[07/25]

RECOMMENDED Descriptor Code: BA
Cognia (AdvancED)

SCHOOL BOARD ETHICS

School board members are to be:

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

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

- BA-BR1, Board Ethics Regulations
- BA-BR2, Board Member Internet and Social Media Use

End of Nesson School District #2 Policy BA Adopted02/21/2024

REGULATION Descriptor Code: BA-BR1
Cognia (AdvancED)

SCHOOL BOARD ETHICS REGULATION

In order to implement the school board ethics policy (BA), the Nesson School Board adopts the following rules and procedures.

To implement items 4 and 12 of the board ethics policy related to board member roles and responsibilities, board members shall:

1. Comply with the district's policy on board member visits to schools (BFD) and the district's policy on visitors in school (KAAA), which prohibit unannounced visits to schools and prohibit visits for the purposes of directing or evaluating school staff.
2. Focus on policy adoption and strategic planning. (The Superintendent is responsible for policy implementation.)
3. Not provide directives or feedback to school personnel, and not attempt to evaluate them. The Board, as a collective body, may provide directives to the Superintendent and shall evaluate him/her in accordance with law.
4. Not review school personnel files without the permission of the Board President with the exception of the superintendent's file.
5. Perform the responsibilities assigned to them through state law or board policy. (Board members should annually review district policies and state laws governing board responsibilities and authority to ensure compliance with them.)

To implement item 5 of the board ethics policy related to cooperation, board members shall:

1. Actively participate at board meetings and allow all board members to have an equal opportunity to speak and offer their perspectives.
2. Be willing to concede when casting a minority vote, and be willing to publicly support, or at least not undermine, the decision of the majority of the Board.
3. Be willing to respectfully listen and consider all perspectives at the board table.
4. Correspond/communicate with fellow board members, administration, and other school personnel in a professional manner inside and outside the boardroom.
5. Follow parliamentary procedure at board meetings, including not talking out of turn or over one another.
6. Not use board discussion time as a forum for personally criticizing fellow board members.

To implement items 6 and 15 of the board ethics policy related to nonpartisan decision making, board members shall:

1. Determine if a conflict of interest exists is as follows:
    a. An individual board member shall first consider criteria contained in the conflict of interest laws (NDCC 15.1-07-17 and 44-04-22) and the following factors to determine if s/he has a conflict of interest:

i. Is there a substantial personal or financial benefit to the board member?
ii. Is there likely capacity to tempt the school board member to depart from his or her public duty of acting in the best interests of the community?

b. If the individual board member is uncertain of whether or not s/he has a conflict, s/he is authorized to contact NDSBA legal counsel or the state's attorney to assist with making this determination.

c. If the individual board member determines that there is a conflict of interest, the board member shall declare it to the Board in accordance with applicable law.

2. Avoid making pledges to members of the public concerning an upcoming or past board agenda item, and reserve decision making for board meetings after having a chance to hear all perspectives.

3. Not attempt to judge other board members' motives or reasons for voting in support of or in opposition to a matter before the Board.

4. Not use discussion at board meetings to promote a personal agenda. (Board members should engage in discussion aimed at determining how each agenda item benefits the district as a whole and furthers the district's strategic plan.)

5. Send questions on agenda items to the Superintendent for clarification, and request from the Superintendent any additional material needed to inform decision making.

To implement items 8 and 11 of the board ethics policy related to individual versus collective board authority, and where such authority is appropriately exercised, board members shall:

1. Clarify, when speaking to the public about board matters, that they are speaking individually and that individual board members have no authority to act on their own.

2. Comply with state law on open meetings and records when engaged in correspondence or communication with board members inside and outside of board meetings. (Official board action may occur only at properly noticed board meetings where at least a quorum of the Board is present.)

3. Not issue or engage in official communication of the Board or District unless delegated such authority through board action or policy. (Official communication may take the form of correspondence with the press, publishing statements on the district's website or social media sites (BA-BR2), and/or written or verbal correspondence with students, parents, school staff, or other community members.)

4. Not represent themselves to the public or school district employees as having official authority to act on behalf of the Board unless delegated such authority through board action or policy.

Violations and Sanctions

When a board member violates the board ethics policy or regulation, the Board President may:

1. Meet with the errant board member to remind him/her of the requirements contained in the board ethics policy and regulation.
2. Place the board ethics policy and regulation on the board agenda for review and reaffirmation by the Board.
3. Issue an official statement clarifying that the board member acted without board authority.
4. If the policy or regulation has been repeatedly or substantially violated, request that the Board publicly censure the errant board member through a {2/3rds} majority vote

If the errant board member is a board officer (e.g., president or vice president), the Board should review its policy on board officers (BBBA) to determine if there are grounds for removing the board member from this role.

End of Nesson School District #2 Board Regulation BA-BR1 ..... Adopted: 02/21/2024

REGULATION
Cognia Descriptor Code: BA-BR2

BOARD MEMBER INTERNET AND SOCIAL MEDIA USE

While the District is not responsible for the online activity of individual board members, the Nesson School Board adopts the following rules and procedures related to a board member commenting on school district business online, including on social media sites.

Individual board members have no authority to take action on behalf of the District unless delegated such authority by a majority vote of the Board taken at a properly noticed board meeting. However, the public may still perceive individual board members as official district spokespersons without the delegation of specific authority. Because of this potential perception, whenever commenting on school district business online, individual board members shall:

1. Avoid posting content indicating that they have formed an opinion on a matter pending before the Board;
2. Avoid posting a dissenting opinion on a matter that has been decided by a majority vote of the Board;
3. Clarify that they are commenting as individuals—not as district spokespersons—unless delegated authority to speak for the District by a majority vote of the Board.
4. Comply with district policy and applicable laws related to confidentiality including, but not limited to, items discussed during an executive session and student educational records;
5. Direct complaints to the appropriate district channels for processing in accordance with policy;
6. Not poll or otherwise ask for community input unless delegated this authority by a majority vote of the Board; and
7. Report to the Superintendent, as soon as possible, any public comments that potentially violate district policy, including, policies on discrimination and harassment, bullying, and employee speech.

Use of District Technology

Board members shall comply with the District's acceptable use policy when using district-owned technology.

End of Nesson School District #2 Board Regulation BA-BR2 ..... Adopted: 02/21/2024

RECOMMENDED

BAB - BOARD CONFLICT OF INTEREST

The Nesson School District School Board supports lawful, transparent decision-making by requiring timely disclosure and appropriate abstention when a school board member has a conflict of interest. Each board member shall abide by all applicable conflict of interest laws contained in North Dakota statute. Board members are expected to vote on all matters before the Board unless a legal disqualification applies under N.D.C.C. § 15.1-07-17 or N.D.C.C. § 44-04-22, and after disclosure, they do not receive the required consent to participate. This policy applies to all Board actions, including meetings, committees, adjudicative hearings, work sessions, negotiations strategy, and approvals of contracts and purchases.

Definitions

- *Contract* means any agreement or transaction requiring expenditure of school funds (e.g., purchasing, construction, service contracts, employment contracts), whether approved directly by the Board or by its designee.
- *Conflict of interest* (school contracts) means the personal, professional, or pecuniary interest of a board member or of the member's spouse or relative or the member's business/professional associate in a contract requiring school funds (N.D.C.C. § 15.1-07-17). Consent of all other board members is required before the conflicted member may participate. Violation is a Class A misdemeanor.
- *Direct and substantial personal or pecuniary interest* (quasi-legislative/quasi-judicial matters) means an interest significant enough to reasonably question impartiality or to temp the member to depart from their public duty of acting in the best interests of the district in non-contract matters before the Board (e.g., student expulsion, employee discipline, discharge for cause or nonrenewal hearings). Consent of a majority of the rest of the Board is required before participation (N.D.C.C. § 44-04-22).
- *Legally disqualified or legal disqualification* means the member disclosed a conflict of interest under ND.C.C. §15.1-07-17 or N.D.C.C. § 44-04-22 and did not receive the required consent to participate. Only then may the member refrain from discussion and vote.

Standards and Procedures

Each member shall vote on all items unless the member is legally disqualified and, after disclosure, does not receive the requisite consent to participate. Abstention or recusal is not permitted for convenience, discomfort, or appearance-only reasons. When legally disqualified, the member must follow the procedures outlined below.
For contracts requiring the expenditure of school funds, a member with a conflict must disclose the conflict before discussion or vote. That member may not participate in discussion or vote unless all other board members present give consent on the record.

If consent is not unanimous, the member must fully recuse themselves (no discussion, questions, motions, or vote).
For non-contract matters (quasi-legislative/quasi-judicial), a member with a direct and substantial personal or pecuniary interest must disclose the interest and may not participate without the consent of a majority of the remaining members present. If majority consent is not granted, the member must fully recuse themselves.

Meeting Procedures

During meeting agenda preparation, items that may involve a member conflict of interest should be flagged. If such items are included in the meeting agenda, another item addressing the conflict should be added to the agenda immediately preceding the item that creates the conflict. This ensures that the conflict issue is addressed prior to any discussion or vote on the underlying item.
At the meeting, when the Board reaches the conflict item on the agenda, the Board President or presiding officer first calls for any disclosures related to the underlying agenda item. After disclosure, the Board President or presiding officer identifies on the record whether the matter is a contract that requires the expenditure of school funds under N.D.C.C. § 15.1-07-17 or a non-contract quasi-legislative or quasi-judicial matter under N.D.C.C. § 44-04-22, and the Board President or presiding officer states the applicable consent threshold (i.e., unanimous or majority). The chair then conducts the consent vote of the remaining members, excluding the disclosing member. If the Board grants the required consent, the disclosing member participates fully in the item and votes, consistent with the member's duty to vote unless legally disqualified.
If the Board does not grant the required consent, the member is legally disqualified for that item and does not participate in discussion or vote. The Board President or presiding officer proceeds with the underlying agenda item without the participation of the legally disqualified member, and the member refrains from speaking, questioning, or otherwise influencing the matter.
The minutes should reflect the disclosure, the statute cited, the consent vote and tally, whether the member participated or was legally disqualified, the result of every vote on the item, and the vote of each member on any recorded roll-call vote.

Investigations
If a board policy requires the Board President to conduct an investigation, and the Board President has a conflict of interest, the Vice President shall conduct the investigation. If both the Board President and the Vice President have a conflict of interest, the most senior board member who does not have a conflict of interest shall conduct the investigation. For purposes of this paragraph, a conflict of interest means a direct and substantial personal or pecuniary interest.
In addition, when independence, expertise, workload, or other considerations make it advisable, the Board may authorize the retention of a qualified, neutral, third-party investigator to conduct some or all of the investigation. The Board shall approve the scope of work, designate a non-conflicted officer or designee to serve as the point of contact.

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

- BA, Board Ethics
- BA-BR1, School Board Ethics Regulation
- HCBA, Vendor Conflict of Interest Disclosure

End of Nesson School District #2 Policy BAB . . . . . Adopted: 07/15/2026 [11/25]

SCHOOL BOARD ELECTIONS AND TERMS OF OFFICE

Terms of Office
Terms of office for school board members are 3 years and are staggered.

Date of Election
The annual election shall be held in accordance with deadlines in law.

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

- BBA-E, Notice of Election Letter
- BBA-E2, Notice of Filing Deadline
- BBA-E3, Notice of School District Election

End of Nesson School District #2 Policy BBA..... Adopted: 7/16/2025

[06/16]

RECOMMENDED Descriptor Code: BC

MEETINGS OF THE BOARD

Regular Meetings

Regularly scheduled meetings of the Nesson School Board shall be held monthly on the third (3rd) Wednesday of the month unless rescheduling is necessary as determined by the Board President. All board meetings shall be properly noticed in accordance with law.

At the beginning of each regular school board meeting, board members must be given the opportunity to participate in a voluntary recitation of the pledge of allegiance.

Work Sessions and Retreats

The Board may, from time to time, meet in work sessions, also known as retreats, at a time and place conducive to in-depth discussion of the policies and goals of the District. All such meetings shall be open to the public and subject to the same notice requirements as any other meeting of the Board. No official action may be taken at a work session or retreat.

Board Meeting Procedures

All meetings will be conducted in an orderly and businesslike manner, using Robert's Rules of Order as a guide except when such rules are superseded by board policy or state and/or federal law.

All votes of the Board, other than on procedural matters, shall be roll call votes, with the votes of each member being made public at the open meeting. Procedural votes must be recorded roll call votes upon the request of any member of the Board.

At the request of a resident of the District, the District must record a regular or special meeting, archive the recording, and make the recording available to the public. A request must be submitted to the Superintendent no later than seven days prior to the meeting. The District shall publish on its website a link to the recording of a board meeting. The recording must be available on the District's website for no fewer than three months from seven days after the meeting. This requirement does not apply to executive sessions nor work sessions held as part of a regular or special meeting.

If the District provides a livestream of a regular or special meeting of the Board, the District must notify the public of the location of the link to access the livestream in the meeting notice.

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

- BCE, Sample Meeting Notice
- BCAA, Board Meeting Agenda and Pre-Meeting Preparation
- BCAD, Executive Session

End of Nesson School District #2 Policy BC ..... Amended: 02/21/2024

RECOMMENDED Descriptor Code: BCAA

BOARD MEETING AGENDA AND PRE-MEETING PREPARATION

Agenda

The Board President, in consultation with the Superintendent, shall prepare agendas. Persons wishing items to be included in the agenda shall submit those items to the Superintendent no later than five days prior to the regular board meeting. Inclusion shall be at the discretion of the Board President.

Regular Meeting Agenda

The Board shall follow the order of business set up by the agenda unless altered by consent of the members present at the regular meeting. Items may be added to the agenda at regular meetings with consent of a majority of the Board.

The order of business shall be as follows:

1. Call to order
2. Voluntary recitation of the pledge of allegiance
3. Public Comment
4. Confirmation of Agenda
5. Presentation of Bills and Check Register
6. Consent Agenda
    a. Approval of minutes
    b. General Fund Report
    c. Special Reserve Fund Report
    d. Capital Building Fund Report
    e. Sinking and Interest Fund Report
    f. Hot Lunch Fund Report
    g. Activity Fund Report
7. Discussion Items
    a. Reports to the Board
8. Action Items
9. Adjournment

The agenda, minutes of the previous meeting, and relevant supplementary information will be delivered to each board member at least three days in advance of each regular board meeting. Upon request, local news media representatives and citizens may obtain copies of board meeting materials from the district office. The agenda will be posted at the district office and at the location of the meeting.

Board members are expected to read the information provided to them and to contact the Business Manager or Superintendent to request additional background necessary to assist them in their decision-making responsibilities.

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

- BBBA, Officers of the Board
- BC, Meetings of the Board
- BCAB, Board Meeting Procedures
- BCAC, Minutes
- BCBA, Public Participation at Board Meetings

End of Nesson School District #2 Policy BCAA . . . . . Adopted: 7/16/2025

PUBLIC PARTICIPATION AT BOARD MEETINGS

Meetings of the Board are conducted for the purpose of carrying on the business of the schools and, therefore are not public meetings, but meetings held in public.

Public Comment - Regular Board Meetings
The Board must give individual members of the public the opportunity to provide comments at every regular meeting of the Board. Therefore, the Board shall include an agenda item for public comment on each regular meeting agenda. An individual providing comment at a meeting shall provide to the governing body in writing the individual's name and address. The individual's address is an exempt record but will be maintained by the District. The presiding officer shall introduce the public comment agenda item and request that any members of the public wanting to provide public comment may stand (as able) during the agenda item, be recognized, and provide their name for the Board meeting minutes.

The following rules and limitations apply during the public comment agenda item:

1. Time for the public comment period is limited to 10 minutes.
2. Time per speaker is limited to 3 minutes.
3. Public comment is limited by agenda topic, to the agendas of the current and the preceding Board meeting.
4. Public comment must be pertinent to the school district.
5. Public comment may not interfere with the orderly conduct of the regular Board meeting.
6. Public comment may not be defamatory, abusive, harassing, or unlawful.
7. Public comment may be prohibited if:

    a. An alternative procedure exists to bring that particular type of public comment before the public entity,

    b. The public comment includes confidential or exempt information, or

    c. The public comment is otherwise prohibited by law.

Groups will be urged to designate a spokesperson. Notwithstanding the rules and limitations above, when there is a large number of public speakers to be heard, or if pressure of business or other circumstances dictate, the presiding officer may shorten the length of time allowed for each speaker and/or limit the total time to be devoted to public comment.

Conduct and Remarks Out of Order

Undue interruption or other interference with the orderly conduct of Board business will not be allowed. Defamatory, abusive, harassing, or unlawful remarks are always out of order. The presiding officer may terminate the speaker's privilege of address if, after being

called to order, s/he persists in improper conduct or remarks. Furthermore, any individual who is persistently disruptive of a school board meeting may be removed from that meeting by order of the presiding officer.

Public Presentations/Separate Agenda Items

Only items on the published board agenda will be discussed at any meeting of the Board, unless the Superintendent or a board member requests an addition to the agenda of a regular meeting and the board members present approve in accordance with Board policy. Members of the public who wish to be added as a separate agenda item and make formal presentations before the Board shall make requests in advance in accordance with the board's agenda setting policy.

Complaints

The Board has adopted policies governing patron complaints. The public is required to seek redress through these policies. The public will be prevented from commenting on a topic if it:

1. Is governed by a district complaint policy and the complainant has not followed the procedure contained in policy and/or the policy prohibits the public from bringing the complaint before the Board. This includes, but is not limited to, complaints about personnel and complaints about instructional/resource materials.
2. Includes confidential or exempt information (e.g., student's educational record), or concerns a topic that is otherwise prohibited by law from disclosure to the public.

Questions and Comments by Board and District Administrator

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

Discussion of a Motion

When a motion is before the Board, discussion will be limited to board members and School Administration except as the presiding officer requests information.

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

- BCAA, Board Meeting Agenda and Pre-Meeting Preparation
- BCBA-BR, Rules of Decorum at Board Meetings
- FGA, Student Education Records
- GAAC, Review and Complaints About Instructional and Resource Material
- GAAC-BR, Procedure for Reviewing Complaints About Instructional/Resource Material
- KACA, Patron Complaints
- KACB, Complaints about Personnel
- KACB-E, Patron Complaint Form

End of Nesson School District #2 Policy BCBA . . . . . Adopted: 7/16/2025

[07/25]

RECOMMENDED Descriptor Code: BDA
Cognia

PROCEDURE FOR ADOPTING BOARD POLICY

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

It is the board's intention that the written policies serve as guides for the discretionary action of those to whom it delegates authority and as a source of information and guidance for individuals interested in or affected by the district schools.

Development

Policies may be proposed by a school board member, employee, student or resident of the District. Proposed policies or ideas shall be submitted to the Superintendent for review prior to possible placement on the board agenda. The Board shall determine if a need exists and shall direct the Superintendent or board policy committee to draft a policy statement for presentation to the Board.

The Superintendent and policy committee are authorized to seek expert assistance with policy development within financial parameters as directed by the Board.

When no board policy exists that provides guidance on a matter, the Superintendent is authorized to act appropriately under the circumstances, keeping in mind the educational philosophy and financial condition of the District. Under these circumstances, the Superintendent will advise the Board of the need for a policy and may present a recommended policy to the Board for approval.

Adoption

The Board shall adopt new policies and rescind/amend existing policies when appropriate or required by law. Proposed policies and policy amendments shall be supplied to all board members and administration prior to a properly scheduled meeting at which the policy revision/draft will be discussed.

Adoption of any policy or substantive amendment to a policy shall require two readings. If an expedited process is deemed necessary, the Board may waive, by a 2/3rds majority of the Board, the second reading by citing this policy in the motion. Thus, the policy is adopted or amended with one reading and the procedure below shall not apply.

Substantive amendments and new policies cannot undergo more than one reading at any meeting of the Board. During the second reading of a new policy or substantive amendment, board action on the proposal shall be final if the proposal is approved in an identical form as passed at the previous meeting. If a revised form of the proposal is approved, or if approval includes an amendment, the proposal shall be resubmitted for action at a future board meeting. Action shall be by majority vote of those board members present.

The Board shall repeal or reaffirm existing board policy in one reading. Past practice shall govern district operations, covered by the former policy, until the Board adopts a new policy.

Policies and amendments adopted by the Board shall be attached to, and made part of, the minutes of the meeting at which action was taken and be included in the district's board policy manual.

Board Regulations & Policy Exhibits
The Board may develop regulations (-BR) to implement policy when the Board determines that this task is not appropriate to delegate to administration, when regulations are created on a highly litigious matter, or when law requires board approval on regulations. Board regulations shall require one reading.

Policy administrative regulations (-AR) and exhibits (-E) shall be developed when needed to help implement policy but shall not be adopted by the Board. Policy exhibits include, but are not limited to, summaries of law, forms, and other informational material.

Policy Implementation
Administrators are responsible for informing subordinates of existing policies and regulations and ensuring that they are implemented in the spirit intended. Continuous disregard for board policy and regulations may be interpreted as insubordination and/or willful neglect of duty. In such circumstances, subordinates may be subject to appropriate disciplinary action including, but not limited to, a reprimand, suspension, or a recommendation for termination/discharge in accordance with applicable law and/or policy.

Policy Review and Revision
The Board shall review policies at least once every three years. The Superintendent is responsible for developing a system of periodic review, addressing approximately one third of the policies annually. The Superintendent shall promptly notify the Board when policies are out of date or in need of revision.

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

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

Policy Manuals
Each school board member shall have access to the district’s policy manual. A copy of the manual shall be kept in the district office. The policy manual will be accessible on the district’s website and available to the public in accordance with state law and district policy.

All policy manuals distributed shall remain the property of the Nesson School District and shall be considered "on loan" to anyone, or any organization, in whose possession they

might be at any time. They are subject to recall at any time deemed necessary by the Superintendent or Board, whether for updating or other good cause.

The Policy Liaison is responsible for keeping policy manuals current.

Policy Liaison
The Board designates the Office Manager as the District's Policy Liaison. The Policy Liaison shall be the caretaker of all district policies and in charge of updating the Policy Manual once policies are approved by the Board.

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

- BDA-E, Policy Acknowledgement Form
- CBAA, Administrative Regulations

End of Nesson School District #2 Policy BDA..... Adopted:

RECOMMENDED Descriptor Code: BDAA

CONTRACTS SUPERSEDE POLICY AND REGULATIONS

Any contract entered into between the Board and another party supersedes district policy and regulations whenever a conflict exists between a policy or regulation and the contract language. Contracts include, but are not limited to, the negotiated agreement and individual teaching and administrative contracts.

End of Nesson School District #2 Policy BDAA ..... Adopted:

RECOMMENDED

BDAB - SAVINGS CLAUSE

The purpose of this policy is to ensure all District policies, regulations, and exhibits are applied in a manner consistent with applicable federal and state law, regulations, and binding judicial decisions. This policy establishes a savings clause to govern circumstances in which a conflict arises between District policy and applicable law.

A savings clause preserves the validity and enforceability of portions of a policy that properly comply with applicable law when another portion of the policy conflicts with such law. The savings clause ensures compliance with applicable law by rendering unenforceable any portion of the policy that conflicts with such law, without invalidating the policy in its entirety.

Compliance With Law

All District policies shall be interpreted and applied in a manner consistent with applicable federal and state law. The District does not intend to adopt or enforce any policy that conflicts with or is preempted by applicable law.

Conflict With Law

If any provision of a District policy is determined to conflict with applicable federal or state law, regulation, or binding judicial decision, such provision shall be rescinded or amended to the extent of the conflict only. The remaining policies shall remain in full force and effect until rescinded or amended by the **[Name of District]** School Board.

The Superintendent or designee is authorized to take appropriate administrative action to ensure compliance with applicable law when a conflict is identified, including issuing interim guidance consistent with legal requirements.

End of Nesson School District #2 Policy BDAB . . . . . Adopted: 07/15/2026

[12/25]

COMPENSATION AND EXPENSES FOR BOARD MEMBERS

Board members will be paid $25 for each meeting actually attended. Committee meetings and negotiation sessions will count as meetings for purposes of compensation only when the individual member is a member of the committee or negotiating team. Board members serving on committees will be compensated $25 per meeting.

The Business Manager shall keep such records necessary to determine the compensation due each board member.

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

End of Nesson School District #2 Policy BDD..... Amended: 02/21/2024

RECOMMENDED

BGA - BOARD COMMUNICATION WITH THE PUBLIC

As members of the Nesson School District School Board, individual board members may be contacted by the public with questions, comments, or concerns related to school matters. When approached by the public for these reasons, Nesson School District School Board members shall comply with the applicable portions of the following procedure:

1. Explain that individual board members have no authority to act on behalf of the Board.
2. Explain that because board members serve as the neutral and impartial factfinders and decision-makers when a licensed staff member (e.g., teacher, principal, or superintendent) is considered for nonrenewal or discharge, board members must maintain their impartiality in the event of a due process hearing. Consequently, board members must not hear, consider, investigate, or be involved with complaints about licensed staff. An exception is only made when complaints are made about the Superintendent or Business Manager which should be routed to the Board President under the applicable policy for the complaint.
3. Explain that the Board has developed procedures to handle public concerns and complaints and refer the individual to the appropriate source under policy for further investigation.

If the communication concerns a comment or concern about the Nesson School District School Board or for which the Board has not established a policy, the matter shall be referred to the Nesson School District School Board President.

To ensure compliance under the open meetings law, board members shall not forward or discuss correspondence from the public with other board members outside the context of an open meeting except as otherwise stipulated above. In addition, the Board shall comply with the protocol contained in all policies related to complaints, some of which may prohibit an appeal to the Board or discussion or consideration at a board meeting.

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

- AAC-BR1, Discrimination and Harassment Grievane
- AAC-BR2, Title IX Harassment Grievance
- BCAB, Board Meeting Procedures
- BCAD, Executive Session
- BCBA, Public Participation and Board Meetings
- GAAC, Review and Complaints About Instructional and Resource Materials
- HEBC, Fraud Prevention and Investigation
- KACA, Patron Complaints
- KACB, Complaints About Personnel

End of Nesson School District #2 **Policy BGA . . . . . Adopted: 07/15/2026**

[02/26]

DEFINITIONS FOR PERSONNEL POLICIES

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

- *Administrator*: An individual who is employed by the board of a public school district primarily for administration of a school or schools of the district and who devotes at least fifty percent of the individual's time in any one year to the duties of administration of the school or schools of the district. The term includes a school district superintendent, an assistant or associate school district superintendent, a school principal, an assistant or associate school principal, a special education director, a director of a multidistrict special education unit, a career and technical education director, and a director of an area career and technology center. The term may include an athletic or activity director who meets the requirements of other administrators.
- *Ancillary* or *classified staff*: Employees working for the District on an at-will basis who perform services in roles that do not qualify as an administrator or teacher defined in this policy. Examples include, but are not limited to paraprofessionals, secretaries, custodians, coaches, bus drivers, cooks
- *Full-time employee* is defined as a staff member working an average of 38 hours per week. All employees not meeting or exceeding this threshold are considered part-time. This definition shall apply except when superseded by the negotiated agreement. "Full time" employment may be defined differently under the terms of a health care plan for the exclusive purposes of plan eligibility, but any alternative plan definition does not affect this policy's definition as it applies to other terms and conditions of employment.
- *Licensed teacher:* Individuals licensed to teach by the ESPB or approved to teach by the ESPB and employed primarily as a classroom teacher.

End of Nesson School District #2 Policy DAB.....**Adopted: 7/16/2025**

[03/25]

RECRUITMENT, HIRING, AND BACKGROUND CHECKS FOR NEW CLASSIFIED PERSONNEL

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

Definitions

For the purposes of this policy:

- *Applicant* is defined as any individual applying for a classified position.
- *Classified employees/personnel* are defined as district staff working in positions that do not require licensure from the Educational Standards and Practices Board or an administrative credential from the Department of Public Instruction.
- *Competitive personnel system* is defined in accordance with NDCC 37-19.1-01.
- *Crime* is defined as a felony offense, misdemeanor, a violation of an ordinance, and charges that result from non-sufficient funds or "no account."
- *Immediate family* is defined as the employee's spouse, brother, sister, parents, children, stepchildren, father-in-law, mother-in-law, brother-in-law, sister-in-law, daughter-in-law, son-in-law, and any member of the employee's household.[1]
- *Sexual offender* is an individual meeting the criteria in NDCC 12.1-32-15 and/or is required to register under NDCC 12.1-32-15.
- *Unsupervised contact* is defined in accordance with NDCC 12-60-24 as being in proximity to one or more students, on school grounds, or at school functions.

Recruitment and Hiring Authority

The Board authorizes the Superintendent to hire classified staff. No action of the Board shall be necessary so long as the Board previously established the position and hiring is within budget limitations. However, any decision to hire a board member to fill a vacant classified staff position must be made in accordance with policy BAA, Employing Board Members and requires board approval as outlined in that policy.

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

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

Qualifications Screening Process

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

[1] Adopt this option if adopting paragraph five under the screening heading.

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

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

Qualifications Screening: Criminal Background Checks
As part of the qualification's investigation, applicants for positions that allow unsupervised contact with students shall be required to:
1. Submit to a criminal history record check; and
2. Certify in writing that the applicant has never been charged with a crime or provide a written description of the disposition of the charge.

The Superintendent or designee shall adjudicate criminal history records based on the following factors:
1. The nature and gravity of any known misconduct and/or offense(s).
2. The time that has passed since any known misconduct, criminal conviction, and/or completion of a sentence occurred.
3. The nature of the job sought.

Applicants shall be deemed to be at a risk unsuitable for district employment in at least the following instances:
1. The applicant is a sexual offender or has committed an offense involving a child victim.
2. The falsification or omission of any information concerning criminal convictions or pending criminal charges.

Applicant Rights
Applicants claiming Veterans' Preference must provide appropriate certification in accordance with law.

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

Competitive Personnel System

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

Final Selection

The District shall make all final selections of employees for classified positions in accordance with Veterans' Preference law (NDCC 37-19.1-02). When permitted by law, this may include further inquiry (i.e., after initial qualifications screening and, if applicable, the completion of the competitive personnel exam) into an applicant's qualification based on screening mechanisms such as interviews, background checks, and skills testing.

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

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

End of Nesson School District #2 Policy DBAA ..... Amended: 02/21/2024

REQUIRED

DBBA - DRUG AND ALCOHOL TESTING PROGRAM FOR EMPLOYEES

Definitions

For the purpose of this policy:

- *Alcohol* means any alcoholic beverage as defined in 23 U.S.C. § 158(c) and N.D.C.C. § 5-01-01.
- *Drugs* or *controlled substances* refers to substances covered by the Omnibus Transportation Act, including, but not limited to, marijuana, cocaine, opiates, amphetamines and phencyclidine (PCP) (See 21 CFR Part 1308).
- *Covered employee/position* means an employee/position subject to the Drug-Free Workplace Act and/or the Omnibus Transportation Employee Testing Act.
- *Safety-sensitive position* means a job in which a momentary lapse in the discharge of duties poses a safety threat with potentially severe consequences. In addition to covered positions, the Board recognizes the following as safety-sensitive positions: school vehicle drivers as described in N.D.C.C. § 15.1-07-20
- *Non-covered and non-sensitive-safety position* means any other class of employee not covered under legally-mandated or allowable federal drug and alcohol testing requirements, but includes a class of employee still subject to District policy for testing upon reasonable suspicion or other types of testing when the District can demonstrate a special need to conduct the test or as allowed under state or federal law.

Statement of Philosophy

The Nesson School District is committed to the establishment of a drug and alcohol testing program that meets all applicable requirements of the Omnibus Transportation Employee Testing Act and other applicable federal and state law. All covered and safety-sensitive employees are prohibited from using controlled substances and alcohol as identified in this policy and the District policy DEAA, Drug and Alcohol-Free Workplace.

Prohibitions and Hours of Compliance

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

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

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

Notice of Medication Use

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

Participation in Drug and Alcohol Testing Program Required
Employees serving in positions covered and safety-sensitive positions under this policy are required to participate in all applicable drug and alcohol testing as a condition of employment.

Employees serving in non-covered and non-safety-sensitive positions under this policy are subject to reasonable suspicion testing and any other testing, only as allowed under state and federal law.

Circumstances for Testing
All covered and safety-sensitive employees shall be subject to pre-employment, reasonable suspicion, random, post-accident, return-to-duty and follow-up alcohol and drug testing pursuant to procedures set out in the federal regulations or as allowed by applicable law. Other employees working in non-covered and non-safety-sensitive positions identified under this policy may be subject to reasonable suspicion testing and other types of testing when the District can demonstrate a special need to conduct the test or as allowed under state or federal law. Pre-employment controlled substance **[and alcohol]** testing shall be administered to an applicant offered a covered or safety-sensitive position in the District prior to the first time the employee performs any safety-sensitive duties for the District unless the applicant meets exemption criteria contained in federal regulations. Employment with the District is conditional upon the applicant receiving negative test results.

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

Drug and Alcohol Testing

Any applicant or employee has the right to refuse to undergo testing. However, failure to consent to testing or behavior that prevents meaningful completion of testing will be treated as a failure to comply with the District's policies and may result in discipline, termination of employment, or rescission of a job offer. No test will be sought for the purpose of discriminating against an applicant or employee.

The District has adopted testing practices to identify covered and safety-sensitive position applicants/employees who use illegal drugs or abuse alcohol on or off the school property and/ or during working hours. Before requesting or requiring drug and/or alcohol testing, the District will provide the individual with a copy of this policy and a form on which to

acknowledge they have seen the policy. Testing will not be performed unless a signed acknowledgement form has been obtained. It shall be a condition of employment for all covered and safety-sensitive position applicants/employees to submit to testing under the following circumstances:

1. Pre-employment (Covered and Safety-Sensitive Positions Only): Once a conditional job offer has been made to an applicant for a covered or safety-sensitive position, the District will require the applicant to undergo testing, provided the same test is required of all applicants for the position. Any covered or safety-sensitive position applicant with a confirmed positive test result may be denied employment after assessment and review by administration.
2. Promotions/Transfers (Covered and Safety-Sensitive Positions Only): All employees who are promoted or transferred into covered or safety-sensitive positions will be tested at the time of promotion or transfer. In the event of a positive test, an employee may re-apply for another vacant covered or safety-sensitive position at a later date as determined by the District or as outlined in administrative regulations or handbooks.
3. Random (Covered and Safety-Sensitive Positions Only): Random testing may be conducted for employees only in covered or safety-sensitive positions.
4. Reasonable Suspicion All Employees: The District may require testing when there is reasonable suspicion to believe that an employee (a) is under the influence of alcohol or illegal drugs, (b) has violated this policy or other district policies or regulations prohibiting the use, possession, sale, or transfer of drugs or alcohol, (c) has caused themselves or another employee to sustain a personal injury, or (d) has caused a work-related accident or was operating or helping to operate machinery, equipment, or vehicles involved in a work-related accident. In order for reasonable suspicion to exist, there must be a basis for forming a belief that testing is justified based on specific facts and rational inferences drawn from those facts. Where permitted by law, the occurrence of a work-related accident may be considered reasonable suspicion; however, any testing that is conducted must evaluate the root cause of the incident that “harmed or could have harmed” employees or others and must include all employees who could have contributed to the incident, rather than just the employees who reported injuries.

   Reasonable suspicion testing shall be based on objective facts and articulable observations that are consistent with the signs and symptoms of drug and alcohol misuse or abuse and/or a policy violation, including, but not limited to the following: appearance, behavior, motor skills, attendance, and/or work performance by the employee. The circumstances under which reasonable suspicion drug and alcohol testing shall be considered, as outlined above, are strictly limited to time and place of employee conduct while on duty, during work hours, and/or on school property or at a school-sponsored activity or event. The District shall take steps to ensure that district administrators and supervisors receive proper training to recognize the signs and symptoms of drug and alcohol misuse prior to making determinations for reasonable suspicion testing.

Reasonable suspicion testing shall be performed in accordance with federal law on Transportation Workplace Drug Testing and testing procedures outlined in administrative regulation.

Within three (3) working days after receipt of a test result report from the licensed testing laboratory, the District will inform the applicant or employee who has undergone drug or alcohol testing in writing of a positive test result on a confirmatory test or of a negative test result on an initial test. Applicants and employees have a right to request and receive a copy of the test result report on any drug or alcohol test.

Applicants and employees will be given the opportunity to explain or contest a confirmed positive result with the District within three (3) working days after being notified of their test result. An applicant or employee may present verification of enrollment in the cannabis patient registry as part of the explanation. No individual will be discriminated against or penalized due to the individual's status on the patient registry or for the patient's positive drug test result unless the patient used, possessed, or was impaired by medical cannabis on the District's premises or during the hours of employment.

The applicant or employee also has the right to request a confirmatory retest of the original sample at their own expense. This request must be made within five (5) working days after notice of the confirmatory test results in writing.

Positive test results may result in administrative leave, pending the outcome of a confirmatory test and, if requested, confirmatory retest if the District believes it is reasonably necessary to protect the health or safety of the employee, co-employees, students, and/or the public.

An employee, who receives a positive result on a confirmatory test for drugs and/or alcohol and who has previously received a positive result on a confirmatory test for drugs and/or alcohol, may be disciplined up to and including discharge.

Testing Procedures
Testing shall be performed in accordance with federal drug and alcohol testing regulations and testing procedures are outlined in administrative regulations. The District shall designate collection sites where employees must report and provide specimens.

Refusal to Submit
An employee covered by this policy may not refuse to take a required test.

In addition to verbally refusing to undergo testing, an employee or job applicant is considered to have refused testing if they:

1. Fail to appear for, or declines a test within a reasonable time, as determined by the District;
2. Fail to provide an adequate sample or sufficient quantities of the substance being tested without a medical exemption;

3. Fail to immediately report to the collection site as instructed, or fail to remain at the testing site until the testing is completed (unless instructed otherwise by the testing laboratory or facilitators);
4. Tamper with, adulterate, substitute a specimen for testing, or obstruct testing, as determined by the testing laboratory;
5. Interfere with the collection procedure;
6. Do not make themselves readily available for testing following an accident, as defined below. However, nothing in this policy shall be construed to require the delay of necessary medical attention for injured persons following an accident or to prohibit an employee from leaving the scene of an accident for the period necessary to obtain assistance in responding to the accident or to obtain emergency medical care.

Employees who refuse required testing shall, at a minimum, be prohibited from performing covered and safety-sensitive duties and may be refused employment or disciplined up to and including discharge.

Violations

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

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

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

Confidentiality of Records

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

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

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

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

Identity of Contact Person
The Board designates the Superintendent to serve as the contact person for questions concerning the drug and alcohol testing program and this policy. This designee may be reached at (701) 568-3301.

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

Effects of Alcohol and Controlled Substances
Teacher Workrooms and the Central Office contains information on the effects of alcohol and controlled substance misuse on an individual's health, work, and personal life; signs and symptoms of an alcohol problem; and available methods of intervening when a misuse problem is detected.

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

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

- DBBA-AR, Drug and Alcohol Testing Procedures
- DBBA-E1, Record of Observable Behavior
- DBBA-E2, Steps to Performing a Reasonable Suspicion Test
- DBBA-E3, Drug and/or Alcohol Testing Consent Form
- DEAA, Drug and Alcohol-Free Workplace
- DFC, Transfer and Reassignment
- DI, Personnel Records

Legal References

- 21 CFR Part 1308, Schedule of Controlled Substances
- 23 U.S.C. § 158, National Minimum Drinking Age
- 49 CFR § 40, Procedures for Transportation Workplace Drug and Alcohol Testing Programs
- 49 CFR § 382, Controlled Substance and Alcohol Use and Testing
- H.R. 3361, Omnibus Transportation Employee Testing Act of 1991
- N.D.C.C. § 5-01-01, Alcoholic Beverages; Definitions
- N.D.C.C. § 15.1-07-20, School Vehicle Driver – Requirements
- N.D.C.C. § 44-04-18.1, Public Employees Personal, Medical, and Employee Assistance Records - Confidentiality – Personal Information Maintained by State Entities – Exempt

End of Nesson School District #2 Policy DBBA . . . . . Adopted: 07/15/2026

[04/26]

SIGNING BONUSES

It shall be the policy of the Board of the Nesson School District to authorize the Superintendent to offer signing bonuses as allowed by law. A signing bonus of not more than $5,000.00 may be offered in one lump sum or distributed in equal yearly installments not to exceed the number of years allowed by law. The Superintendent shall cause a signing bonus agreement to be signed by the teacher and presented for board approval at the same time as the contract.

End of Nesson School District #2 Policy DCCA ..... Adopted: 7/16/25

[07/23]

MILITARY LEAVE

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

End of Nesson School District #2 Policy DDBD ..... Adopted: 7/16/2025

[11/07]

REQUIRED

DEAA - DRUG AND ALCOHOL-FREE WORKPLACE

Definitions

For purposes of this policy:

- *Alcohol* means any alcoholic beverage as defined in 23 U.S.C. § 158(c) and N.D.C.C. § 5-01-01.
- *Drug* means any controlled substance as defined in N.D.C.C. § 19-03.1-05 through § 19-03.1-13 and § 19-03.1-26 (paraphernalia); schedules I through V of the Controlled Substances Act (21 U.S.C. § 812), and as further defined by regulation 21 CFR Part 1308 through § 1308.11.
- *Possession* shall mean:

  a. Actual physical possession of the drug or alcohol while on school property;

  b. Use or consumption of the drug or alcohol while on school property;

  c. Drugs or alcohol in the employee's car, handbag, backpack, or other belongings while on school property; or

  d. Appearance by an employee on school property after having consumed or ingested the drug or alcohol that is noticeable by breath odor, speech alterations, unsteadiness of gait or posture, or like symptoms of chemical intoxication.

- *School property* is defined in N.D.C.C. § 15.1-19-10(6)(c) as all land within the perimeter of the school site, all school buildings, structures, facilities, and school vehicles, whether owned or leased by a school district, and the site of any school-sponsored event or activity.
- *Use* means that an employee is reasonably suspected to have ingested, injected, inhaled or otherwise taken into their body drugs or alcohol, or is reasonably found to be under the influence of drugs or alcohol.

Purpose

The Drug-Free Workplace Act and the Drug-Free Schools and Communities Act are federal laws requiring schools in receipt of federal funding to maintain drug- and alcohol-free workplaces and learning environment by enforcing policies against unlawful possession, use, or distribution of illicit drugs and alcohol. The Nesson School District is committed to maintaining a safe, healthy, and productive working and learning environment for its employees and students. To promote this goal, the District is a drug- and alcohol-free workplace, and employees are required to report to work unimpaired in any way by the use of alcohol or drugs. Further, the District explicitly prohibits employees from the use, manufacturing, possession, distribution, dispensing, or being under the influence of drugs or alcohol while on school property, unless such use is (1) at the

instruction of a treating medical provider, the treating provider has advised that such use shall not affect the employee's ability to perform duties and maintain the safety of themselves and others, and (2) the employee has reported such use and engaged in an interactive process with the District in accordance with applicable state and federal law. Employees are also prohibited from knowingly or intentionally aiding or abetting in any of the above activities.

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

Students must abide by District policy FFA, Student Alcohol and Other Drug Use/ Abuse.

Scope of the Policy

This policy applies to all school employees during all working hours, on all school property, at all school-sponsored events, and at all other times when employees are representing or conducting business for the District (whether on or off school property and whether during or outside of normal working hours). The drug- and alcohol-free provisions of this policy also apply to students, parents, independent contractors, vendors, visitors, and any other members of the public who are on school property and/or at a school-sponsored activity or event.

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

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

Drug and Alcohol Testing

All employees are subject to the District’s Drug and Alcohol Testing Program. Employees working in covered and safety-sensitive positions as defined under district policy DBBA shall be subject to pre-employment, reasonable suspicion, random, post-accident, return-to-duty and follow-up alcohol and drug testing pursuant to procedures set out in the federal regulations or as allowed by applicable law.

Students are subject to the provisions and testing procedures identified under district policy FFA, Student Alcohol and other Drug Use/Abuse.

Employee Reporting

As a condition of employment, each employee shall agree to abide by this policy. Employees shall immediately (or as soon as reasonably practicable, but no later than five days) inform their immediate supervisor or Superintendent when the employee has been arrested or convicted of any drug- or alcohol-related crime or offense. The Superintendent, in accordance with applicable law, shall notify the appropriate federal and/or state agency after receiving any notice of a conviction for a violation occurring in the workplace. Failure of the employee to report accordance with this policy within the time prescribed may lead to disciplinary action up to and including discharge.

Violations
Violations of this policy may result in the following:

1. Paid or unpaid leave or suspension (as allowed under the law);
2. Termination of employment; due process procedures shall be followed prior to termination, if required;
3. Notification to proper law enforcement authorities (as required or allowed under the law); and/or
4. Notification to other reporting agencies (as required or allowed under the law).

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

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

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

- DBBA, Drug and Alcohol Testing Program for Employees
- DE, Staff Code of Conduct
- DGB, Employee Assistance Program
- DGB-BR, Employee Assistance Program Procedure
- FFA, Student Alcohol and Other Drug Use/Abuse

Legal References

- 20 U.S. Code Chapter 58, Drug-Free Schools and Communities
- 21 U.S.C. § 812, Schedules of Controlled Substances
- 21 CFR Part 1308, Schedule of Controlled Substances
- 23 U.S.C. § 158, National Minimum Drinking Age
- 41 U.S.C. 81 Drug-Free Workplace Act of 1988
- N.D.C.C. § 5-01-01, Alcoholic Beverages; Definitions

- N.D.C.C. § 15.1-14, Administrators
- N.D.C.C. § 15.1-15, Contracts of Teachers & Administrators
- N.D.C.C. § 15.1-19-10, Possession of a weapon - Policy - Expulsion from School
- N.D.C.C. § 19-03.1, Uniform Controlled Substances Act
- N.D.C.C. § 44-04-18.1, Public Employee Personal, Medical, and Employee Assistance Records - Confidentiality - Personal Information Maintained by State Entities - Exempt

End of Nesson School District #2**Policy DEAA . . . . . Adopted: 07/15/2026**

[04/26]

ADMINISTRATIVE LEAVE & SUSPENSION

Administrative Leave

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

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

Administrative leave shall be with pay, and the employee shall not be required to take any applicable paid leave benefits as part of the administrative leave.

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

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

Suspension

The Board delegates authority to the Superintendent to suspend all contracted district employees. The Superintendent is authorized to suspend all at-will employees.[1]

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

End of Nesson School District #2 Policy DED ..... **Reaffirmed: 12/20/2023**

[1] Review your policy on at-will employee dismissal. The individual/group authorized by that policy to dismiss at- will employees should also have authorization to suspend them.

TEACHER EVALUATION

Administration should engage in ongoing monitoring and evaluation of teacher performance and must comply with statutory required formal, written performance reviews. The purpose of ongoing and formal performance evaluation is to ensure teachers hold the requisite ability, competence, and qualifications to perform teaching duties; to identify areas of deficiency and establish expectations for improvement; to identify effective teaching strategies and potential teaching mentors; and to increase the overall quality of educational services provided to students.

Immediate supervisors shall evaluate certified teaching staff through ongoing monitoring of teacher performance, informal and/or formal classroom observations, as well as through the use of any other evaluation instruments or rubrics adopted by the Board. Administration should complete formal performance reviews and evaluations with honesty, accuracy, and with specific comments supporting the ratings identified in the document. When applicable, performance deficiencies identified in an informal or formal performance evaluation instrument should be considered by administration for the drafting of a performance improvement plan or referral to a teacher mentoring program.

Formal, written performance reviews shall be conducted in compliance with North Dakota Century Code § 15.1-15-01, as follows:

1. The District shall conduct two performance reviews per year, for the first three years and individual is employed as a teacher. The District shall prepare written reports of the teacher's performance. The District shall make the first yearly report available to the teacher on or before December fifteenth. The school district shall make the second yearly report available to the teacher on or before April fifteenth.

2. If an individual begins employment as a teacher after January first, the District shall conduct one review of the teacher's performance. The school district shall make the written report available to the individual on or before April fifteenth.

3. Beginning with the fourth year of a teacher's employment as a teacher, the District shall conduct at least one review of the teacher's performance each year. The District shall prepare a written report of the teacher's performance and make the report available to the teacher on or before April fifteenth.

Formal, written performance reviews and evaluations shall become a part of the employee's personnel file and shall not be removed. The employee shall have the right to review the evaluation and may attach a written response, which shall be attached to the performance review or evaluation document in the personnel file.

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

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

End of Nesson School District #2 Policy DFAA.....**Adopted: 7/16/2025**

TEACHER GRIEVANCE PROCEDURE

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

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

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

This Policy does not apply to grievances for which specific resolution procedures have been established under other policies or regulations, including, but not limited to, patron complaints, complaints about personnel, complaints about instructional material, and complaints about unlawful harassment or discrimination. Anonymous grievances that are not signed provide no avenue for response or redress of the grievance.

Definitions

- *Grievance* is an allegation by a teacher that they have been subject to a personal loss, injury, or inconvenience because of a violation, misinterpretation, or misapplication of a specific article, section, or paragraph of the negotiated agreement or teacher's individual contract.
- *Day* as used herein shall be considered a school day.

Time Limit

A grievance must be initiated within 30 days after the teacher knew or should have known about the violation, misinterpretation, or misapplication of the term or condition which gave rise to the grievance. Failure to timely present the grievance in writing shall be deemed a waiver of the grievance.

Conditions

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

Procedure

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

Each step in this procedure is intended to consider a grievance and is to be a separate review of the facts. Each official who is presented the grievance shall issue a decision.

1. **Informal Process**: The Board encourages the resolution of grievances at the lowest level of administrative authority possible. Therefore, a teacher with a

grievance shall first discuss it with his/her immediate supervisor or designee. However, should the informal process fail to satisfy the teacher, then a grievance may go through the formal process.

2. **Formal Process**: A teacher may be accompanied by a representative of their choosing at any step in this process. The teacher filing the grievance must be present at each step in the process.
   a. The teacher who is filing the grievance shall prepare a written statement containing their name, address, and telephone number; school building, address, telephone number, and name of principal; the specific contract provision or term/condition of employment being grieved and why; and the requested remedy. The written grievance must be signed and dated by the grievant.
   b. A teacher must present the written grievance to his/her immediate supervisor or designee by the deadline contained in the "Time Limit" section of this procedure. The supervisor or designee shall make every effort to resolve the grievance and shall, within 10 days of the filing of the grievance, render a written answer on the grievance.
   c. If no agreement is reached, or the time limit outlined above elapses without answer, the aggrieved teacher may present the written grievance to the Superintendent or designee. This step must be initiated within 4 days of the supervisor or designee's written decision, or within 14 days of the filing of the grievance in the event the supervisor or designee fails to provide a written answer. The Superintendent or designee shall either refer the grievance to a designated representative or shall personally work with the aggrieved to seek an equitable solution within 10 days. A written response shall be made to the grievant within the same 10 days. The superintendent's or designee's decision is final, subject to court review if the teacher files suit.

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

- DGAA-E, Grievance Form

End of Nesson School District #2 Policy DGAA.....**Adopted: 7/16/2025**

[01/25]

PROFESSIONAL DEVELOPMENT PLAN

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

The Superintendent shall recommend professional development content areas appropriate for school staff to the Board. The Board will designate professional development for the District. Professional development must include the training required under NDCC 15.1-21-12.1, but may also include other content areas, including behavioral, physical, or mental health.

Professional Development Plan

The Superintendent shall develop a professional development plan Professional development activities may include inservice workshops, a professional library, short-term professional leave, and assistance from consultants. All professional development activities shall be within district budgetary parameters.

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

End of Nesson School District #2 Policy DGGA..... Adopted: 02/21/2024

PERSONNEL RECORDS

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

Location

Personnel records shall be maintained in the following areas:

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

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

Former Employees

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

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

Record Review

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

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

- DI-BR, Personnel Records Review Procedure
- DI-E1, Personnel File Records Checklist
- DI-E2, Notice of Confidential Record on File
- DIA, Distribution of Personnel Directory
- DIB, Review of Material in Teacher Personnel Files
- DHAB, Title I Qualification Notification Requirements

End of Nesson School District #2 Policy DI..... Amended: 02/21/2024

REDUCTION-IN-FORCE POLICY

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

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

Criteria

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

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

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

The District is required to maintain written documentation of a reduction-in-force analysis.

Notices and Hearing

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

Nondiscriminatory

A reduction-in-force shall only be initiated in a nondiscriminatory manner in accordance with state and federal law. The District may not use reduction-in-force as a substitute for disciplinary measures.

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

- DKA-E, Reduction in Force Rubric

End of Nesson School District #2 Policy DKA.....**Adopted: 7/16/2025**

SEPARATION OF AT-WILL EMPLOYEES[1]

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

The Superintendent is authorized to discharge ancillary employees.[2] The employee may be suspended during any investigation of which the employee is the subject. The Board shall be notified of any suspension and/or discharge.

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

End of Nesson School District #2 Policy DKBA ..... **Reaffirmed: 12/20/2023**

RECOMMENDED Descriptor Code: DKBB

CONTRACTED STAFF RESIGNATIONS & REQUEST FOR RELEASE FROM CONTRACT

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

Request for Release from Contract

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

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

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

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

Liquidated Damages and Breaches

Any release from contract or breach of contract is subject to a payment of liquidated damages to the District unless waived by the Board]. [It is acknowledged that termination of a contract by the teacher, prior to the completion of the contract terms, results in the damages to the school district. Therefore, if a teacher requests to be released from a contract, the letter from the teacher, in which a release from contract is requested, must be accompanied by a cashier's check, bank draft, or certified check. Penalties for breaking the contract are as follows: prior to the first day of school the amount will be $3000 (Three thousand and no/100 dollars), and after the first day of school until the end of the contracted year will be $5,000.00 (Five thousand and no/100 dollars). These amounts are calculated to offset liquidated damages received by the district due to a broken contract. Nothing contained herein shall be construed to mean that the Board must release the teacher upon payment of the above amount. However, the board may release a teacher from their contract without penalty if extenuating circumstances arise.

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

Resignation

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

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

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

- DKBB-BR, Granting a Release from Contract

End of Nesson School District #2 Policy DKBB ..... Adopted: April 19, 2023

REQUIRED Descriptor Code: FAAA

OPEN ENROLLMENT

Open Enrollment Between School Districts

The Nesson School District will not participate in Open Enrollment except in the following circumstances:

1. The student has older siblings who are currently open-enrolled in the Nesson School Disrict, except for open-enrolled siblings in category two, below. Students open-enrolled under this policy may attend Nesson School District until they graduate or enroll in another school district or in a private school; or

~~2.~~ The student, currently attending the Nesson School District, moves to another school district during the school year. The student may complete the school year in his or her class and school.

3. The student's parent or guardian is an employee of the Nesson School District.

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

- FAAA-E, Open Enrollment and Tuition Agreement Comparison Guide

End of Nesson School District #2 Policy FAAA .....Revised: 11/19/2025

RECOMMENDED Descriptor Code: FAB

SCHOOL ASSIGNMENT

The Superintendent shall establish, and the Board shall approve, attendance boundaries for each district school.

Students shall attend the school to which they are assigned; however, the Board authorizes the Superintendent to grant or deny requests for individuals to attend schools outside of their designated attendance areas after consideration of the following criteria:

1. The change appears to be in the best interests of the student and the District.
2. No bus route will be extended beyond its normal run.
3. Principals of both schools involved approve of the change.
4. The transfer will not create overcrowding.

The Board reserves the authority to transfer students from the assigned school to a different school when enrollment must be balanced because of classroom space requirements or class size. Transfer decisions shall comply with 20 U.S.C. 1703.

Extracurricular Eligibility

The District shall comply with all North Dakota High School Activities Association (NDHSAA) regulations regarding transfer student's eligibility for NDHSAA sponsored programs and events.

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

- FAB-E, Student Rights Under the Equal Opportunities Act

End of Nesson School District #2 Policy FAB ..... Amended: 02/21/2024

ACCOMMODATING STUDENTS WITH ALLERGIES AND SPECIAL DIETARY NEEDS

It is Nesson School District #2's goal to minimize the risk of exposure to allergens; to educate the community, staff, and student body about allergens; to work directly with and accommodate individuals who have allergies; and to maintain and regularly update a system-wide protocol for responding to the needs of students and staff with allergies.

Definitions

- *Allergen* is a substance that causes an allergic reaction.
- *Food Allergy* is an adverse health effect arising from a specific and reproducible immune response to certain foods. Symptoms of food allergies may include red watery eyes, swollen lips, tongue or eyes, itchiness, hives, rash, nausea, vomiting, sneezing, nasal congestion, dry staccato or deep cough, difficulty breathing, pale skin color, dizziness, loss of consciousness, irritability, or confusion.
- *Food Intolerance* is an inability to digest certain foods.
- *Other Allergies and Intolerances* may include allergic reaction or intolerance due to contact with stinging insects; medications; surfaces and substances, including but not limited to cleaning products, soap, dust, mold, latex, and other indoor and outdoor environmental items; or engagement in exercise activities.
- *Anaphylaxis* is a potentially life-threatening medical condition occurring in allergic individuals after exposure to their specific allergens. Anaphylaxis refers to a collection of symptoms affecting multiple systems in the body. Symptoms of anaphylaxis may include: hives; vomiting; itching; diarrhea; swelling; stomach cramps; red, watery eyes; change of voice; runny nose; coughing; difficulty swallowing; wheezing; difficulty breathing; shortness of breath; throat tightness or closing sense of doom; itchy scratching lips, tongue, mouth or throat; fainting or loss of consciousness; dizziness; change in mental status; flushed, pale skin, cyanotic (bluish) lips and mouth.

Administration, in conjunction with qualified staff and team members, shall implement procedures for identifying students with allergies and shall develop general exposure avoidance measures. The level of sensitivity and the type of severity of reactions vary considerably among individuals with allergies. Therefore, the approach to preventing and treating food allergies must be tailored to those individual's needs through reasonable accommodation and carefully tailored plans. At the same time, an undiagnosed student may experience an allergic reaction to food for the first time while at school and any allergic reaction can turn life-threatening. Therefore, the approach must also be comprehensive.

The Board recognizes that students with medically documented allergies (both life-threatening and non-life-threatening) that substantially limits one or more of a student's major life activities are considered disabled and are covered by the Americans with Disabilities Act, Section 504 of the Rehabilitation Act. In accordance with the law, that

student may require certain modifications (sometimes referred to as accommodations) to meaningfully access or benefit from the school's educational opportunities. A clearly defined 504 Accommodation Plan, Individual Health Plan (IHP), or other appropriate plan that allows accommodation is recommended to be developed and implemented for all such identified students. Appropriate staff, administration, and the student's parent/guardian should collaborate in the development of such plans, with recommendations provided by the student's treating medical provider.
The Board also recognizes that students may also be eligible for accommodation under the Individuals with Disabilities Education Act (IDEA) Part B due to an allergy, if that allergy adversely affects the student's educational performance, or if the student needs special education and related services because of an allergy. If a student is eligible for accommodation under IDEA, instructions or services related to the student's nutritional or allergen-related needs must be included in the student's Individualized Education Plan (IEP). A clearly defined IEP will be developed and implemented for all such identified students.

IEPs and/or modifications to a student's program will be developed with the IEP team in accordance with the IDEA regulations and requirements. Relevant staff shall be provided with copies of 504 plans, IHPs, IEPs, and other relevant accommodation plans, including the measures needed to implement them, methods to reduce risk of exposure, and emergency response procedures in the event of exposure.
The District may choose to accept that a student has a disability without any documentation or production of medical tests, but it is recommended that the District work directly with students/families to receive specific medical recommendations from treating providers. This ensures specific, responsive plans can be developed, and student health and safety can be maintained.

Self-Management

Each student at risk of anaphylaxis in the District may be allowed to carry an epinephrine auto-injector or dispenser with him/her at all times, if appropriate. In addition, the student must complete the appropriate paperwork for the carrying and administration of an epinephrine auto-injector or any other epinephrine dispenser. If this is not appropriate, the epinephrine auto-injector/ dispenser should be kept in a conspicuous place in the classroom, cafeteria, physical education facility, health room and/or other areas where it is most likely to be used, with reasonable safeguards in place to ensure its safekeeping. A medically identified student may self-administer the epinephrine, if possible and only as identified in the student's plan and the completed paperwork on file with the District. This policy, FCAA, shall not supersede NDCC 15.1-19-16, which contains criteria for a school to authorize student self-administration of emergency medication.

Emergency Protocol

If there is an anaphylaxis reaction, an epinephrine auto-injector or dispenser must be given. If appropriate, the person with the reaction can self-administer the epinephrine

auto-injector or dispenser to themselves, or an appropriately trained school staff can administer. Once the auto-injector or dispenser is given, 911 must be called. In the event of an anaphylaxis episode, the **[principal] [school administrator]** shall verbally notify the student's parents/guardians as soon as possible, or delegate someone to notify them. Following the episode, the school shall document the incident and file it in the student record.

Allergy Bullying

All threats or harassment of students with food allergies will be taken very seriously and will be dealt with in accordance with administrative policy **ACEA, Bullying Policy**.

Confidentiality

Pursuant to the ADA, the IDEA, Section 504, the Family Educational Rights and Privacy Act (FERPA), and other statutes and regulations, the confidentiality of records relating to allergies shall be maintained, to the extent required.

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

- ACEA, Bullying Policy
- FCAA-AR, General Guidelines for Reducing Risk of Exposure to Allergens
- FFF, Field and Other School-Sponsored Trips

End of Nesson School District #2 Policy FCAA.....**Adopted: 7/16/2025**

[03/25]

CONCUSSION MANAGEMENT

The District shall comply with the concussion management program requirements contained in law. The District has placed concussion signs and symptoms; removal from practice, training, and/or game requirements; return-to-play requirements, and staff, student, and parental training requirements in administrative regulations (FCAF-AR).

The Board has also established the following definitions and requirements for the purpose of implementing the concussion management program law.

Definitions

Law requires that all school-sponsored and sanctioned athletic training, practices, and competitions be governed by a concussion management program. The District has developed the following definitions for purposes of determining what constitutes athletic sponsorship and sanctioning:

- *School-sanctioned athletic activity* is a sport that:
  a. Is not part of the district's curricular or extracurricular program;
  b. Is established by a sponsor to serve in the absence of a district program;
  c. Receives district support in multiple ways (i.e., not school facility use alone);
  d. Requires participating students to regularly practice or train and compete.
  e. The District has officially recognized through board action as a school-sanctioned activity.

  The Board shall make all sanctioning decisions on a case-by-case basis, based on the criteria in this paragraph. As a condition of receiving school sanctioning, sponsors of the athletic activity shall agree to comply with this policy and the concussion management law. This includes agreeing to provide appropriate training and providing appropriate information to parents and students as required by law. The sponsor shall provide to the District documentation certifying that this training has occurred, and students/parents have viewed required informational material on concussions prior to beginning the activity.
- *School-sponsored athletic activity* is a sport that the District has approved through policy or other board action for inclusion in the district's extracurricular program, is controlled and funded primarily by the District, and requires participating students to regularly practice, train, and compete.

Removal Decisions

Under the concussion management law, the District is authorized to designate removal-from-play authority to individuals who have direct responsibility for student athletes during practice, training, and/or competitions if a student reports or exhibits a sign or symptom of a concussion. The Superintendent or Athletic Director shall make this determination, and the Superintendent or Athletic Director shall ensure that such designees are aware of this responsibility and have undergone appropriate training in accordance with law before commencing duties.

Law also authorizes licensed, registered, or certified healthcare providers whose scope of practice includes recognition of concussion signs and symptoms to make removal decisions. The Superintendent or Athletic Director may consult with medical personnel

to determine who has such credentials and who would be willing to assist in this regard. The District must compile a list of such individuals, which may be provided to all coaches. This measure in no way guarantees that a healthcare provider trained and credentialed in accordance with law will be present at athletic training, practices, and/or events nor shall the voluntary creation of this safety precaution be construed to create or assume any potential liability under local, state, or federal law or regulation.

High school students and minors who serve as coaches or officials are encouraged to work with an adult who has removal-from-play authority prior to removing a student from play.

If two or more individuals with removal-from-play authority disagree on whether or not a student must be removed, the determination must be made in the interest of the student's safety, meaning that the student shall be required to sit out and comply with return-to- play requirements contained in law.

Return to Play

The Board designates the Athletic Director to receive return-to-play documentation from a healthcare provider. This designee shall review the documentation, determine if the healthcare provider has placed any conditions on return to play, contact the healthcare provider for any necessary clarification on the authorization document, and communicate such information to applicable coach(es) and assistant coach(es). This designee shall also file return-to-play authorization documents in the student's educational record. This documentation must be retained for seven years after the student's enrollment or six years after a student turns 18, whichever is later.

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

- FCAF-AR, Concussion Management Program
- FCAF-E1, Concussion Management Removal From Play Authority
- FCAF-E2, Return to Play Acknowledgement Form

End of Nesson School District #2 Policy FCAF ..... **Reaffirmed: 12/20/2023**

EDUCATION OF THE HOMELESS DISPUTE RESOLUTION PROCEDURE

District Resolution Procedure

The Board has adopted the following dispute resolution procedure for disputes related to the inner-district placement of homeless students:

1. A parent/guardian/unaccompanied student wishing to dispute the superintendent's school placement decision to the Board shall contact the Homeless Student Liaison to file an appeal within 15 days from receipt of the placement decision.
2. The Homeless Student Liaison shall notify the Superintendent of the appeal. The Superintendent shall take measures necessary to immediately enroll the homeless student in the school in which s/he is seeking enrollment, pending resolution of the dispute.
3. The Homeless Student Liaison shall present the appeal to the Board in a timely manner.
4. The Board will make an independent school placement determination based on feasibility and the student's best interest. When making this determination, the Board shall at least consider the following criteria:
   a. The age of the student;
   b. The distance of the commute;
   c. The impact of the commute on a student's education;
   d. The student's safety;
   e. If the student has special needs, and which school best serves those needs; and
   f. The amount of time left in the school year.
5. The Board shall issue a placement determination within 15 days of receiving the appeal request. The determination shall be made in writing and issued to the parent/guardian/unaccompanied student who initiated the appeal, along with notice of the rights of the parent/guardian/unaccompanied student to appeal the decision to the State Homeless Program Administrator at the North Dakota Department of Public Instruction.
6. The Homeless Student Liaison shall send a copy of the written placement determination decision to the State Homeless Program Administrator at the North Dakota Department of Public Instruction.

State Resolution Procedure

The Board has adopted the following dispute resolution procedure for individuals who have exhausted the district-level appeals process and/or for disputes that involve more than one school district:

1. A parent/guardian/unaccompanied youth shall inform the Homeless Student Liaison in the district of residence of their intent to file a state level placement appeal.
2. The Homeless Student Liaison shall assist the parent/guardian/unaccompanied youth with filing the appeal and notify the State Homeless Program Administrator of the appeal.

3. The Homeless Student Liaison shall notify the affected superintendent(s) of the appeal, and the superintendent(s) shall take measures necessary to immediately enroll the homeless student in the school in which s/he is seeking enrollment, pending resolution of the dispute.
4. The Homeless Student Liaison in the affected district(s), the enrollment officer in the affected district(s), parents of the student, homeless service providers, and the State Homeless Program Administrator shall meet at the direction of the State Homeless Program Administrator to resolve the issue.
5. The State Homeless Program Administrator shall be considered the final decision- maker. The District must comply with the state homeless program administrator's placement determination.

End of Nesson School District #2 Board Regulation FDB-BR ..... **Reaffirmed: 12/20/2023**

EDUCATION OF THE HOMELESS STUDENT

Definitions

This policy defines the following:

- *Enrollment* means attending classes and full participation in school activities.
- *Full participation* means student participation in extracurricular activities, which offers additional opportunities for student engagement and greater motivation for retention. Further, extracurricular participation can open doors to higher education opportunities scholarships and build skills and relationships that carry over into students' adult lives.
- *Homeless student* or *unaccompanied youth* means an individual who lacks a fixed, regular, and adequate nighttime residence due to loss of housing, economic hardship, or similar reason. It includes students and youths (preschool-grade 12) who are:
  a. Living in an emergency shelter or transitional housing;
  b. Living in motels, hotels, trailer parks, or campgrounds due to lack of alternative adequate accommodations;
  c. Living in cars, parks, public or private spaces not designed for humans to live, abandoned buildings, substandard housing, bus stations, train stations, or similar settings;
  d. "Doubled up" by living with friends or family; or
  e. Living in unsuitable conditions, such as lack of utilities, mold, infestations, or dangers.

  Migratory students and unaccompanied youth (youth not in the physical custody of a parent/guardian) may be considered homeless if they meet the above definition.

  Homeless status is determined in cooperation with the parent/guardian, or in the case of unaccompanied youth, the homeless student liaison.
- *Immediate enrollment* means within twenty-four hours of the best interest determination. Enrollment must not be denied or delayed because documents normally required for enrollment have not been provided. The enrolling school must immediately contact a student's school of origin to obtain the relevant records, and the school of origin should immediately transfer those records.
- *School of origin* means the school the student attended when permanently housed or the school in which the student was last enrolled, including a preschool.

Homeless Student Liaison

The Board designates the Superintendent as the Homeless Student Liaison. This individual must perform all duties required by law to ensure the educational stability of a homeless student.

Best Interest Determination

The District must comply with the McKinney-Vento Homeless Education Assistance Improvements Act. The District shall seek to eliminate barriers to school attendance for homeless students as defined by law. When feasible and consistent with a parent, guardian, or unaccompanied youth's wishes, the homeless student must be immediately

enrolled in their school of origin and transportation must be provided in accordance with law.

When not feasible for a homeless student to attend their school of origin, as determined by the Superintendent in consultation with the parent, guardian, or student, the student must be placed in a school that is in the "best interest of the student." The Superintendent must submit such placement decisions to the parent or guardian in writing, along with notice of the right to appeal and a dispute resolution procedure.

Dispute Resolution

To the extent feasible and appropriate, when a dispute arises as to the best interest determination, the District must ensure that a homeless student be immediately enrolled in the school in which enrollment is sought, pending resolution of the dispute. The parent, guardian, or student wishing to file an appeal of a determination shall notify the Homeless Student Liaison. The liaison shall follow the dispute resolution procedure created in regulation FDB-BR. The District shall make reasonable efforts to collaborate with aggrieved parties to resolve the dispute at the local level as expeditiously as possible.

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

- FDB-BR, Education of the Homeless Dispute Resolution Procedure
- FDB-E1, Caregiver Authorization Form
- FDB-E2, Nesson District-Level Dispute Resolution Form

End of Nesson School District #2 Policy FDB ..... Amended: 02/21/2024

EDUCATION OF PREGNANT AND PARENTING STUDENTS

Pregnant and parenting students shall be entitled to all protections contained in the district's nondiscrimination and anti-harassment policy and should report any violations of these protections using the district's discrimination and harassment grievance procedure. These students shall be allowed to participate in all school programs and activities on the same basis as any other student enrolled in Nesson School District.

Attendance Standards for Pregnancy and Post-Pregnancy Conditions

Absences due to pregnancy and post-pregnancy related conditions shall be excused and approved so long as the student and/or her parent/guardian complies with any district documentation requirements associated with the absence as stated in the attendance policy. Documentation requirements for pregnancy and post-pregnancy related absences shall be no more stringent than documentation requirements the District has instituted for student absences due to illness.

Students shall not be disciplined or their status as a student otherwise demoted due to absences resulting from pregnancy or a post-pregnancy condition. Furthermore, students absent due pregnancy/a post-pregnancy condition shall not be barred from participating in district programs and activities except when absences result in ineligibility to participate in activities covered under North Dakota High School Activities Association bylaws. Students will be given a reasonable time to make up missed work or participate in a credit recovery program. Failure by the student to complete any make up work requirements or credit recovery program(s) may result in a demotion in grades, retention, extracurricular ineligibility, or other appropriate recourse as determined by district administration in accordance with applicable district policy.

Accommodations for Pregnant Students

The District shall provide reasonable accommodations to pregnant students and students recovering from pregnancy upon request by the student, her parent/guardian, or her medical provider.

Alternative Curricular Participation

The District shall encourage pregnant and parenting students to remain enrolled in the regular school program; however, the District will provide educational options to those students who are unable or who elect not to remain in their regular schools. Those options may include homebound tutoring, an alternative day school program, and/or attendance at adult evening classes. Pregnant and parenting students electing one of these options shall be permitted to reenter the regular education program upon request. If a request to re-enroll is made near the end of a semester, the District may elect to re- enroll the student in the regular education program at the beginning of the subsequent semester.

Medical Documentation Requests and Participation in Physical Activities

Pregnant students involved in programs involving physical activity will be required to provide medical documentation certifying fitness for participation only on the same basis as the District requires such documentation from other students. Any medical documentation required for a pregnant student to participate in physical activities shall be no more stringent than when medical documentation is required to be provided by any other student as a condition of participation in physical activities.

Disclosure

If a student discloses her pregnancy status to a district employee, the employee will refer the student to a school counselor. The school counselor shall encourage the student to inform her parent(s)/guardian of the pregnancy if such advice is in the best safety interest of the student.

If a student refuses to inform her parent(s)/guardian of her pregnancy within a reasonable time, the counselor, in conjunction with the Superintendent, shall make a decision about whether or not to inform the student's parent(s)/guardian. The decision shall be made on a case-by-case basis, taking into account the student's age and safety. Before acting on the decision, the counselor shall contact the student and provide her with an opportunity to appeal the decision to the Superintendent.

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

- AAC, Nondiscrimination and Anti-Harassment Policy
- AAC-BR, Discrimination and Harassment Grievance Procedures
- FFB, Attendance & Absence

End of Nesson School District #2 Policy FDD..... **Reaffirmed: 12/20/2023**

REQUIRED

FDE - EDUCATION OF SPECIAL EDUCATION STUDENTS/STUDENTS WITH DISABILITIES UNDER THE IDEA

The Nesson School District assures that all students with disabilities, ages 3 through 21, have the right to a free and appropriate public education in accordance with the Individuals with Disabilities Education Act (IDEA) and North Dakota law. In addition, the District complies with Section 504 of the Rehabilitation Act requirements as addressed separately under corresponding District policies and regulations. For compliance with state and federal laws concerning special education/disabled students and providing this assurance, the Nesson School District is a member of the Wilmac Special Education Unit and may additionally subscribe to its policies and procedures. For students eligible for services under IDEA, the District will follow the required procedures for identification, evaluation, placement, and delivery of services to children with disabilities.

Individuals with Disabilities Education Act (IDEA)

The IDEA makes available free and appropriate public education (FAPE) to eligible children with disabilities in the District and ensures special education and related services to those children. The three main purposes of the IDEA are:

1. To ensure all children with disabilities have available to them a FAPE that emphasizes special education and related services designed to meet their unique needs and prepare them for further education, employment, and independent living;
2. To ensure the rights of children with disabilities and parents of such children are protected; and
3. To assist states, localities, educational service agencies (including public school districts), and Federal agencies to provide for the education of all children with disabilities.

To this extent, eligible students with disabilities in the District who qualify for services under the IDEA will receive specially designed instruction and other services to meet their unique needs.

Students with Disabilities

To be covered under the IDEA, a District student with a disability must be in one of several categories of disabilities and require special education and related services because of the disability in order to benefit from public education. District students meeting both the criteria will be eligible to receive specially designed instruction or special education in which the content or the delivery of the instruction is adapted to the specific needs of the student.
District students with disabilities who do not meet eligibility requirements under the IDEA and do not require special education to benefit from public education may not be

covered under the IDEA, but they may be covered under Section 504 of the Rehabilitation Act and/or the Americans with Disabilities Act (ADA). Section 504 and the ADA provide broad nondiscrimination protection not limited to education and have similar functional definitions of "disability" (e.g., disabilities related to life functions such as seeing, hearing, walking, thinking), rather than the categorical definitions used under the IDEA.

Free Appropriate Public Education (FAPE)

All District students with disabilities receiving special education or related services under the IDEA between the ages of 3 and 21 are entitled to free and appropriate public education (FAPE). FAPE under the IDEA means special education and related services that:

1. Have been provided at public expense, under public supervision and direction, and without charge;
2. Meet the standards of the District;
3. Include an appropriate preschool, elementary school, or secondary school education in the state; and
4. Are provided in conformity with the individualized education program required under the student's individualized education program (IEP).

FAPE under the IDEA must be made available to all District students with disabilities who qualify for special education and related services, including children who have been suspended or expelled from school.

Identification and Evaluation under the IDEA

1. **Identifying and Evaluating a Child with a Disability**

The first step in providing FAPE to District students with disabilities is identifying those students and performing "child find" obligations. The District has policies and procedures in place to ensure that all District students with disabilities who are in need of special education and related services are identified, located, and evaluated under the IDEA. This includes locating those students with disabilities who are homeless or wards of the state; attending private schools; suspected of having a disability; and highly mobile children, including migrant children.

a. Initial Evaluation

A child who has been identified as having (or is possibly having) a disability must be evaluated by the District before receiving special education and related services to determine whether a child is a child with a disability and to determine the educational needs of the child and qualifications for IDEA services. Either the parent or the District may request an initial evaluation. In general, the District must obtain informed consent

from the parent before conducting an initial evaluation. Parental consent for an evaluation cannot be construed as consent for special education and related services. The initial evaluation must take place within sixty (60) days of receiving parental consent or within an alternative time frame that may be established by the state.
In conducting the initial evaluation, the District must:

i. use a variety of assessment tools and strategies to gather relevant functional, developmental, and academic information, including information provided by the parent;

ii. use multiple measures or assessments as the criteria for determining whether a child is a child with a disability or determining an appropriate educational program for the child; and

iii. use technically sound instruments that may assess the relative contribution of cognitive and behavioral factors, in addition to physical or developmental factors

In addition, assessments and other evaluation materials used to assess a District student must be selected and administered so as not to be discriminatory on a racial or cultural basis. They must also be provided and administered in the language and form most likely to yield accurate information on what the student knows and can do academically, developmentally, and functionally.

b. Determination by IEP Team

Upon completion of the evaluation, the determination of whether the student is a child with a disability is made and the educational needs of the student are decided by the student's IEP team. A copy of the evaluation report and the documentation of determination of eligibility must be provided to the parent. In determining eligibility, a student shall not be determined to be a child with a disability if the determinant factor is lack of appropriate instruction in reading, lack of instruction in math, or limited English proficiency.

c. Re-evaluation

Re-evaluations are required if the student's teacher or parent makes a request or if the District determines that the student's educational and service needs, academic achievement, or functional performance warrant a reevaluation. For example, a re-evaluation might be warranted if the student's performance in school significantly improves, suggesting the student no longer requires special education and related services, or if the student is not making progress toward the goals in the IEP, indicating that changes are needed in the education or related services the District is providing. In general, parental consent is required for re-evaluations as well as for the initial evaluation.
The District cannot change the eligibility of a student until a re-evaluation is done, unless the student graduates from high school with a regular diploma or reaches the age at which state law no longer provides for FAPE.
A re-evaluation may not be done more than once a year unless the parent and District

agree to an additional re-evaluation; and a reevaluation must be done at least once every three years, unless the parent and the District agree that a re-evaluation is not necessary.

2. **Identifying and Evaluating a Child with a Specific Learning Disability (SLD)**

a. State criteria

Because a number of students receiving special education and related services under the IDEA have specific learning disabilities (SLDs), the IDEA and supporting regulations allow additional procedures for determining whether a child has an SLD. The District will follow the state criteria available on the state website and/or in the state guidelines. Criteria used to identify SLDs cannot require the use of a severe discrepancy between intellectual ability and achievement for determining whether a child has an SLD; must permit the use of a process based on the child's response to scientific, research-based intervention; and may permit the use of other alternative research-based procedures for determining whether a child has an SLD.

b. Group Determination

In general, the group members who determine whether a child has an SLD must include the student's parents, the student's regular education teacher, and at least one person qualified to conduct individual diagnostic examinations of children (e.g., a school psychologist, speech-language pathologist, or remedial reading teacher). The group may determine that a student has an SLD if three criteria are met:

i. The student does not achieve adequately for the child's age or meet state-approved grade-level standards in one or more of eight areas when provided with learning experiences and instruction appropriate for the child's age or state-approved grade-level standards.

ii. The student either does not make sufficient progress to meet age or state-approved grade-level standards in one or more of the eight areas when using a process based on the child's response to scientific, research-based intervention; or the child exhibits a pattern of strengths and weaknesses in performance, achievement, or both, relative to age, state-approved grade-level standards, or intellectual development that is determined by the group to be relevant to the identification of an SLD.

iii. If the student is found to have an SLD, it is not primarily the result of a visual, hearing, or motor disability; intellectual disability; emotional disturbance; cultural factors; environmental or economic disadvantage; or limited English proficiency.

To ensure that underachievement in a student suspected of having an SLD is not due to lack of appropriate instruction in reading or math, the group must consider, as part of the evaluation: data that demonstrate that prior to, or as a part of, the referral process, the student was provided appropriate instruction in regular education settings, delivered by qualified personnel; and data-based documentation of repeated assessments of

achievement at reasonable intervals, reflecting formal assessment of student progress during instruction, which was provided to the student's parents.
If prior to a referral for an evaluation, a student has not made adequate progress after an appropriate period of time when provided instruction, the District must promptly request parental consent to evaluate the student. The IDEA requires the student to be observed in the student's learning environment to document the student's academic performance and behavior in the areas of difficulty. The District will maintain specific documentation for determining eligibility for a student suspected of having an SLD in accordance with IDEA requirements.

Individualized Education Program (IEP)

The IDEA requires that an individualized education program (IEP) be developed for each eligible student with a disability that includes the following:

1. The student's present levels of academic achievement and functional performance;
2. Measurable annual goals, including academic and functional goals, designed to:

a. Meet the student's needs that result from disability to enable the student to be involved in and make progress in the general education curriculum; and

b. Meet each of the student's other educational needs that result from disability;

3. How the student's progress toward meeting the above annual goals will be measured and when periodic reports on the progress the student is making toward meeting the annual goals will be provided;
4. The special education and related services and supplementary aids and services, based on peer-reviewed research to an extent practicable, to be provided to the student, or on behalf of the student, and the program modifications or supports for school personnel that will be provided for the student to:

a. Advance appropriately toward attaining the annual goals;

b. Be involved in and make progress in the general education curriculum and participate in extracurricular and other nonacademic activities; and

c. Be educated and participate with other students with disabilities and nondisabled students;

5. The extent, if any, to which the student will not participate with nondisabled students in the regular class;
6. Any individual appropriate accommodations that are necessary to measure the academic achievement and functional performance of the student on state and district-wide assessments; if the IEP team determines that the student will take an alternate assessment on a particular state or district-wide assessment of student

achievement, the IEP should detail why the student cannot participate in the regular assessment and why the particular alternate assessment selected is appropriate for the student; and

7. The projected date for the beginning of the assessments and their frequency, location, and duration.

In addition, beginning not later than when the first IEP is in effect when the student is 16 and updated annually thereafter, the IEP must include appropriate measurable postsecondary goals related to training, education, employment, and, where appropriate, independent living skills and the transition services needed to assist the student in reaching those goals.

IEP Team

Each district student identified as a child with a disability under the IDEA must have an individualized education program (IEP) developed by an IEP team. In general, the composition of the IEP team includes:

1. The parents of the student with a disability;
2. One or more regular education teachers, if the student is or may be participating in the regular education environment;
3. One or more special education teachers;
4. A representative of the District who is qualified to provide or supervise the provision of special education, knowledgeable about the general education curriculum, and knowledgeable about the availability of resources of the District;
5. An individual who can interpret the instructional implications of evaluation results;
6. At the discretion of the parent or the agency, other individuals who have knowledge or special expertise regarding the student, including related services personnel, as appropriate; and
7. Whenever appropriate, the student with a disability.

The District will follow requirements under the IDEA related to IEP meeting attendance, excusal, team communication and participation, and associated substantive and procedural requirements and safeguards. No one member of the IEP team can make unilateral decisions or changes to a student's IEP.
Parents will be provided a prior written notice (PWN) in accordance with IDEA regulations when the District proposes to initiate or change, or refuses to initiate or change, a student's IEP. PWNs will include a description of the action proposed or refused by the school; an explanation of why the school proposes or refuses to take the action; a description of each evaluation procedure, assessment, record, or report the school used as a basis for their decision; a statement that the parents of a child with a disability have protection under the procedural safeguards and, how the parents can obtain a copy of them; sources for parents to obtain assistance in understanding these

provisions; a description of other options that the IEP team considered and the reasons why those options were rejected; and a description of other factors relevant to the school's proposal or refusal.

Special Education and Related Services

"Related services" under the IDEA means transportation, and such developmental, corrective, and other supportive services as may be required to assist a District student with a disability to benefit from special education. This includes the early identification and assessment of disabling conditions in children. Supportive services may include speech-language pathology and audiology services; interpreting services; psychological services; physical and occupational therapy; recreation, including therapeutic recreation; social work services, school nurse services designed to enable a child with a disability to receive FAPE as described in the student's IEP; counseling services, including rehabilitation counseling; orientation and mobility services; and medical services, except that such medical services shall be for diagnostic and evaluation purposes only.
Related services identified by the IEP team must be necessary for the child to benefit from special education and must not fall within an IDEA exception, including medical services that can only be rendered by a physician and individually prescribed equipment.

Personnel Qualifications

The District will establish and maintain qualifications to ensure that personnel necessary to carry out the IDEA requirements are appropriately and adequately prepared and trained, including that personnel have the content knowledge and skills to service students with disabilities.
Special education teachers must: obtain full state special education teaching certification or pass the state special education teacher licensing examination, or fulfill requirements in a state's charter school law for teachers in charter schools; have not had any certification requirements waived on an emergency, temporary, or provisional basis; and have at least bachelor's degree.
Related services personnel must meet qualifications consistent with any state-approved or state-recognized certification, licensing, registration, or other comparable requirements that apply to the professional discipline in which those personnel are providing special education or related services and have not had any certification requirements waived on an emergency, temporary, or provisional basis.
Paraprofessionals and assistants, who assist in the provision of special education and related services to children with disabilities, must be appropriately trained and supervised, in accordance with state law, regulation, or other written state policy, to meet IDEA regulations.

Least Restrictive Environment

The District will educate eligible students with disabilities in the least restrictive environment possible in accordance with the IDEA. This means that to the maximum extent appropriate, eligible students are to be educated with students who are not disabled. Further, special classes, separate schooling, or other removal of students with disabilities from the regular educational environment can occur only when the nature or severity of the disability of a child is such that education in regular classes with the use of supplementary aids and services cannot be achieved satisfactorily. Supplementary aids and services could include such things as additional time to take tests or complete assignments, slower-paced instruction, personal aides, peer tutors, and use of a computer.

The District must also ensure there is a continuum of alternate placements that includes instruction in regular classes, special classes, special schools, home instruction, and instruction in hospitals and institutions. The continuum of placements offered to each child with a disability served under the IDEA must include supplementary services (e.g., resource room or itinerant instruction) as part of a regular class placement.

The specific placement decision for each eligible student with a disability is made by that student's IEP team. The student's placement must be determined at least annually, based on the IEP, and as close to home as possible.

As with identification and evaluation, the child's parents must be notified in writing within a reasonable time before the placement. If the parents disagree with the placement decision, they may use the procedural safeguards, such as the mediation and due process complaints discussed in the "Procedural Safeguards" section of this policy.

Children with Disabilities in Private Schools

A child with a disability may be placed in a private elementary or secondary school by the District as part of a student's IEP if the IEP team determines that a private school placement is needed to fulfill the FAPE requirements for the student. When a District student is placed in private school under the student's IEP, then the private school placement is made at no cost to the parents, and the student has all rights of a child with a disability who is served in the District.

If an eligible student's parents unilaterally place their child in a private elementary or secondary school, then District student has been *parentally placed*. In this situation, the student is not entitled to FAPE, and the cost of the private school placement is not paid by the District. The District must, however, spend a share of its IDEA funds to provide services to children enrolled with disabilities by their parents in private schools located in the District based on the proportion of parentally placed children to the total number of children with disabilities in the District. Except where there is a court order, the District makes the final decision about the services to be provided to parentally placed private school children. In making these decisions, the District will engage in a consultation process with the private school officials and representatives of parents. The District will devise a service plan for every parentally placed child with a disability receiving special education or related services from the District.

Procedural Safeguards

The District will follow the procedural safeguards requirements under the IDEA. The various types of procedures include (but are not limited to) parental rights to:

1. Inspect and review educational records (with assurance that education records are maintained as confidential);
2. Participate in meetings related to the identification, evaluation, and educational placement of their child;
3. Obtain an independent educational evaluation at public expense if the parent disagrees with an evaluation obtained by the District;
4. Receive prior written notice in the native language of the parents when the District proposes to initiate or change, or refuses to initiate or change, the identification, evaluation, or educational placement of the child or the provision of FAPE to the child;
5. Receive a procedural safeguards notice, which is a comprehensive written explanation of IDEA's legal rights and protections for children with disabilities and their parents;
6. Resolve disputes through a mediation process;
7. Present and resolve complaints through the due process complaint procedures, which include a right to file suit in federal district court; and
8. Present and resolve complaints through state complaint procedures.

Three of the procedural safeguards listed above pertain to dispute resolution between parents and the District. These are mediation, due process complaint procedures, and state complaint procedures, which are discussed below.

1. Mediation

The parties may choose to resolve disputes under the IDEA through a mediation process. Procedures shall ensure that mediation is:

a. Voluntary on the part of the parties;

b. Not used to deny or delay a parent's right to a due process hearing or deny any other rights afforded under the IDEA; and

c. Conducted by a qualified and impartial mediator who is trained in effective mediation techniques.

Either a parent or the District can initiate the mediation process. If a dispute is resolved through mediation, the parties will execute a legally binding agreement that is signed by the parent and a representative of the District. Discussions occurring during mediation are confidential and may not be used in any subsequent due process hearing or court proceeding.

A Request for Mediation form can be accessed from the North Dakota Department of Public Instruction: SFN 58601.

2. State Complaint Procedures

The IDEA requires each state to adopt written procedures for resolving complaints. A State complaint alleging a violation of the IDEA can be filed by any organization or individual with the North Dakota Department of Public Instruction (NDDPI). Complainants may submit concerns in a letter or complete a Request for a Complaint Investigation form through the Office for Specially Designed Services: SFN 58618. The incident related to the State complaint must have occurred within one year from the date the complaint is filed and meets the State complaint filing requirements. The District is allowed an opportunity to draft a formal response to the allegations and propose a resolution to the issues. State complaints will be resolved within 60 calendar days from the date the complaint is filed unless an extension is permitted.

3. Due Process Complaint Procedures

Either the parents or the District may request a due process hearing through filing a complaint on matters relating to the identification, evaluation, or educational placement of a child with a disability, or the provision of FAPE to the child. Generally, unless the District and the parents otherwise agree, the student must "stay put"/remain in their current educational placement pending the outcome of the due process complaint procedures or court proceeding.
The due process complaint must allege a violation that occurred not more than two years before the date the parent or District knew or should have known about the alleged action that forms the basis of the due process complaint.
Within 15 days of receiving the due process complaint, the District will convene a resolution session to attempt to resolve the issues unless the parents and District agree to waive the session. Either party may request a neutral facilitator from NDDPI. If the issues are not resolved, the due process hearing may occur.
Due process hearings are conducted by an impartial hearing officer, and the decision of the hearing officer is final. The parents and the District have the right to:

a. Be represented by an attorney at the hearing;

b. Bring one or more individuals who have knowledge or training about children with disabilities;

c. Present evidence and confront, cross-examine, and require relevant witnesses to be present;

d. A written, or electronic transcript of the hearing; and

e. A written or electronic findings of fact and decisions.

The impartial hearing officer will issue a decision not later than 45 calendar days after the expiration of the 30 calendar day period for resolution meetings or not later than 45

calendar days after the expiration of an adjusted time period as determined by the hearing officer.

Discipline

The IDEA allows the District to maintain authority in disciplining students with disabilities, but also provides procedural safeguards to protect the rights of those students to receive FAPE. If an eligible student with a disability commits an action that would be subject to discipline in accordance with district policies, the District may:

1. Remove the student from his or her current placement to another setting or suspension for up to 10 school days (without having to conduct a manifestation determination);
2. Place the student in an interim alternative education setting for up to 45 school days for situations involving weapons or drugs, or if the student has inflicted serious bodily injury on another person while at school (regardless of the results of a manifestation determination);
3. Ask a hearing officer to order a child to be placed in an interim alternative educational setting for up to 45 school days if the hearing officer determines that maintaining the current placement of the child is substantially likely to result in injury to the child or others (regardless of the results of a manifestation determination).

If the District seeks to change the placement of a student with a disability for more than 10 school days under any circumstances, the District must hold a manifestation determination within those 10 days to determine:

1. If the conduct in question was caused by, or had a direct and substantial relationship to, the child's disability; or
2. If the conduct in question was the direct result of the local educational agency's failure to implement the IEP.

If the student's behavior is not a manifestation as identified above, then long-term disciplinary action such as expulsion may occur in accordance with District policies and procedures, but educational services in accordance with the student's IEP will continue. If the behavior is a manifestation as identified above, the IEP team must conduct a functional behavior assessment and implement a behavior intervention plan for the child, if this has not been done before. If there was a behavioral intervention plan, it must be reviewed and modified as necessary to address the behavior.
Except for certain circumstances involving weapons, illegal drugs, or serious bodily injury, when the conduct is a manifestation of the disability, the child must return to the placement from which he or she was removed unless the parent and the District agree to a change of placement as part of the modification of the behavioral intervention plan. If the parent disagrees with any decision regarding placement or the manifestation determination, or a district believes that maintaining the current placement of the student

is substantially likely to result in injury to the student or others, either party may request a due process hearing.

The IDEA does not prohibit the District from reporting an alleged crime committed by a student with a disability to the appropriate authorities. The district reporting an alleged crime will ensure copies of special education and disciplinary records of the student are transmitted for consideration by appropriate authorities to whom the agency reports the crime in accordance with IDEA requirements.

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

- AACA, Section 504 of the Rehabilitation Act of 1973 Policy
- AACA-E2, Section 504 Eligibility Determination Form
- ACBC, Use of Animals in District Schools & Curricular Programs
- FF, Student Conduct and Discipline
- FF-AR, Student Conduct Standards and Disciplinary Procedures
- FFA, Student Alcohol and Other Drug Use
- FF-E, Examples of Student Conduct Violations
- FFD, Possessing Weapons
- FFK, Suspension and Expulsion
- FGA, Student Records and Privacy

Legal References

- 20 U.S.C. § 1400 et esq., Individuals with Disabilities Education Act
- 34 C.F.R. § Assistance to States for Education of Children with Disabilities
- 34 C.F.R. § 300.201, Consistency with State Policies
- NDCC § 15.1-32, Special Education
- NDCC § 15.1-33, Multidistrict Special Education
- NDCC § 25-01.2, Developmentally Disability

End of Nesson School District #2 **Policy FDE . . . . . Adopted: 07/15/2026**

[11/25]

template requests or questions should contact our office at 1-800-932-8791.

STUDENTS IN FOSTER CARE

Definitions

This policy defines the following:

- *Foster care* as defined in 45 U.S.C. 1355.20 and NDCC 50-11-00.1(9).
- *School of origin* means the school in which a student is enrolled at the time of placement in foster care. If a student's foster care placement changes, the school of origin would then be considered the school in which the student is enrolled at the time of the placement change. Districts must ensure a student in foster care remains in the school of origin unless it is not in the student's best interest as determined as set forth herein.
- *Best interest determination* shall take into account all relevant factors, including, but not limited to, length of placement, student and/or student's parent(s) or guardian preference, safety issues, and the proximity to the school in which the student is enrolled at the time of foster care placement. Transportation costs must never be considered when determining best interest determination.
- *Immediate enrollment* means within twenty-four hours of the best interest determination. Enrollment must not be denied or delayed because documents normally required for enrollment have not been provided. The enrolling school must immediately contact a student's school of origin to obtain the relevant records, and the school of origin should immediately transfer those records.

Foster Care Student Point of Contact

The Board designates the Student wellness and Family Facilitator Director as the district's Foster Care Point of Contact. This individual must perform all duties required by law to ensure the educational stability of a student in foster care.

Best Interest Determination

The District shall collaborate with state, local and tribal child welfare agencies, as applicable, and seek to eliminate barriers to school attendance for a student in foster care as defined by law[1]. When feasible and in the best interest of the student, as determined by the local child welfare agency (CWA), in collaboration with the district's Foster Care Point of Contact and other key partners, as applicable, the student in foster care must immediately be enrolled in their school of origin and transportation must be provided in accordance with law.

When not feasible for a student in foster care to attend their school of origin, as determined by the local CWA, in collaboration with the district's Foster Care Point of Contact and other key partners, as applicable, the student must be placed in a school that is in the best interest of the student. The local CWA shall submit such placement decisions to the foster parent or designated caregiver in writing.

If there is a difference of opinion regarding school placement between the District and CWA, the CWA shall be considered the final decision-maker.Transportation

[1] https://www2.ed.gov/about/inits/ed/foster-care/index.html

The District shall collaborate with state, local and tribal child welfare agencies, as appropriate, to implement a written transportation procedure by which prompt, cost-effective transportation will be provided, arranged and funded for a student to remain in their school of origin, when in their best interest, for the duration of their time in foster care.

Dispute Resolution

To the extent feasible and appropriate, when a dispute arises as to the best interest determination, the District must ensure that a student in foster care remains in their school of origin and promptly receives transportation in a cost-effective manner, pending resolution of the dispute. The District shall make reasonable efforts to collaborate with appropriate agencies and aggrieved parties to resolve the dispute at the local level as expeditiously as possible. The aggrieved party wishing to file an appeal of a determination shall notify the district's Foster Care Point of Contact and follow the dispute resolution procedure created by the state.

Foster Care Student Records

The district's Foster Care Point of Contact shall maintain all best interest determination and transportation documents in the foster care student's educational record until there is a change in the student's situation, such as custodial care or new foster parents, or until permanent placement has been established.

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

- FDH-BR1, Foster Care Student Transportation Plan
- FDH-BR2, Foster Care Student Transportation Dispute Resolution Procedure
- FDH-E1, Foster Care Student Best Interest Determination Form
- FDH-E2, Foster Care Student Transportation Plan

End of Nesson School District #2 Policy FDH.....**Reaffirmed: 12/20/2023**

FOSTER CARE STUDENT TRANSPORTATION PROCEDURE

The Board has adopted the following transportation procedures to ensure collaboration with the state or the local child welfare agency (CWA) to ensure the educational stability of a student in foster care, including assurances that:

1. Foster care students remain in their school of origin, unless a determination is made that it is not in their best interest; and
2. When a determination is made that it is not in the best interest to remain in the school of origin, the child must be immediately enrolled in a new school.

Transportation Plan Process

1. A representative of the relevant CWA shall give clear notice to the District, as soon as practical that a student in foster care needs, or may need, transportation to a district school that is the student's school of origin. Such notice may be given in writing or verbally directly to the district's Foster Care Point of Contact.

   When a student's placement is outside of the boundary of their school of origin, the local CWA shall promptly notify and collaborate with the District to convene a best interest determination meeting.

2. When the District is notified that a student in foster care needs, or may need, transportation to a district school serving as the student's school of origin, the district's Foster Care Point of Contact, in consultation with others, will promptly[1] take steps to determine best interest decision and establish an individualized transportation plan that addresses how transportation will be arranged, provided, and funded for the duration of time that the student is in foster care and attending the school of origin.

   In the interim, the District and the local CWA must jointly develop and implement a plan to provide temporary transportation to ensure the student's educational stability.

   The District must ensure that transportation is provided to a student in foster care even if transportation is not offered to non-foster care students.

   a. The district's Foster Care Point of Contact shall establish and develop a transportation plan for the student in consultation with a representative of the local CWA, appropriate district staff (e.g., Superintendent, Title I coordinator, school of origin transportation designee, coordinator for special education, McKinney-Vento liaison), representatives from another school district (if applicable), and may also include obtaining input from others who may be involved in education or other decision-making for the student, such as the foster parent or designated caregiver.

   b. Multiple factors will be considered and addressed in the best interest determination when determining transportation options for a student in foster care, including, but not limited to safety of the foster care student and other students being transported; student age; length of commute; and

[1] No more than five days from when notice was given to the District that a student in foster care needs transportation is recommended.

distance. The cost of transportation must never be a factor when determining the best interest determination. Information from the school of origin transportation designee about these factors will be provided so that the best interest determination will be comprehensive and will include consideration of cost-effective measures.

The following options must be considered to provide school of origin transportation:

i. An existing bus route can be used;
ii. An existing bus route can be modified slightly to accommodate the new address;
iii. Specialized transportation offered to other students can be accessed, such as special education (IEP) or McKinney-Vento transportation;
iv. Existing special education transportation can be modified slightly to accommodate the new address;
v. Arranging transportation by the foster parent/designated caregiver to the school of origin or to a bus stop on a route to the school of origin;
vi. Coordinating with the district in which the student is living to provide transportation to the District boundaries or an existing bus stop within the District;
vii. Public transportation; and
viii. Walking within a reasonable walk zone (based on safety, disability, age, etc.)

c. The transportation plan for the student must be in writing and include the following information (see FDH-E1):

i. Student name;
ii. Contact information (address, phone and/or email);
iii. Current school district;
iv. A transportation strategy for providing transportation to and from the school of origin on school days, inclusive of identifying the method(s) of transportation, the person or entity responsible for providing the transportation, and if applicable, the person or entity who is responsible for making any specific arrangements that are necessary to the implementation of any mode of transportation;
v. To the extent applicable, a description of how the student's school-related transportation will be funded, particularly when the planned transportation involves additional costs as defined under applicable laws and regulations; and
vi. A communication protocol that the District, CWA, and other relevant persons, such as the student's foster parent or designated caregiver, may use in order to address any questions or concerns that arise with the transportation plan, including considering possible adjustments to the student's transportation plan, and any relevant changes in the student's placement or foster care status that are relevant to the transportation plan.

3. A student needing transportation to the school of origin must promptly receive transportation in a cost-effective manner and in accordance with the local CWA's authority to use child welfare funding for school of origin transportation.

   If there are additional costs incurred in providing transportation to maintain children in foster care in their schools of origin, the District will provide transportation to the school of origin if:
   a. The local CWA agrees to reimburse the District for the cost of such transportation;
   b. The District and local CWA agree to share the cost;
   c. The District agrees to pay for the cost of such transportation; or
   d. The school of origin, local CWA, school of residence and/or placing CWA share the cost of such transportation.

4. The CWA in consultation with the district's Foster Care Point of Contact and key partners, as applicable, shall make the best interest transportation determination for the student in foster care.

5. The CWA and/or the district's Foster Care Point of Contact shall notify the foster parent or designated caregiver of the decision. If transportation to the school of origin is in the best interest of the student, the district's Foster Care Point of Contact shall contact the school of origin transportation designee to make the necessary arrangements.

Transportation must be provided for the duration of the student's time in foster care as long as it continues to be in the student's best interest to remain in their school of origin. If a student exits foster care before the end of a school year, the transportation arrangement shall be maintained through the end of the school year to maintain the student's educational stability if possible.

Dispute Resolution

The District and local CWA shall make every effort to expeditiously reach an agreement regarding the method of transportation and/or the funding of any additional costs associated with providing such transportation to the school of origin for a student in foster care at the local level. If the District and local CWA cannot resolve a dispute about transportation method or cost, the aggrieved parties shall notify the district's Foster Care Point of Contact and follow the dispute resolution procedure adopted by the District (see FDH-BR2).

End of Nesson School District #2 Board Regulation FDH-BR1 ..... **Reaffirmed: 12/20/2023**

FOSTER CARE STUDENT TRANSPORTATION DISPUTE RESOLUTION PROCEDURE

Dispute Resolution Procedure

When there is disagreement between the District and the local CWA in determining the method of transportation and/or the funding of any additional costs associated with providing such transportation to the school of origin, the District will attempt to pursue the following dispute resolution procedures:

1. A meeting will be scheduled that involves the child welfare agency, District Foster Care Point of Contact and other key partners, as applicable, with each applicable school district. The parties shall attempt to self-mediate and resolve the dispute at the local level. By mutual agreement, the parties may involve a third party to act as neutral mediator in this process.
2. If the attempt to self-mediate and resolve the dispute is unsuccessful, or if all relevant parties mutually agree to proceed directly to this step, the aggrieved parties shall notify the District Foster Care Point of Contact and follow the dispute- resolution procedure created by the North Dakota Department of Public Instruction (NDDPI). The NDDPI shall be considered the final decision-maker. All agencies must comply with the final determination decision.

Interim Funding of Transportation

The District and the local CWA shall attempt to define a mutually-agreed-upon, interim funding arrangement that shall be implemented for a defined period of time so that the student can promptly receive transportation to the school of origin. In the absence of a voluntary interim funding arrangement, and in order to promptly provide transportation while a dispute is pending, the District will attempt to pursue an interim funding arrangement under which the District and the CWA that is responsible for the placement and care of the child shall each pay an equal share of the disputed additional costs of transportation on an interim basis until the funding dispute is resolved.

The final resolution of a funding dispute may require the full or partial reimbursement of funds that were expended under an interim arrangement for the costs of additional transportation during the intervening period of a funding dispute.

End of Nesson School District #2 Board Regulation FDH-BR2 ..... **Reaffirmed: 12/20/2023**

STUDENT CONDUCT AND DISCIPLINE

Conduct Standards

Students will be expected to conduct themselves in a manner fitting their age level and maturity, in a manner that will not impede on the orderly conduct of district schools, and will be expected to respect the rights of others on district property, including, but not limited to, district owned/leased/chartered vehicles, at school-sponsored events, on field trips, and in other off-campus settings when student conduct has or is reasonably predicted to have a substantially disruptive effect on district operations and/or the educational environment.

Disciplinary Standards

Consequences for misconduct will be fair and developmentally appropriate in light of the circumstances. The Superintendent shall develop age-appropriate disciplinary standards in consultation with building principals and other appropriate district personnel. In addition, the Superintendent shall develop administrative regulations to assist administrators/their designees with investigating potential conduct violations.

Disciplinary policies, procedures, and guidelines need not be identical in content district-wide but must:

1. Be identical in content for all district elementary schools;

2. Be identical in content for all district middle schools;

3. Be identical in content for all district high schools (except alternative high school programs).

Disciplinary Standards for Special Education Students

District employees are required to comply with the Individuals with Disabilities Education Act (IDEA) when responding to violations of student conduct standards by special education students.

Prohibited Disciplinary Actions

The Board recognizes that reasonable physical force may occasionally be necessary to guard the safety and well-being of students or employees; however, the use of corporal punishment, defined as the willful infliction of physical pain on a student, is not allowed in the Nesson School District. Corporal punishment does not include action taken by an employee for self-defense, protection of persons or property, obtaining possession of a weapon or other dangerous object, to quell a verbal disturbance, for the preservation of order, or pain or discomfort caused by athletic competition or recreational activities voluntarily engaged in by a student.

Complaints alleging that a district employee inflicted corporal punishment will be dealt with in accordance with school board policy on personnel complaints.

Disciplinary Authority

Regulations on disciplinary standards and investigation procedures shall delineate the degree of disciplinary authority that the District shall grant to teachers and principals.

Other school personnel shall be granted disciplinary authority by the principal or Superintendent on a case-by-case basis based on the nature and scope of the employee's duties. Personnel granted such authority shall be required to comply with this policy and any disciplinary authority limits established by regulations. Employees unauthorized to administer student discipline shall report student misconduct to the appropriate school authority.

Any district employee who acts outside the scope of his/her assigned level of disciplinary authority may be subject to disciplinary action, including but not limited to, discharge from/termination of employment in accordance with law and/or the negotiated agreement.

Law Enforcement and Juvenile Court Referral

When employees identify or suspect a crime or delinquent act may have been committed on school property or in an educational activity, employees should contact administration, who may file a report with law enforcement or the school resource officer. Law enforcement have the proper training and authority to investigate and make referrals to juvenile and adult courts based on reasonable grounds and knowledge of the facts alleged. Schools may request a referral to juvenile court and shall cooperate with both law enforcement and applicable courts in providing information as subpoenaed or ordered.
Prior to making referrals to law enforcement or juvenile court for suspected infractions or misdemeanor offenses, administration must document all internal or external consultations and exhaust all school discipline policies. Intervention and exhaustion is not required for the following misdemeanor offenses:

1. Drug-related offenses under NDCC Title 19;
2. Offenses against a person under NDCC chapters 12.1-17, 12.1-31.2, or 14-07.1;
3. Sex offenses under NDCC chapters 12.1-20, 12.1-27.1, 12.1-27.2, and 12.1-29; and
4. Any offense involving a firearm, weapon, or dangerous weapon as defined in NDCC § 62.1-01-01.

A law enforcement officer may:

1. Investigate possible delinquent offenses and conduct occurring at a school, including conducting probable cause searches;
2. Consult with school staff about the conduct of a child enrolled in a school, but any disclosure of student records or personally identifiable information from such records must be made in accordance with the Family Educational Rights and Privacy Act (FERPA);
3. Refer a child to the juvenile court for a delinquent offense occurring on school grounds or on school property as allowed by this section;

4. Transport a child enrolled in a school to a location permitted by law;
5. Take temporary custody of a child in accordance with NDCC § 27-20.4-05 or protective custody of a child in accordance with NDCC § 27-20.3-06; and
6. Protect the safety of students and the school community

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

- DE, Staff Code of Conduct
- FF-AR, Student Conduct Standards and Disciplinary Procedures
- FF-E, Examples of Student Conduct Violations
- KACB, Complaints About Personnel

Legal References

- 20 USC § 1232g, Family Educational Rights and Privacy Act (FERPA)
- 34 CFR Part 99, FERPA Regulations
- NDCC Title 12.1, Criminal Code
- NDCC § 14-02-07, Force to Protect
- NDCC Ch. 14-07.1, Domestic Violence
- NDCC § 15.1-19-02, Corporal Punishment – Prohibited
- NDCC Title 19, Foods, Drugs, Oils, and Compounds
- NDCC § 25-01.2-09, Punishment – Seclusion – Restraints – Psychosurgery – Sterilization – Shock Treatment
- NDCC § 27-20.4-05.1, Method of Making a Delinquency Referral to Juvenile Court
- NDCC § 27-20.3-06, Taking Into Protective Custody
- NDCC § 62.1-01-01, General Definitions

End of Nesson School District #2 Policy FF . . . . . Adopted: 7/16/2025

[07/25]

STUDENT ALCOHOL & OTHER DRUG USE/ABUSE

This policy pertains to alcohol and other drug use/abuse. Tobacco use is defined in a separate policy (see ABBA).

Philosophy

The Nesson School District shall strive to provide a learning environment that is safe, drug free, and conducive to learning. This policy is designed to help eradicate the influence of drugs and alcohol within the school environment, promote awareness and health, and protect students in the school environment by imposing consequences for drug and alcohol related violations.

Definitions

This policy defines the following:

- *Alcohol*–See Prohibited Substances.
- *Drug*–See Prohibited Substances.
- *Possession* shall mean:
  a. Actual physical possession of the alcohol or drug while on school property;
  b. Use or consumption of the alcohol or drug while on school property;
  c. In the student's locker, car, handbag, backpack, or other belongings while on school property; or
  d. Appearance by a student on school property after having consumed or ingested alcohol or a drug that is noticeable by breath odor, speech alterations, unsteadiness of gait or posture, or like symptoms of chemical intoxication.
- *Use* shall mean that a student is reasonably known to have ingested, injected, inhaled or otherwise taken into the body a prohibited substance, or is reasonably found to be under the influence of such a substance.
- *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 Substances

Prohibited substances include, but are not limited to:

1. Alcohol, powdered alcohol, or any alcoholic beverage as defined in NDCC 5-01-01;
2. Any controlled substance or dangerous drug as defined by NDCC Sections 19-03.1-05 through 19-03.1-13 and 19-03.1-26 (paraphernalia) or as defined by Section 812, Schedules I-V, of Title 21, United States Code, Section 801, et seq., including but not limited to marijuana, any narcotic drug, any hallucinogen, any stimulant or depressant, and all other illicit drugs;
3. Any glue, aerosol paint, or any other chemical substance used for inhalation;
4. Any prescription or non-prescription drug, medicine, vitamin or other chemical including, but not limited to aspirin, other pain relievers, stimulants, diet pills, multiple or other type vitamins, pep pills, "no-doze" pills, cough medicines and

syrups, cold medicines, laxatives, stomach or digestive remedies, depressants, sports or muscle-building supplements, and sleeping pills not administered and/or taken with appropriate consent and authorization from parents, school administration, and, if applicable, a health care provider.

Prohibited Activities
It shall be against school policy for any student to:

1. Sell, deliver, or give, or attempt to sell, deliver, or give to any person any of the substances listed in this policy or sell, deliver, or give or attempt to sell, deliver, or give to any person substances the student represents or believes to be a substance(s) listed in this policy.
2. Possess, procure, purchase, or receive or to attempt to possess, procure, purchase, or receive the substances listed in this policy, or what is represented by or to the student to be any of the substances listed in this policy, or what the student believes is any of the substances listed in this policy.
3. Be under the influence of (legal intoxication not required), use, consume, or attempt to use or consume the substances listed in this policy or what is represented by or to the student to be any of the substances listed in this policy or what the student believes is any of the substances listed in this policy.
4. Knowingly or intentionally aiding or abetting in any of the above activities.

This policy applies to any student who is on school property, or whose off-campus conduct is reasonably predicted to substantially disrupt the operations of the District, district safety, or welfare of students or employees.

Reporting Violations
A student or staff member that has reason to believe that a student has violated this policy shall notify a school official (i.e., a teacher or administrator if the reporter is a student; a school administrator if the reporter is a district staff member). Except in limited circumstances under law,[1] a teacher is required to report known or suspected violations of this policy to the school principal or Superintendent.

Violation
When a principal/Superintendent has reasonable suspicion that a student has violated this policy, they may search the student in accordance with the district's policy on searches of students' person or personal property.

Disciplinary sanctions will be imposed on, and additional actions may be taken (as listed below) in response to, any violation of this policy. These sanctions may include suspension or expulsion, intervention (as described below), and notification of proper authorities for prosecution. Prohibited substances will be confiscated and illegal substances will be turned over to law enforcement authorities.

Intervention
It is acknowledged that the public school has neither the authority nor the responsibility to make medical or health determinations regarding chemical dependency; however,

[1] When a teacher/principal participates in a juvenile court program and receives confidential information about a student.

when observed behavior indicates that a problem exists that may affect the student's ability to learn or the educational climate of the school, the school has a right and a responsibility to refer the student for a formal chemical dependency diagnosis. The Superintendent shall develop a procedure for chemical dependency identification and referral for treatment.

Referral for treatment shall be a constructive not punitive action; however, use of the treatment program shall not override or prohibit the District from taking disciplinary action for violations of this policy.

The school will make a reasonable effort to cooperate with a therapy program if one is recommended for the student. The Board believes that if a student is involved in a chemical dependency program and is successfully addressing their harmful involvement with chemicals, they may be allowed to continue in the regular school setting and continue to participate in any extracurricular program unless participation is in conflict with rules and regulations set forth by the Board, the North Dakota High School Activities Association, and/or the student has been suspended or expelled as a result of a district policy violation.

Confidentiality
The District shall maintain the confidentiality of students referred for counseling and chemical dependency treatment in accordance with the district's policy on counseling records and other applicable law.

Education
The District will teach about drugs and alcohol in an age appropriate developmentally based education and prevention program in every grade in accordance with law. This program will include information about drug and alcohol counseling and rehabilitation programs available to the students.

In addition, the District will conduct staff orientation and training on drug and alcohol prevention, including a periodic overview of this policy and its procedures for implementation. The District will also provide parent and community education on the topic of drug and alcohol prevention.

Policy Implementation
Student handbooks shall contain a statement of sanctions required concerning the possession, use, or distribution of drugs and/or alcohol.

The Nesson School District will review this policy and its implementation periodically to ensure that disciplinary sanctions are consistently applied and to determine the effectiveness of the program for the prevention of alcohol and other drug use/abuse.

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

- ABBA, Tobacco Free School & Workplace
- FFA-AR, Alcohol & Other Drug Intervention Procedure
- FFE, Extracurricular Participation Requirements
- FFK, Suspension & Expulsion
- FFK-BR, Suspension & Expulsion Regulations

- FGCB, Searches of Students & Students' Personal Property
- FGDB, Student Handbooks

End of Nesson School District #2 Policy FFA ..... Amended: 02/21/2024

REQUIRED Descriptor Code: FFB

ATTENDANCE & ABSENCES

The Nesson School District believes that regular school attendance is the joint responsibility of the student and their parent(s) or guardian(s), and it is essential for student success in school. The District shall abide with compulsory attendance requirements in state law for students ages seven through sixteen. In order to comply with and enforce these requirements, the Board establishes the following attendance policy.

Definitions

For purposes of compulsory attendance reporting under NDCC 15.1-20-02.1 (1-2):

- *Excused absence* is an absence that the District will not use in determining if a compulsory attendance violation occurred. Any absence may be excused if it is supported by either a verbal or written excuse supplied by the student's parent/guardian, teacher, or school administrator.

  Examples of an excused absence may include illness, injury, family emergency, religious observance or instruction, suspension, participation in a school-related activity, court appearances when subpoenaed, or other reasons deemed necessary and justifiable by the principal or Superintendent.

- *Unexcused absence* is any absence not supported by the verbal or written excuse required for an excused absence and shall count in determining when a compulsory attendance violation occurred. If a student is absent for an unexcused reason, the parent/guardian is responsible for promptly calling the principal's office to explain the absence, and the student shall be subject to the consequences contained in the Absences section of this policy.

  Examples of an unexcused absence may include, but are not limited to, truancy, oversleeping, routine errands, car trouble, haircuts, beauty shop appointments, car maintenance and repair, senior picture appointments, and any undeclared absences.

Documentation Requirements

School administration may require documentation to verify an excused absence, including, but not limited to:

1. Medical documentation from an appropriate licensed healthcare provider;
2. A copy of a court summons or subpoena;
3. An obituary for funeral leave;
4. Verification of planned or executed family travel (e.g., a boarding pass);
5. A request from an official at the student's place of worship; or
6. A request for an absence due to a curricular or extracurricular event submitted by the student's teacher, coach, or extracurricular advisor.

The Board believes that unapproved absences are a form of misconduct and authorizes the Superintendent to establish grade-appropriate disciplinary consequences. Students will be afforded appropriate due process rights based on the severity of the disciplinary penalty that the District is considering imposing. Students shall be required to complete make-up work in accordance with administrative regulations or will receive no credit for incomplete work.

Compulsory Attendance Violations
North Dakota law defines what constitutes a compulsory attendance violation. Suspected violations of the compulsory attendance law shall be reported to school administration and investigated in accordance with law. When a compulsory attendance violation is substantiated, the District shall comply with law enforcement reporting requirements under law.

Absences
The Board recognizes that prompt, regular attendance is extremely important. Absenteeism not only adversely affects the learning process of a student but also may impede their normal progression through the grades. The Board expects each student to attend all scheduled classes and daily activities except when a school administrator has excused a student.

The Superintendent or designee shall establish criteria for requesting and granting approved absences, make-up work requirements, and parental notification processes for students with accumulated absences.

Students shall be subject to disciplinary sanctions due to unexcused absences.

The Board believes that unapproved absences are a form of misconduct and authorizes the Superintendent to establish grade-appropriate disciplinary consequences. Students shall be afforded appropriate due process rights based on the severity of the disciplinary penalty that the District is considering imposing. Students shall be required to complete make-up work in accordance with administrative regulations or will receive no credit for incomplete work.

Dissemination
This policy shall be published in all student handbooks.

Complementing NDSBA Templates (may contain items not adopted by the Board)
- FFB-E, Accumulated Absence Letter to Parents
- FGDB, Student Handbooks

REQUIRED Descriptor Code: FFD

POSSESSING WEAPONS

Definitions

This policy defines the following:

- *Dangerous weapon* means, as defined in 18 U.S.C. 930(g)(2), a weapon, device, instrument, material, or substance, animate or inanimate, that is used for, or is readily capable of, causing death or serious bodily injury, except that such term does not include a pocket knife with a blade of less than 2 ½ inches in length.
- *Firearm* means, as defined in 18 U.S.C. 921, (1) any weapon (including a starter gun) which will or is designed to or may readily be converted to expel a projectile by the action of an explosive; (2) the frame or receiver of any such weapon; (3) any firearm muffler or firearm silencer; or (4) any destructive device. The term does not include an antique firearm.
- *School property* is as defined in NDCC 15.1-19-10(6)(c) 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.

Prohibitions

Students are prohibited from possessing on school property or at a school function a firearm, dangerous weapon, or any object that is used, attempted to be used, or threatened to be used to intimidate or cause bodily harm.

Disciplinary Consequences

Violation of this policy will result in disciplinary action up to and including suspension or expulsion.

Bringing a firearm to school will require that the District immediately suspend the student and initiate proceedings for the expulsion of the student involved for a minimum of one calendar year in accordance with the district's suspension and expulsion policy. The Superintendent may modify the length of a firearms-related expulsion to less than one calendar year on a case-by-case basis based on the following criteria:

1. The totality of the circumstances, including the severity of the incident and the degree of endangerment of other students and staff.
2. The age and grade level of the student.
3. The prior disciplinary history of the student being expelled.
4. Relevant factors that contributed to the student's decision to possess a firearm in violation of this policy.
5. The recency and severity of prior acts resulting in suspension or expulsion.
6. Whether the optional provision of educational services in an alternative setting is a viable alternative to modifying the duration of the expulsion.
7. Input, if any, provided by licensed professionals (psychologists, psychiatrists, counselors) as to whether the expelled student would place themselves or others at risk by returning to the school prior to the expiration of the expulsion period.

Any modifications of the one calendar year expulsion period must be documented in writing.

Dangerous weapons will be confiscated and may be turned over to the student's parents or to law enforcement officials at the discretion of the administration. Firearms will be confiscated and turned over to law enforcement.

The District must refer any student who possesses a firearm on school property or a school function to the criminal justice or juvenile delinquency system.

Special Education Students
A student who is defined as having a disability under the Individuals with Disabilities Education Act (IDEA) who possesses a firearm or dangerous weapon on school property or at a school function shall be handled in accordance with IDEA regulations. The District shall make manifestation determinations, disciplinary decisions, referral decisions, and placement decisions of such students in accordance with IDEA regulations.

Non-applicable Provisions
This policy does not apply to students enrolled and participating in a school-sponsored shooting sport, provided that the student informs the school principal of the student's participation, and the student complies with all requirements set by the principal regarding the safe handling and storage of the firearm. The principal may allow authorized persons to display dangerous weapons or look-a-likes for educational purposes. Such an approved display will be exempt from this policy.

A student who finds a firearm or dangerous weapon on the way to school, on or in school property or at a school function or discovers that they unknowingly have a firearm or dangerous weapon in their possession may not be considered to possess it if they immediately turn it over to an administrator, teacher or head coach or notify an administrator, teacher, or head coach of its location.

Reporting
The District shall annually report compliance with all state expulsion requirements to the Department of Public Instruction. Each incident in which a student is found to have possessed a firearm on school property or at a school function must be reported as an infraction, even if the Superintendent elects to modify the required expulsion period or impose no penalty. Any incidents in which a student covered by the provisions of the IDEA possesses a firearm or dangerous weapon on school property or at a school function must also be included, even if it is determined that the incident is a manifestation of the student's disability and that the penalties should be modified or not imposed. Any modification of the one-year expulsion requirement must also be reported.

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

- FFK, Suspension and Expulsion
- FFK-BR, Suspension and Expulsion Regulations
- FFK-AR1, Suggested Procedure for Conducting an Expulsion Hearing
- FFK-AR2, Suspension and Expulsion for Special Education Students

End of Nesson School District #2 Policy FFD ..... Amended: 02/21/2024

EXTRACURRICULAR PARTICIPATION REQUIREMENTS

Philosophy

The Board believes that participation in extracurricular activities constitutes a privilege and not a right. Students who participate in extracurricular activities represent the student body, school district, and community on the state and national level. As such, these students' behavior is a reflection on the entire community.

The District shall enforce the requirements placed on extracurricular participants by North Dakota law and the North Dakota High School Activities Association (NDHSAA), which govern both on- and off-campus behavior. In addition, the Board has established the following extracurricular participation requirements.

Activities Affected by this Policy

Activities affected by this policy shall include extracurricular activities as listed in the student handbook, including those not sponsored by NDHSAA.

Tobacco, Alcohol & Other Drug Use

In addition to the tobacco, alcohol, and other drug prohibitions contained in NDHSAA bylaws, the District prohibits student presence at a gathering where alcohol, tobacco, or a controlled substance is being illegally used. A student's presence at a gathering shall be regarded as possession. The building principal and/or Superintendent shall take into consideration whether the student was at a gathering where the student had knowledge that alcohol, tobacco, or a controlled substance was being illegally used, and whether the student had a reasonable opportunity to remove themselves from said location. The disciplinary consequences for violating this rule shall be suspension from extracurricular participation for the same duration as prescribed for tobacco, alcohol, and other drug possession by NDHSAA bylaws.]

Criminal Offenses, Prohibition from Contact with Another Student or District Employee

The Board may prohibit a student from participating in any extracurricular activity if:

1. The Student has pled guilty to or been convicted of a criminal offense and sentenced under NDCC 12.1-32-02.1 or been convicted of an offense specified in subsection 1 of NDCC 12.1-32-09.1;
2. The student has:

    a. An order prohibiting contact issued against the student at the request of another student or employee of the District;

    b. A disorderly conduct restraining order issued against the student at the request of another student or employee of the District, except a temporary restraining order;

    c. A protection order issued against the student at the request of another student or employee of the District, except a temporary protection order; or

d. Any other order issued against the student prohibiting contact with a student or employee of the District which is signed by a district judge or a judicial referee within a delinquency or criminal case;

e. The Principal receives information pertaining to an offense or order as provided in NDCC 27-20.2-21; or

f. The victim of the offense or the subject of the order notifies the Principal of the offense or order.

A representative of the juvenile court system may notify the Principal regarding the existence of files or records of the juvenile court pertaining to a student which are open to inspection by the Principal under North Dakota Law.]

Academics
For the purposes of this policy, a failing grade is defined as receiving an F in any curricular course as computed from the beginning of the semester for regular education students or, in the case of special education students, not meeting the goals of Individual Education Programs as assessed from the beginning of the semester.

Violation of Other Misconduct Policies
Students who violate student conduct policies not covered by NDHSAA bylaws may be subject to suspension from extracurricular activities for a period of up to six consecutive weeks for the first offense and a period of eighteen weeks for any subsequent offense(s). Such consequences shall be imposed in addition to other disciplinary consequences imposed under the applicable policy.

Suspension Procedure
When the building principal or Superintendent, because of their investigation, concludes that a violation of this policy or NDHSAA bylaws has occurred, they shall issue notice to the student of this suspension.

Practice and Travel while Suspended
Students who are under suspension are encouraged to practice and travel with their respective teams. However, suspended students will not be allowed to miss school time to travel with the team.

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

- FF, Student Conduct and Discipline
- FFE-AR, Meals for Students Participating in Extracurricular Activities
- FFE-AR2, Athletic Physicals
- FFK, Suspension and Expulsion
- FFK-BR, Suspension and Expulsion Regulations
- GCBA, Grading

Legal References

- NDCC 14-07.1, Domestic Violence
- NDCC 12.1-31.2, Disorderly Conduct Restraining Order
- NDCC 12.1-32, Penalties and Sentencing
- NDCC 15.1-09-33.4, Student Misconduct – Prohibition Against Participation in Extracurricular Activities
- NDCC 15.1-24-05, Law Enforcement Agencies – Duty to Inform Team
- NDCC 27-20.2, Juvenile Court Act
- North Dakota High School Activities Association Constitution and Bylaws

End of Nesson School District #2 Policy FFE . . . . . Adopted: 2/21/2024
Updated: 7/16/2025

[07/25]

PERSONAL ELECTRONIC COMMUNICATION DEVICES PROHIBITION DURING INSTRUCTIONAL TIME

The Nesson School District #2 is committed to providing the necessary support for academics and student well-being in a positive educational environment that is free from unnecessary, non-educational distractions. Personal electronic communication devices can be a distraction during instructional time and counterproductive to student focus and engagement. By prohibiting and limiting the use of personal electronic devices during the school day, this policy aims to provide students with more opportunities to engage in meaningful interactions, collaborate with peers, and cultivate the essential skills necessary for academic and life-long success. Therefore, it is the position of the State of North Dakota and the District that students and school employees shall abide by this policy, which prohibits the use of personal electronic communication devices as outlined herein.

Definitions

For the purposes of this policy and in accordance with North Dakota law, the following terms are defined as follows:

a. *Instructional time* means the time from the start of the school day until dismissal at the end of the school day on school premises, for which the signal may be the ringing of a bell, including a structured or unstructured learning experience, recess, a lunch period, and time in between classes. The term does not include private student travel time to and from an area career and technology center or other offsite learning experience or instructional time occurring in virtual environments off school premises.

b. *Parent* means a parent or guardian of a student who is authorized to make decisions regarding education for the student.

c. *Personal electronic communication device* means a portable electronic device capable of communication by voice, text, or other data with one or more other parties or devices, or capable of connection to a smartphone, the internet, or a cellular or wireless fidelity network, including a smartphone, cell phone, bluetooth-enabled device, tablet, smartwatch or other wearable device, and gaming device. The term does not include:
   - School-owned devices provided to a student and school-approved devices used by a student in accordance with this section.
   - Portable devices that meet the definition of a medical device under the federal Food, Drug and Cosmetic Act [21 U.S.C. 9 et seq.].

d. *School* means a public school providing prekindergarten, elementary, or secondary education, including area career and technology centers. The term does not include virtual schools, virtual instruction, the North Dakota center for distance education, or education occurring in a home-school environment.

e. *School-related activity* means a school sanctioned activity, event, or function, occurring outside of instructional time, at which students are under supervision of the school, whether on or off school premises, including a bus ride, field trip, sporting event, and school dance.

f. *Student* means an individual currently enrolled or registered at a public school as defined under this policy.

g. *Inappropriate content* is defined as content that:

- Violates a district student conduct policy;
- Attacks race, color, national origin, ancestry, religion, sex, disability, or other status protected by law;
- Promotes violence, terrorism, or other illegal activities including, but not limited to, tobacco, drug, and/or alcohol use by minors;
- Is obscene or pornographic as defined by community standards.
- Is reasonably forecasted to materially or substantially disrupt the educational environment;
- Poses a direct threat to the physical safety of the school population; and
- Infringes on the rights of others, such as (but not limited to) material that is potentially libelous or invades an individual's privacy.

Prohibitions

In compliance with N.D.C.C. § 15.1-07-41, Nesson School District #2 prohibits students from using personal electronic communications devices during instructional time. Prohibited devices include the following:

1. Smartphones
2. Cell phones
3. Bluetooth-enabled devices
4. Tablets
5. Smartwatches or other wearable devices
6. Gaming devices
7. Any other devices as defined under N.D.C.C. § 15.1-07-41

All personal electronic communication devices identified above must be:

1. Silenced or turned off, *and*
2. Securely stowed away*, and*

3. Inaccessible to students during instructional time.

The District may develop additional administrative regulations or rules, which outline the specific procedures each school building will follow to ensure all three legal requirements are met during instructional time.

Exceptions from this policy's prohibitions may be made only as outlined below.

Device Exceptions

The District provides specific device exceptions and will not prohibit a student from possessing or using a personal electronic communication device under this policy in each of the following circumstances:

a. *School-owned devices provided to a student, including school-issued laptops, tablets, or any other electronic device capable of communication as defined under this policy.*

b. *School-approved devices used by a student, including personal electronic communication devices that have been approved by* administration *to be used during instructional time for an educational- related purpose. Such approval shall be limited in scope and time according to the specific educational-related use of the approved device. Students using a school-approved device shall only use that device for the educational-related purpose for which the device received approval. Any violation of this provision by the student or employee may result in approval being rescinded, and the student and/or employee being subject to discipline as identified in this policy.*

c. *Medical-provider recommendation*, which includes a medical provider licensed under N.D.C.C. Title 43 (Occupations and Professions) who determines the possession or use of a personal electronic communication device is necessary for the health or well-being of the student.

d. *Required accommodation*, which authorizes the possession or use of a personal electronic communication device when required by the student's individual education program under the:
   - The Individuals with Disabilities Education Act [20 U.S.C. 1400];
   - Section 504 of the Rehabilitation Act of 1973 [29 U.S.C. 794]; or
   - A plan developed in accordance with state or federal law requiring accommodation.

Limitations/ Allowances for School-Related Activities

The District may limit or allow student access to personal electronic communication devices outside of instructional time, during a "school-related activity" as defined in this

policy. Such approval may be provided to a student(s) by administration, a teacher, a coach, or a bus driver.

School-related activities where students may be allowed limited or full access to personal electronic communication devices include:

a. Bus rides

b. Field trips

c. Sporting events

d. School dances

e. Other activities where students are under the supervision of the school, whether on or off school premises

The District may develop and enforce specific limitations and allowances under administrative regulations or rules. Any time a student is using a school owned or approved device, a personal device on a limited or allowed basis, or a personal device that falls under another exception in this policy, the following prohibitions apply:

1. Students are prohibited from using any devices or technology to violate a student conduct policy including, but not limited to, policies on cheating and bullying while on school property or at a school-sponsored event;
2. Students are prohibited from using any devices or technology to photograph or video record any person during the school day. Students are furthermore prohibited from transmitting any photo or video using personal technology during the school day. Building principals are authorized to make exceptions to this rule for bona fide classroom activities and in accordance with the "exceptions" section of this policy;
3. Students are prohibited from using any devices or technology to photograph or video record inappropriate content and/or transmit inappropriate content while on school property and/or participating in school-sponsored events;
4. Students are prohibited from displaying and/or using any devices or technology in areas where there is a reasonable expectation of privacy by others on school property and at school-sponsored events. Students are also strongly discouraged from possessing personal technology in areas where there is a reasonable expectation of privacy by others on school property and at school-sponsored events;
5. Students are prohibited from using any devices or technology to compromise district networks or access confidential material on district networks. The District may also take disciplinary action against a student who has used personal technology to engage in hacking, trolling, accessing or transmitting inappropriate material, spamming, sending viruses, and/or engaging in illegal or other

inappropriate activity while on school property or participating in school-sponsored event; and

6. Students are prohibited from using any devices or technology disruptively or in a manner that potentially compromises the safety of others on school property and during school sponsored events.

Student Contact with Parents/ Caregivers

A student may contact the student's parent or authorized caregiver during the school day if needed by using a school telephone made available to the student in a manner and location designated by the building administration. Student contact with parents/ caregivers will not be unreasonably withheld, but the Superintendent may develop administrative policies and rules to ensure the orderly operation of the District and the educational process is not unnecessarily disrupted.

Parents and staff should refer to other District policies and regulations which may apply in the event of District-wide emergencies, student emergencies, and other health and safety events that may occur.

Enforcement Provisions

The District enacts the following enforcement provisions to ensure strict compliance with the law and this policy by students and school employees:

1. **Employee Expectations and Disciplinary Measures.** The District requires strict compliance with state law and this policy by school employees. Any employee who knowingly allows students to access and use personal electronic communication devices (that do not fall under a policy exception) during instructional time in violation of this policy while under the employee's supervision may be subject to discipline, up to and including termination.

In complying with this policy, the following school employee expectations apply:

a. *School Staff Reporting Requirements.* School staff must direct students under their supervision and/or instruction to comply with this policy and shall require students' personal devices to be silenced or turned off, securely stowed away, and inaccessible during instructional time. Staff shall report to administration alleged student infractions of this policy (as defined in the next section: "Student Expectations and Disciplinary Measures").

b. Any alleged school staff violations of this policy should be addressed in accordance with policy KACB ("Complaints about Personnel").

c. *Administration Investigation and Response.* Upon receipt of a report of an alleged policy violation/infraction, administration must investigate and make a determination as to whether the student has committed an infraction (as defined in the next section: "Student Expectations and Disciplinary Measures").

d. Any alleged administrator violations of this policy should be addressed in accordance with policy KACB ("Complaints about Personnel").

e. *Identification of Policy Exceptions.* All school employees who instruct or who are entitled to information regarding a student who has an Individual Education Program ("IEP"), Section 504 plan, medical accommodation, or other plan requiring accommodation must identify and review any exceptions under this policy that are listed in the student's program or plan.

f. *Compliance with Policy Exceptions.* The District requires strict compliance with policy exceptions, including those exceptions made for school-owned and school-approved devices; medical devices; and possession or use of a device required under the IDEA, Section 504, or a plan developed in accordance with state or federal law requiring accommodation. To that extent, the District expressly prohibits school employees from confronting, disciplining, or removing a student's approved electronic device when that device may fall under an exception under this policy.
School employees are expressly prohibited from openly/ publicly discussing students' medical conditions, accommodations, or other legally-protected confidential information. Inquiries or concerns may be directed to administration, particularly when a staff member observes a student with a personal electronic device (that may fall under an exception), and the staff member does not directly instruct or supervise that student and may not be entitled to the student's confidential information protected under state or federal law.

g. *Employee Use of Personal Electronic Communication Devices.* Employees are also expected to follow acceptable use of technology and professional code of conduct policies when using their own personal electronic communication devices during instructional time. Employees are expressly prohibited from using personal electronic communication devices during instructional time for non-instructional or education- related purposes, including personal texting, e-mailing, phone calls, and social media. Employees are expected to use personal devices during non-instructional times and other breaks in the school day.

1. **Student Expectations and Disciplinary Measures**. The District requires strict compliance with state law and this policy by students. Students who administration has found to have violated this policy may 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. Infractions of policy occur when a student knowingly and willfully violates this policy as determined by administration.

Measures that may be imposed by administration include, but are not limited to:

- *First violation*: confiscate device, contact parent, one day detention, administrator returns device to student at the end of the school day.
- *Second violation*: confiscate device, contact parent, 1 day ISS or OSS (no practice or competition on the day(s) of suspension), administrator returns device to student at the end of the school day.
- *Third violation*: confiscate device, contact parent, administrator returns device to parent during a conference/ meeting, review compliance-plan, 1-3 days ISS or OSS may be imposed in accordance with school discipline and suspension procedures and policies (no practice or competition on the day(s) of suspension).
- *Fourth/Subsequent Violation:* confiscate device, contact parent, administrator returns device to parent during a conference/ meeting, review compliance-plan, 10 days OSS and recommendation for expulsion (no practice or competition on the day(s) of suspension). Due process procedures contained in the District's suspension and expulsion policy and regulations shall be followed.

In administering the disciplinary measures above, administrators and school staff must adhere to the following guidelines:

a. Staff members shall direct students to comply with policy and should address alleged infractions with administration.

b. Only administration may determine an actual infraction of this policy and administer discipline.

c. If administration determines that a student is in violation of this policy and the student refuses to turn over the device to administration, the infraction may move to the next level.

d. At no time should a District administrator or staff member attempt to physically or forcibly take an electronic device from a student.

e. Administration may also respond under other conduct and disciplinary policies and regulations when a student's conduct implicates additional policies, including violence, threats of violence, harassment, bullying, or any other unlawful conduct or student code of conduct violations.

f. Administration is required to identify students with disabilities (including those covered under the IDEA, Section 504, the ADA, and any child-find obligations) and must address any alleged student infractions in compliance with special education policies, regulations, and applicable laws.

Searches of Personal Technology

If a student is using a school owned or approved device, a personal device on a limited or allowed basis, or a personal device that falls under another exception under this policy, then administration is authorized to search the device when there is reasonable suspicion of the following:

1. The device contains evidence of conduct or activity that may constitute a violation of policy or the law; or
2. There is a threat of danger or potential harm to self or others.

Only areas of the device reasonably related in scope to the purpose of the search will be subject to a search (e.g., if a student is texting inappropriate photos, only the device's text messages will be searched). Administration is authorized to contact legal counsel to help determine the appropriate scope of the search.

If administration suspects or finds that a device contains content that violates N.D.C.C. § 12.1-27.1-03.3 or other laws, they shall contact law enforcement. Under no circumstances shall school officials download or transfer sexually explicit content from a student's personal technology. Law enforcement, including school resource officers, may communicate the need for probable cause to search a device and may provide a student or the District with a search warrant or subpoena for information or records.

Dissemination and Education

Upon the adoption and implementation of this policy, the District shall:

a. Ensure the policy is communicated to students, parents, and authorized caregivers; and

b. Publish the policy in student and personnel handbooks.

The District shall review and revise this policy as it determines necessary. School administration may develop guidelines to assist students and staff with complying with this policy.

Annual Data Collection & Documentation

In accordance with state law, the District must collect data annually with the goal of measuring the impact of this policy on student behavior, mental health, disciplinary incidents, school attendance, and academic performance.

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

- AAC, Nondiscrimination and Anti-Harassment Policy
- AACA, Section 504 of the Rehabilitation Act
- ACAA, Emergency Closings
- ACDA, Acceptable Use
- DE, Staff Code of Conduct
- FDE, Education of Special Education/ Disabled Students
- FGA, Student Education Records and Privacy
- FGDB, Student Handbooks
- FF, Student Conduct and Discipline

- FFK-BR, Suspension and Expulsion Regulations
- FFK-AR1, Suggested Procedure for Conducting an Expulsion Hearing
- FFK-AR2, Suspension and Expulsion of Special Education Students
- KACB, Complaints about Personnel

Legal References

- 20 U.S.C. 1400, Individuals with Disabilities Education Act
- 21 U.S.C. 9 et seq., Federal Food, Drug, and Cosmetic Act
- 29 U.S.C. 794, Section 504 of the Rehabilitation Act of 1973
- NDCC ch.15.1-07, School Districts
- NDCC Title 43, Occupations and Professions

End of Nesson School District #2 Policy FFI **Adopted: 7/16/2025**

[06/25]

SUSPENSION AND EXPULSION

Definitions

This policy defines the following:

- *Dangerous weapon* means, as defined in 18 U.S.C. 930(g)(2), a weapon, device, instrument, material, or substance, animate or inanimate, that is used for, or is readily capable of, causing death or serious bodily injury, except that such term does not include a pocket knife with a blade of less than 2 ½ inches in length.
- *Expulsion* means the exclusion of a student, including one enrolled in an alternative education program, from school for insubordination, habitual indolence, or disorderly conduct provided the expulsion does not last beyond the termination of the current school year. A student who violates the district's weapons policy may be expelled for up to twelve months. A procedural due process hearing must be provided to the student in accordance with law and district regulation before the determination to expel a student is made.
- *Firearm* means, as defined in 18 U.S.C. 921, (1) any weapon (including a starter gun) which will or is designed to or may readily be converted to expel a projectile by the action of an explosive; (2) the frame or receiver of any such weapon; (3) any firearm muffler or firearm silencer; or (4) any destructive device. The term does not include an antique firearm.
- *School property* is defined in NDCC 15.1-19-10(6)(c) 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.
- *Suspension* includes in-school suspension from classes and out-of-school exclusion from classes, school property, and activities.

Suspension/Expulsion Authority

The Board hereby delegates to the Superintendent and each principal the authority to deal with disciplinary problems in their school, including suspension and recommendation for expulsion of a student. Suspension shall not be imposed beyond the maximum duration permitted by law.

The Board designates itself to serve as the hearing officer for expulsion hearings unless not qualified to serve as defined in board regulations. In such cases, the Board shall appoint an alternative hearing officer.

The hearing officer may expel a student for conduct that violates this policy, after providing notice and a hearing, as set forth in board regulations. When the hearing officer is someone other than the Nesson School Board, the student may seek a review of the hearing officer's expulsion decision by the Board based on the record of the hearing.

Expulsion shall not be imposed beyond the maximum duration permitted by law.

Conduct Subject to Suspension/Expulsion

Conduct, including but not limited to the following, exhibited while on school property, during a school-sponsored activity, or during a school-related activity is subject to suspension or expulsion:

1. Causing or attempting to cause damage to school property or stealing or attempting to steal school property of value;
2. Causing or attempting to cause damage to private property or stealing or attempting to steal private property;
3. Causing or attempting to cause physical injury to another individual, except in self-defense;
4. Possessing on school property or at a school function, a firearm, dangerous weapon, or any object that is used, attempted to be used, or threatened to be used to intimidate or cause bodily harm;
5. Possessing, using, transmitting, or being under the influence of any narcotic drug, hallucinogenic drug, amphetamine, barbiturate, marijuana, alcoholic beverage, or intoxicant of any kind;
6. Disobedience or defiance of proper authority;
7. Behavior that is detrimental to the welfare, safety, or morals of other students;
8. Truancy;
9. Offensive and vulgar language when it is obscene, defamatory, or inciteful to violence or disruptive of the educational process;
10. Threats of violence, bomb threats, or threats of injury to individuals or property;
11. Student behavior that is detrimental or disruptive to the educational process, as determined by the principal.

Information regarding the conduct subject to suspension or expulsion must be posted in a prominent place in each school and must be published in student handbooks.

Suspension or Expulsion of Students with Disabilities

The District shall comply with the provisions of the Individuals with Disabilities Education Act when suspending or expelling a special education student. The District shall not expel any student with a disability when the student's particular act of gross disobedience or misconduct is a manifestation of the student's disability. Education services must continue for IDEA eligible students who are expelled.

The District is not required to refer a regular education student who has been suspended or expelled for violation of school rules and/or district policy for special education assessment and evaluation to determine if such a student might have a disability. A suspended regular education student is not entitled to the reinstatement of school privileges pending any assessment and evaluation that is to be made during the term of the student's suspension.

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

- FGDB, Student Handbooks

- FFK-BR, Suspension and Expulsion Regulations
- FFK-AR1, Suggested Procedure for Conducting an Expulsion Hearing
- FFK-AR2, Suspension and Expulsion of Special Education Students

End of Nesson School District #2 Policy FFK ..... Amended: 02/21/2024

SUSPENSION AND EXPULSION REGULATIONS

Suspension

Suspension involves either in-school suspension or the dismissal of a student from school classes, buildings, and grounds. Suspension shall not be for more than the maximum duration allowed by law. The parent(s) of the student are to be notified promptly by the school principal that suspension has been issued.

The authority to determine whether or not a student shall be suspended rests with the principal**,** or Superintendent and can be exercised AFTER the student is given:

1. Oral or written notice of the charges against him/her.

2. An explanation of the evidence against him/her.

3. An opportunity to present their side of the story.

There need be no delay between the time notice is given and the conduct of the above procedure. In those cases where a student's presence poses a continuing danger to persons or property or any ongoing threat of disrupting the educational process, the student may be immediately removed.

In emergency situations that are a result of risk to health and safety, the district may postpone the suspension notice process above until the emergency condition has passed.

Expulsion

Expulsion shall not be for more than the maximum duration permitted by law and the District shall follow the procedure for conducting an expulsion hearing contained in state law and administrative regulations. If the student involved has a disability, see the administrative regulation on suspension and expulsion of students with disabilities.

The responsibility of the school may not end with expulsion. The guidance department may notify other appropriate agencies when a student has been expelled.

Expulsion Pre-Hearing Notice to Student

The student and the student's parent shall be provided with the following notices, prior to the expulsion hearing outlined below:

1. **Notice of Charges**: The specific charges against the student shall be stated clearly enough for the student and the parent to understand the grounds of the charge and to be able to prepare a defense.

2. **Notice of Hearing**: The date of a hearing, which shall be within a reasonable time not to exceed ten school days, if the student is currently under suspension, unless a postponement is requested or agreed to by the parent.

3. **Presenting Evidence**: A student may present witnesses or documentary evidence to rebut the charges against the student.

4. **Notice of Right to Adult Representation**: The right to be represented and/or assisted at the hearing by a lawyer or other adult at the student's expense shall be

explained. A parent or guardian who is unable to attend the hearing may provide written designation of another adult to assist the student in the parent's absence.

Conducting Hearings for Expulsion

1. **Nature of the Hearing**: The hearing is not a court proceeding and should not be referred to or conducted as such. There are no specific rules of evidence or procedure that must be followed. The intent of the hearing is to determine whether the reasons offered for the proposed expulsion are supported by the evidence. The evidence offered at the hearing should be directed toward attaining the truth and shall include an opportunity for the presentation of evidence as to the existence of mitigating circumstances.
2. **The Hearing Officer**: The student is entitled to an impartial hearer of facts. If the school board has designated a hearing officer, the hearing officer may conduct the hearing unless they are biased or prejudiced against the student or was directly involved with the incident at issue. If the hearing officer is not qualified under this rule, another hearing officer should be called upon to conduct the hearing.
3. **Representation of the Student**: There is no requirement that the student must have representation at the hearing; however, if the student or their parent(s) request that they be represented by an attorney at the student's expense, the request must be granted. The school may choose to involve the parents in the disciplinary proceedings from the outset.
4. **A Recording of the Hearing**: A record of the hearing should be made to substantiate that the required elements of procedural due process were afforded the student. This can be accomplished by several methods. The preferred method of recording is tape recording or court reporter transcription of the entire proceeding. All evidence that is introduced in the form of written documents should be marked so as to identify the origin and order of introduction (e.g., School Exhibit 1, 2, 3, and Student Exhibit 1, 2, 3). All records of a hearing should be kept at least six years after the expelled student reaches the age of 18 years.
5. **Open or Closed Hearing**: Since an expulsion hearing before a designated hearing officer or the school board is subject to the Family Rights and Privacy Act (FERPA), the hearing shall be closed unless the parent/eligible student waives their rights under FERPA in writing.
6. **Witnesses in the Room**: At the request of the school representative or the student or their parents, witnesses may be excluded from the room except when offering testimony. The hearing officer should make this option known at the beginning of the hearing, before any evidence is presented. At no time may the student or their parent or representative be excluded from the room.
7. **Cross-Examination**: The hearing officer should permit cross-examination if any circumstances indicate that it is necessary in order to reach the truth or to otherwise conduct a hearing, which is fundamentally fair.
8. **Sworn Witnesses**: Witnesses should be given an oath or affirmation before offering testimony.

9. **Evidence**: If, at the conclusion of the hearing, the reasons given for the proposed expulsion are supported by the evidence offered at the hearing, the student may be expelled. The action of the student does not have to be proven beyond a reasonable doubt as in a criminal trial, but the action must be supported by the evidence. There must be evidence presented upon which the hearing officer can conclude that the student engaged in conduct supporting expulsion. In determining whether there is evidence to support an expulsion, the hearing officer may take into consideration only that evidence presented at the hearing.

10. **Making the Decision and Giving Notice to the Parties**: After the hearing, the hearing officer decides whether to expel a student. The hearing officer has the responsibility of promptly informing the student, his or her parents, the student's counsel, or his or her representative in writing of the decision. The decision must be specific enough so that a reasonable person can be advised of the findings and basis for the decision to expel. The decision should also contain information on how to appeal to the Board, if the Board did not serve as the hearing officer.

11. **Appeal to School Board**: Except when the Board served as the hearing officer, an appeal of the hearing officer's decision may be made to the Board based upon a review of the record of the expulsion hearing. This decision should be reviewed at the next regular meeting of the Board, except when good cause is shown for calling a special meeting for that purpose. Since the expulsion will affect or become a part of the student's educational record, the appeal hearing before the Board will be in executive session unless the parent/guardian signs a written waiver of their rights under the Family Educational Rights and Privacy Act.

For expulsion procedures, see the administrative regulation on guidelines for hearings.

End of [Name of District] Board Regulation FFK-BR ..... Adopted: 7/16/25

[11/21]

YOUTH PATRIOTIC SOCIETY ACCESS

Definitions

For the purposes of this policy:

- *Youth patriotic society* is defined in NDCC 15.1-06-14(1) as a youth group that promotes patriotism, civic education, and civic involvement, listed under title 36, United States Code, subtitle II, part B, as of January 1, 2021.
- *School property* is defined in NDCC 15.1-19-10(6)(c) 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.

In accordance with state law, the District must allow representatives of youth patriotic societies access to students during the school day to inform them about the society and explain how they may participate in or join the society. Access must be provided during the first quarter of each academic school year. By providing access to youth patriotic societies as required by law, the District does not intend to create a public forum for purposes of free speech or expression.

Presentation Criteria

The Superintendent, designee or building principal shall set reasonable time, place, and manner requirements on a presentation of a youth patriotic society to students. The Superintendent, designee or building principal shall provide notice of the time, place, and manner requirements to the society representative within a reasonable timeframe following receipt of a request to speak. When possible, the Superintendent, designee or building principal shall schedule youth patriotic society presentations outside of student instructional time. Student participation in such presentations is voluntary and written consent by a parent/guardian is required before a student is permitted to attend any youth patriotic society presentation.

Youth patriotic societies intending to speak to students on school property during school hours must adhere to the following criteria:

1. Provide the Superintendent, designee or building principal with written notice of their intent to speak to the students 2 school days before the proposed presentation;
2. Submit to the Superintendent, designee or building principal any materials intended to be shared with students at least 2 school days before the presentation;
3. Limit the subject matter of the presentation to providing information to students about the society and how students may participate in or join the society;
4. Limit the presentation to 50 minutes in length;
5. Comply with applicable state law and district policy/regulations while on school property; and
6. Refrain from engaging in disruptive conduct that may interrupt or interfere with the orderly operation/management of the District, or that is insulting, harassing, or

threatening toward district personnel. Individuals who engage in such conduct will immediately be asked to leave school property.

The District reserves the right to deny access to any youth patriotic society that fails or refuses to comply with this policy.

End of Nesson School District #2 Policy FFL..... Adopted:7/16/2025

[07/21]

STUDENT EDUCATION RECORDS AND PRIVACY

The NESSON SCHOOL DISTRICT #2 School Board believes that while collection and use of student information is necessary to provide educational and student support services, the District must implement safeguards to ensure information is appropriately protected and used to serve the best interests of students. The purpose of this policy is to establish such safeguards.

Definitions

- *Directory information* is defined as personally identifiable information contained in a student education record that is generally considered not harmful or an invasion of privacy if disclosed and includes:

    - Name (first and last)

        a) Name (first and last)
        b) Address
        c) Date and place of birth
        d) Dates of attendance
        e) Degrees, honors, and awards received
        f) Grade level
        g) Most recent school attended
        h) Participation in officially recognized activities and sports
        i) Photograph
        j) School email address
        k) Student identification number if it cannot be used alone to access an educational record and is not the student's social security number
        l) Telephone listing
        m) Weight and height of members of athletic teams

    - *Education records* are records that are directly related to a student and are maintained by the District or by a party acting on behalf of the District. These records include but are not limited to grades, transcripts, class lists, student course schedules, health records, and student discipline files. This definition excludes law enforcement records and records in the sole possession of the maker used only as a memory aid.
    - *Eligible student* means a student who has reached the age of 18.
    - *FERPA* stands for the Family Educational Rights and Privacy Act.
    - *Legitimate educational interest* is defined as access that is needed in order for a school official to fulfill their professional responsibility.
    - *Parent* means a parent of a student and includes a natural parent, a guardian, or an individual acting as a parent in the absence of a parent or a guardian.

- *Permanent record* is defined as a record containing a student's name, address, phone number, record of grades, years enrolled, courses attended, and grades completed.
- *Personally Identifiable Information* (PII) includes information maintained in the student's education record that could be used alone or in combination to trace a student's identity directly or indirectly and would allow a reasonable person, who does not have personal knowledge of the relevant circumstances, to identify the student with reasonable certainty.
- *Record* means any information recorded in any way including, but not limited to, handwriting, print, computer media, video or audio tape, film, microfilm, and microfiche.
- *School official* is defined as an individual who has a legitimate educational interest in accessing student educational records and is affiliated with the District in one of the following capacities:

a. An individual employed by the District in an administrative, instructional, or support staff position;

b. School board members; or

c. Contractors, consultants, volunteers, service providers, or other party with whom the District has outsourced institutional services or functions for which the District would otherwise use employees; records provided to these third parties must remain directly under the district's control for purposes of maintenance and use and the third party must agree to comply with 34 C.F.R. 99.33(a). Examples include, but are not limited to, school resource officers, interns, student teachers, the district's attorney, PowerSchool, SLDS, learning management software, hot lunch tracking software, and district alert systems.

Designation and Responsibilities of Privacy Officers

The Superintendent or designee shall serve as Chief Privacy Officer. In this role, the Superintendent is responsible for submitting to the Board for approval student information sharing requests from third-party individuals/entities other than parties to which the District reports student information under law. The Superintendent shall also maintain a master list of individuals and entities having access to student information, including school district personnel listed by title. To ensure this list remains current and is manageable to maintain, it shall not contain names of individuals who have access to data.

The Superintendent may designate privacy officers at the District and building level. These privacy officers are responsible for:

1. Maintaining a list of school personnel by title who have access to student information; this list shall be provided to the Superintendent each time it is updated;

2. Submitting to the Superintendent for board approval new requests to share student information with third-party individuals and entities other than parties to which the District reports student information under law;
3. Ensuring that access to student information is granted only to the extent there is a legitimate educational interest and in accordance with this policy and any applicable agreements;
4. Enforcing this and other applicable district confidentiality and data protection policies; and
5. Providing a list of students who have opted-out of directory information to classroom teachers and other district staff who have a need to know.

Information Release Safeguards

1. Access by Parents and Eligible Students

To ensure compliance with parental and eligible student access requirements under FERPA:

a. The District shall comply with a request by a parent or eligible student to access education records within a reasonable period of time, not to exceed 45 days after receipt of a request; and

b. The Board shall develop procedures for a parent or eligible student to review and amend educational records. These procedures shall include procedures to verify the identity of a requesting parent or eligible student. The regulations shall be delineated in board regulations and disseminated annually in accordance with law.

2. Classroom Use of Instructional Tools Requiring Release of Student Information

Teachers are encouraged to use instructional technological tools that allow for use of an alias or that do not require submission of directory information, other than or in addition to name, or PII. Whenever a teacher wishes to use an instructional tool that requires release of directory information, other than or in addition to name, or PII such as, but not limited to, software or an app, the teacher shall submit a request to the building-level privacy officer. The privacy officer shall check the district's master list of individuals and entities approved to receive student information. If the entity is not on this list or the teacher's request is beyond the scope of information sharing permission previously granted, the privacy officer shall either deny the teacher's request or submit an information-sharing request to the Superintendent for board approval. If the teacher is authorized to use the instructional tool, the building-level privacy officer shall ensure the teacher complies with any parental consent requirements and directory information opt-out requests before using the tool.

3. Data Breaches

District employees are responsible for informing a privacy officer of any known or suspected breach of PII. When a privacy officer becomes aware of a breach of student PII, they shall contact the Chief Privacy Officer. The Chief Privacy Officer shall determine if enactment of data breach response procedures contained in policy IDC and NDCC Ch. 51-30 is appropriate.

4. Information Storage and Destruction

Student education records shall be reviewed annually and any records unnecessary for progression to the next grade level, not needed for college entrance purposes, not needed for extracurricular participation, not needed for disciplinary purposes, and records that are not part of the permanent record will be shredded or destroyed. Exceptions apply for any content that may reasonably be related to litigation or anticipated litigation (retain for six years after a student turns eighteen), bullying reports (retain in accordance with policy ACEA), concussion documentation (retain in accordance with policy FCAF), executive session tapes (retain for at least six months), PowerSchool records, and special education records (retain in accordance with the Individuals with Disabilities Education Act).

5. Directory Information

The District may disclose directory information without parental or eligible student consent if it has given parents or eligible students a reasonable amount of time to opt-out of directory information release. Opt-out notices should be provided at the beginning of the school year and when a student otherwise enrolls in the District. These notices shall contain a reasonable deadline of at least ten days for parents or eligible students to opt out.

The Board approves release of directory information as follows:

a. Publication on the district's website

b. To board-approved vendors for purposes of sale of school-related items such as, but not limited to, yearbooks, school pictures, graduation items, district apparel, and book orders;

c. To military and college recruiters in accordance with applicable laws (NDCC 15.1-07-25.1 and 20 U.S.C. 7908);

d. To official district newspaper for purposes of recognizing student accomplishments and coverage of extracurricular events;

e. To school-affiliated groups for purposes of communicating and fundraising;

f. To school-sponsored student publications including, but not limited to, newspapers and yearbooks; and

g. When the Board receives and approves a directory information release request; directory information shall only be released and used for purposes

specified in the release request and the Superintendent shall add approved requestors to the district's master list of individuals and entities having access to student information. The Board shall develop criteria in regulations for approving and denying these requests.

Any district employee who wishes to disseminate student directory information to a third party shall contact their building-level privacy officer. The privacy officer shall determine if the Board has previously approved such release and, if not, deny the request or submit it to the Superintendent for board approval. Upon board approval, the Superintendent shall instruct the privacy officer to ensure compliance with any opt-out requests made by parents.

6. Personally Identifiable Information (PII)

Any third party requesting or receiving access to student PII must receive board approval unless the third party is required to receive PII under state or federal law. Any school employee who wishes to share PII with a third party shall contact their building-level privacy officer. The privacy officer shall determine if the Board has previously approved such release and, if not, deny the request or submit it to the Superintendent for board approval. Upon board approval of any PII release request, the applicable privacy officer shall inform the requestor of any parental consent requirements (see #7) and ensure the requestor complies with such requirements.

Parental or eligible student consent is not required to release PII under the following circumstances:

a. The District receives information under 42 U.S.C. 14071 and applicable federal guidelines about a student who is a registered sex offender under section 170101 of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 14071), and the District has a need to disclose the student's status as a sex offender for safety purposes;

b. In connection with a health or safety emergency under the conditions described in 34 C.F.R. 99.36;

c. If records have been de-identified by the District; third party individuals and entities that receive de-identified information shall be included on the district's master list of individuals and entities having access to student information

d. To a school official who has a legitimate educational interest in the education records if the following conditions are satisfied:

   i. Access shall be limited to only information the school official has a legitimate need to know;

   ii. School officials shall use the information only for the purposes for which the disclosure was made and shall not re-disclose the information to any other party without proper consent or legal authority; and

iii. Titles of individuals and entities considered school officials shall be included on the district's master list of individuals and entities having access to student information;

e. To a court without a court order or subpoena when the District initiates legal action against a parent/student or a parent/student initiates legal action against the District

f. To accrediting bodies for purposes of accreditation

g. To an organization conducting a study for the District to develop, validate, or administer a predictive test; administer student aid programs; or improve instruction so long as the organization has entered into a written agreement with the Board in accordance with law; if the organization is conducting a survey of students, the District shall ensure parents are notified in compliance with policy GCC and shall obtain parental consent, if applicable (see #7)

h. To another school in which the student seeks, intends to, or is already enrolled

i. To authorized representatives of the Comptroller General of the United States, the Attorney General of the United States, the U.S. Secretary of Education, and state and local educational authorities for audit or evaluation of federal or state supported education programs or for the enforcement of or compliance with federal legal requirements that relate to those programs;

j. To comply with a judicial order or lawfully issued subpoena; the District must make reasonable attempt to contact the parent or eligible student before disclosure unless the court order instructs otherwise;

k. To the parents of an eligible student who is also a "dependent student" as defined in IRS Section 152; or

l. To the state entity managing a student information system so long as the organization has entered into a written agreement with the Board in accordance with law; the data sharing agreement must include a clause that designates the department as an authorized representative of the District under FERPA for purposes of the statewide longitudinal data system.

The District will take measures necessary to ensure that individuals and entities to which PII is released shall only have access to information necessary to fulfill their responsibilities under law and to the District. Measures may include, but not be limited to, controlling access to computer data through password restrictions, controlled access to paper records, and ensuring that any information access agreements required by law are properly executed by the Board.

7. When Parental Consent is Required

The District must obtain parental or eligible student consent to release student information under the following circumstances:

a. The Board has approved release of PII to an individual or entity not meeting the definition of school official under law and/or not meeting an exception to the parental consent requirement under FERPA;

b. The Board has approved release of directory information, other than or in addition to name, or PII to an online service provider for commercial purposes and the impacted students are under the age of 13;[1][1]

c. When administering a survey funded in whole or in part by the U.S. Department of Education and concerning any of the following areas[2][2]:

   i. Political affiliations or beliefs of the student or the student's parent;

   ii. Mental or psychological problems of the student or the student's family;

   iii. Sex behavior or attitudes;

   iv. Illegal, anti-social, self-incriminating, or demeaning behavior;

   v. Critical appraisals of other individuals with whom respondents have close family relationships;

   vi. Legally recognized privileged or analogous relationships, such as those of lawyers, physicians, and ministers;

   vii. Religious practices, affiliations, or beliefs of the student or student's parent; or

   viii. Income (other than that required by law to determine eligibility for participation in a program or for receiving financial assistance under such program).

If the District is unable to obtain this consent, it shall not release the impacted student's information.

504 Plans and Individual Educational Programs (IEPs)
Sharing of student information necessary for developing, amending, or implementing an IEP or 504 Plan and sharing student information needed to determine eligibility for special education or disability services are not subject to board approval requirements in NDCC 15.1-07-25.3 because the District provides these services in fulfillment of requirements under state and federal law.

Policy Violations
Failure by a district employee or volunteer to comply with this policy, other district confidentiality requirements, or any improper disclosure of student information by a school employee or volunteer shall result in disciplinary action up to and including termination of employment. Failure by a third party to comply with this policy, any information-sharing agreements between the District and third party, or any improper disclosure of student

information by the third party may result in termination of the third-party's access to student information and termination of the district's agreement with the third party.

Training
School officials employed or volunteering for the District shall receive information and/or training on confidentiality requirements pertaining to student education records and consequences for breaching confidentiality. The District shall also provide training to applicable school personnel on the procedures for requesting to release student information contained in this policy.

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

- DE, Staff Code of Conduct
- FACB, Transfer and Withdrawal Records
- FGA-BR1, Student Education Records Access and Amendment Procedure
- FGA-BR2, Criteria for Approving and Denying Directory Information and PII Release Requests
- FGA-E1, Notice for Directory Information
- FGA-E2, Model Notice of Rights Under FERPA for Elementary and Secondary Schools
- FGA-E3, FERPA Release Form for Parents
- FGA-E4, Notice of Executive Session Tape on File
- FGA-E5, Student Information Sharing Request
- FGA-E6, Model Form for Disclosure to Parents of Dependent Students
- FGA-E7, School Officials' Guide to FERPA and Data Privacy
- FGA-E8, Parties Approved to Receive Student Data
- GCC, Protection of Pupil Rights Amendment and Third-Party Research on Students
- IDC, Data Protection and Security Breaches

Legal References

- 20 U.S.C. § 1232g, Family Education and Privacy Rights
- 34 CFR Part 99, Family Educational Rights and Privacy
- NDCC § 15.1-06-06, Approval of Public Schools
- NDCC § 15.1-07-25.3, Protection of Student Data – School District Policy
- NDCC § 15.1-07-33, Student Information System - Exemption
- NDCC § 15.1-19-14, School Law Enforcement Unit
- NDCC § 15.1-19-15, Record Retention

End of [Name of District] Policy FGA . . . . . Amended: 7/16/2025

[07/25]

[1] Children's Online Privacy Protection Act, 16 CFR 312
[2] Protection of Pupil Rights Amendment, 20 U.S.C. § 1232h; 34 CFR Part 98

RECOMMENDED Descriptor Code: FGCA

SEARCHES OF LOCKERS

Definitions

This policy defines the following:

- *Personal possessions* include, but are not limited to, a student's vehicle, purse, backpack, bookbag, package(s), and clothing.

- *Reasonable suspicion* means that administration has grounds to believe that the search will result in evidence of a violation of district policy, rules, the law, and/or that the violation may be detrimental to the health, safety, or welfare of district students or staff. Reasonable suspicion may be based on a school administrator's personal observation, a report from a student, parent or staff member, a student's suspicious behavior, a student's age and past history or record of conduct both in and out of the school context, or other reliable sources of information.

Philosophy

The District retains ownership and control of all lockers. Access to all lockers is a legal right of school officials whose responsibility it is to protect the health, safety, and welfare of all students enrolled. Students shall have no reasonable expectation of privacy when using lockers. Student shall be given advanced notice of this policy through student handbooks or another form of notification.

Lockers may be subject to suspicionless searches, inspections for purposes such as routine maintenance, or searches where there is reasonable suspicion that locker(s) contains object(s) and/or substance(s) in violation of district policy, rules, the law, and/or that the violation may be detrimental to the health, safety, or welfare of district students or staff.

Search Procedure

When a locker is subject to a search, the building principal or Superintendent should be accompanied by at least one other school staff member.

Students' personal possessions stored in lockers shall not be searched unless there exists reasonable suspicion that they contain an object(s) or substance(s) in violation of district policy, the law, and/or the violation may be detrimental to the health, safety, or welfare of enrolled students or staff. Searches of personal technology is governed in a separate district policy, FFI. Administrators shall make a reasonable attempt to have a student present during searches of personal possessions contained in locker(s) unless an emergency warrants an immediate search, or the presence of the student would be inappropriate under the circumstances.

The Superintendent should be notified whenever a search has been conducted if the Superintendent was not involved in the search.

Use of Trained Dogs & Involvement of Law Enforcement

Trained dogs may be used to smell the outside of students' lockers. If the dog detects the possibility of objects and/or substances that are illegal or violate school policy, the

building principal or Superintendent shall search the locker in accordance with the search procedure above.

The building principal or Superintendent may request the assistance of law enforcement to conduct any portion of a school-initiated search of a student's locker that would pose a safety threat if conducted by school staff. In all other cases, law enforcement must have probable cause in order to search a student's locker.

Violation

Personal possessions in violation of school district policy, rules, the law, and/or that may be detrimental to the health, safety, or welfare of district students will be confiscated until further directed by the Superintendent or law enforcement. Illegal substances found during a search of a student's personal possessions will be turned over to law enforcement authorities.

Students in violation of this policy, or any federal/state law, may be subject to disciplinary action in accordance with the district's student conduct and discipline policy (FF) as determined by the Superintendent or designee, and when appropriate, be referred to law enforcement.

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

- FGA, Student Education Records and Privacy
- FGCB-E, Search & Seizure of Students Form
- FF, Student Conduct and Discipline

End of Nesson School District #2 Policy FGCA ..... Amended: 02/21/2024

RECOMMENDED Descriptor Code: FGCB

SEARCHES OF STUDENTS & STUDENT'S PERSONAL POSSESSIONS

Definitions

This policy defines the following:

- *Personal possessions* include, but are not limited to, a student's vehicle, purse, backpack, bookbag, package(s), and clothing.
- *Reasonable suspicion* means that administration has grounds to believe that the search will result in evidence of a violation of district policy, rules, the law, and/or that the violation may be detrimental to the health, safety, or welfare of district students or staff. Reasonable suspicion may be based on a school administrator's personal observation, a report from a student, parent or staff member, a student's suspicious behavior, a student's age and past history or record of conduct both in and out of the school context, or other reliable sources of information.
- *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.

Philosophy

A search of a student or a student's personal possessions shall only be undertaken when there is reasonable suspicion that the student is concealing an object(s) and/or substance(s) in violation of district policy, rules, the law, and/or that the violation may be detrimental to the health, safety, or welfare of district students or staff. The building principal or Superintendent must authorize all searches.

Search Procedure

When the building principal or Superintendent has reasonable suspicion that one or more students are carrying a prohibited object, article, or substance or are otherwise in possession of a prohibited object, article, or substance on school property or at a school-sponsored event, all personal possessions belonging to the suspected student(s) may be subject to inspection. When determining the scope of a search, the building principal or Superintendent shall ensure that any measures adopted are reasonably related to the object of the search and not excessively intrusive in light of the age and sex of the student.

Searches of persons should be conducted in private by a school employee of the same sex as the student with a school employee present as a witness. Students may be asked to empty their pockets; however, strip searches shall not be conducted.

The Superintendent should be notified whenever a search has been conducted if the Superintendent was not involved in the search.

Searches of Vehicles

The building principal or Superintendent, with a witness present, shall conduct searches of a student vehicle if the vehicle is parked on school property and if reasonable suspicion exists. The building principal shall make a reasonable attempt to contact the student who owns the vehicle and ensure they are present during the inspection unless an emergency

situation warrants an immediate search. If a vehicle is locked and its owner cannot be contacted or refuses to open it, the building principal shall contact law enforcement.

Involvement of Law Enforcement
The building principal or Superintendent may request the assistance of law enforcement to conduct any portion of a school-initiated search of a student's personal possessions that would pose a safety threat if conducted by school staff. In all other cases, law enforcement must have probable cause in order to search a student's personal possessions.

Violation
Personal possessions in violation of district policy, the law, and/or that may be detrimental to the health, safety, or welfare of district students will be confiscated until further directed by the Superintendent or law enforcement. Illegal substances found during a search of a student's personal possessions will be turned over to law enforcement authorities.

Students in violation of this policy, or any federal/state law, shall be subject to disciplinary action in accordance with the district's student conduct and discipline policy (FF) as determined by the Superintendent or designee, and when appropriate, be referred to law enforcement.

Reporting Requirements
The administrator who authorized the search shall notify the Superintendent whenever a search has been conducted.

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

- FGA, Student Education Records and Privacy
- FGCB-E, Search and Seizure of Students Form
- FF, Student Conduct and Discipline

End of Nesson School District #2 Policy FGCB ..... Amended: 02/21/2024

RECOMMENDED Descriptor Code: FGDB

STUDENT HANDBOOKS

The Superintendent shall ensure that student handbooks do not conflict with district policy, state law, and/or federal law.

Student handbooks shall be disseminated to each student at the beginning of the school year and to each new student upon enrollment in the District.

End of Nesson School District #2 Policy FGDB ..... Amended: 02/21/2024

REQUIRED Descriptor Code: FGDD

STUDENT PUBLICATIONS & FREEDOM OF EXPRESSION

Definitions

For the purposes of this policy:

- *School-sponsored media* is defined in NDCC 15.1-19-25(1)(b) as any material that is prepared, substantially written, published, or broadcast by a student journalist at a public school, distributed or generally made available to members of the student body, and prepared under the direction of a student media adviser. The term does not include any media intended for distribution or transmission solely in the classroom in which the media is produced.
- *Student journalist* is defined in NDCC 15.1-19-25(1)(c) as a public-school student who gathers, compiles, writes, edits, photographs, records, or prepares information for dissemination in school-sponsored media.
- *Student media adviser* is defined in NDCC 15.1-19-25(1)(d) as an individual employed, appointed, or designated by a school district to supervise or provide instruction relating to school-sponsored media.

Purpose

The Nesson School District believes that freedom of expression and press freedom are fundamental principles in a democratic society that provide all citizens with the right to engage in a vigorous discussion of ideas, and that a robust and free student press is critical to the development of informed and civic-minded adults. Freedom of expression through school-sponsored media is protected by the First Amendment to the United States Constitution and state law.

The District shall ensure all students enjoy free speech and free press protections related to school-sponsored media, and to encourage students to become educated, informed and responsible members of society.

No expression made by students in the exercise of free speech or free press rights shall be deemed to be an expression of school or district policy.

Expectations

Student journalists are responsible for determining the news, opinion, feature, and advertising content of school-sponsored media. A student journalist has the right to exercise freedom of speech and of the press in school-sponsored media, regardless of whether the media is supported financially by the school district, by use of facilities of the school district, or produced in conjunction with a class in which the student is enrolled.

All school-sponsored media shall be supervised by a student media advisor. School-sponsored media shall not be reviewed by an administrator unless the publication is believed to contain restricted content as listed in this policy.

No student journalist or student media advisor shall be dismissed, suspended, disciplined, or otherwise censored, penalized, or punished when acting in accordance with law and district policy.

Prohibitions

The following material is prohibited from being published in school-sponsored media:

1. Material that is profane, harassing, threatening, intimidating, or pornographic;
2. Material that is libelous, slanderous or obscene in nature;
3. Material that infringes or may infringe on the privacy rights of others;
4. Material that violates federal or state law, promotes violence, terrorism, or other illegal activities including, but not limited to, material that promotes tobacco, drug, or alcohol use by minors;
5. Material that is reasonably forecast to materially and substantially disrupt the educational environment;
6. Material that violates or incites the violation of district policy including, but not limited to, the district's policies on bullying and harassment; or
7. Material that poses a direct safety threat to the District, its students, and/or staff.

Appeals

A decision to prohibit publication and distribution of a student publication with restricted content shall be made by the building principal and may be appealed to the Superintendent. The Superintendent shall investigate and issue a decision in a timely manner. The superintendent's decision is binding.

Dissemination of School-Sponsored Media

The following time, place, and manner restrictions apply to dissemination of school-sponsored media student newspapers shall only be placed near school entrances, no school-sponsored media shall be distributed in the classroom with the exception of journalism courses, etc..

End of Nesson School District #2 Policy FGDD ..... Amended: 02/21/2024

RECOMMENDED Descriptor Code: GAAA
Cognia (AdvancED)

CURRICULUM DESIGN & EVALUATION

Development

The Board shall appoint a curriculum committee to assess curricular needs, review curricular inclusions, and make curricular recommendations on expansion and improvement.

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

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

Curriculum proposals shall demonstrate consistency with the district's mission and education goals, contain a justification for the proposed program, describe conditions and resources necessary to meet performance standards and programming needs, and shall contain an implementation procedure and timeline.

Experimental Programs & Projects

Under this program, teaching and administrative staff may propose experimental programs and projects to the curriculum committee. The committee shall review such proposals and make recommendations to the Board based on feasibility and suitability.

Evaluation

Annually, by a deadline established by the Board, the curriculum committee shall complete an evaluation of the current curriculum and submit recommendations to the Board for action. Evaluation will be performed in order to determine the need for modification to, or elimination of, current curricular programs and offerings and the need for new curricular offerings and programs.

The curriculum committee may use at least the following indicators during this evaluation process:

1. Testing programs such as national standardized general achievement tests, nationally standardized tests in specific subject areas, and tests administered by other agencies.
2. Study of school achievement records.
3. Study of students' dropout records.
4. Utilization of out-of-system services; participation in regional research studies; contracted evaluation services.
5. Teacher and parent evaluation of student achievement and curricular needs.
6. Recommendations by teachers and/or administrators.
7. Evaluation by other agencies.

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

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

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

- BBBB, School Board Committees
- GAAB, Curriculum Adoption
- GAAC, Review & Complaints about Instructional & Resource Material
- GAAC-BR, Procedure for Reviewing Complaints about Instructional/ Resource Material

End of Nesson School District #2 Policy GAAA ..... **Reffirmed: 12/20/2023**

CURRICULUM ADOPTION

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

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

End of Nesson School District #2 Policy GAAB ..... **Reaffirmed: 12/20/2023**

REGULATION Descriptor Code: GAAC-BR
(Cognia Required)

PROCEDURE FOR REVIEWING COMPLAINTS ABOUT INSTRUCTIONAL/RESOURCE MATERIAL

Review Committee

The Board shall appoint an instructional/resource material review committee annually before the commencement of the school year. The committee shall be composed of the following individuals as selected by the Superintendent:

1. A media specialist
2. A teacher or teacher(s)
3. A parent or parents
4. The principal(s)
5. The Superintendent

The committee may obtain the assistance of individuals with expertise in an area/subject that comes before the committee for review and may hold a public forum to receive community input when instructional or resource material is contested.

Review Procedure

When a complaint or request for review of instructional material is made, the following procedure shall be followed:

1. The building principal shall require the complainant to complete a Request for Reconsideration of Instructional/Resource Material form.
2. The building principal shall submit the completed form to the Superintendent who shall call the review committee meeting to initiate the review process as soon as practicable.
3. If the item being contested is a library book, the item may be placed on reserve in the library during the review process, requiring parental permission to check out. If the review relates to curricular material, the principal may issue notice to parents of the instructional material under review and may provide parents the option of electing an alternative assignment for their children during the course of the review process.
4. The review committee shall generate a report of recommendations. Recommendations to remove or restrict access to material must be based on the following criteria:
    a. The material is pervasively vulgar.
    b. The material is not educationally suitable.
    c. The material is not age appropriate.
    d. The material is part of the curriculum and forces students to profess or deny a belief in what they are reading or engage or refrain from engaging in a practice contrary to their religious belief.
    e. The material violates the requirements of NDCC 15.1-21-05.1.

    Recommendations shall not be made to suppress a viewpoint or limit student exposure to divergent ideas. Mere exposure to an idea does not violate students' rights and the District shall not prescribe what is orthodox in politics, nationalism, religion, or other matters of opinion. Consequently, the committee should consider alternatives to removing instructional/resource material such as, but not limited to,

an opt-out option for curricular material or placing check-out restrictions on library material.

5. If the review committee does not unanimously agree on the recommendations, the dissenting committee members may generate a minority report. This report must contain all the components listed above.
6. The review committee shall issue recommendations to the Board as soon as practical.
7. The board's ruling is final. All findings and records related to the review process shall be retained by the Superintendent.

End of Nesson School District #2 Board Regulation GAAC-BR..... **Reaffirmed: 12/20/2023**

REVIEW & COMPLAINTS OF INSTRUCTIONAL & RESOURCE MATERIAL

In order to consider the opinions of those persons in schools and the community who are not directly involved with the instructional and resource material selection process, and to avoid the possibility of a biased or prejudicial attitude influencing selection, a board- appointed district review committee shall deal with formal complaints about and/or requests for reconsideration of library and instructional materials.

This committee shall be responsible for reviewing all selection standards and procedures and shall work with all departments in clarifying selection criteria.

All citizen requests for reconsideration of and complaints about instructional and resource material will be processed through the District Review Committee.

A procedure for processing and responding to criticism of approved material shall be established and followed. This procedure shall include the use of a formal signed "Request for Reconsideration of Instructional Resources" form.

The District subscribes to the philosophy stated in the School Library Bill of Rights.

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

- GAAC-BR, Procedure for Reviewing Complaints about Instructional/ Resource Material
- GAAC-E1, Request for Reconsideration of Instructional Resources
- GAAC-E2, Library Bill of Rights
- GAAC-E3, Access to Resources & Services in School Library Media Program
- GAAC-E4, Hatch Amendment Sample Letter

End of Nesson School District #2 Policy GAAC ..... **Reaffirmed: 12/20/2023**

SELECTION AND ADOPTION OF INSTRUCTIONAL MATERIALS

The Nesson School District #2 School Board is legally responsible for all matters relating to the operation of its public schools. This includes the selection and adoption of textbooks, supplementary, and other educational materials used in the school system.

The Board delegates responsibility for the selection of educational materials to the professionally trained personnel of the school system. The Superintendent shall bring all instructional material recommendations to the Board for final approval.

Instructional materials include all print and non-print materials used for the education of the student in the teaching-learning process, including library material.

Selection Objectives
The primary objective for the selection of instructional materials is to implement and enrich the curriculum and further the achievement of the district's instructional goals. It is the district's desire to provide a wide range of materials on appropriate levels of difficulty, with diversity of appeal, and the presentation of different points of view.

The District subscribes to the philosophy stated in the School Library Bill of Rights. (See GAAC-E2). When reviewing and selecting educational materials, the objectives will be to:

1. Select materials that will provide improvements in content, organization, and teaching methods and be aligned to the state standards and benchmarks.
2. Ensure accurate and up-to-date content and provide for the needs of a wide range of learners.
3. Provide for sequential growth and continuity from level to level.
4. Provide a fair representation of the many religious, ethnic, and cultural groups and their contributions to our country and world. There will be no discrimination or bias or prejudice on the basis of sex, race, religion, age, disability, national origin, color, ancestry, or other status protected by law.
5. Present a balance of opposing sides of controversial issues so that young citizens may develop, under guidance, the practice of critical thinking.

Consideration will be given to readability and levels of difficulty, appropriateness of content, skills or prior learning required of students, skills or inservice required of teachers, provisions for ascertaining mastery of content by students, and aesthetic quality of materials.

Gift materials are to be judged by the same selection standards and are accepted or rejected by these standards.

Selection Process
School personnel may, at least, consult the following sources as part of the instructional material selection process:

1. Use of library selection aids (e.g., Book List and the School Library Journal)

2. Exchange of materials with other schools

3. Visits to book exhibits and displays

4. Text and courses of study within the District

5. Teachers

6. Students

7. Educational organizations

All selections must be consistent with the selection objectives listed in this policy.

Complaints
Any citizen who objects to the final selection made by the Board or who objects to materials already in use should follow the procedures outlined in the board's policy on Review of Instructional Materials (GAAC).

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

- GAAC, Review and Complaints of Instructional and Resource Materials
- GAAC-BR, Procedure for Reviewing Complaints about Instructional/Resource Material
- GAAC-E1, Request for Reconsideration of Instructional Resources
- GAAC-E2, School Library Bill of Rights
- GAAC-E3, Access to Resources and Services in School Library Media Program
- GAAC-E4, Hatch Amendment Sample Letter

End of Nesson School District #2 Policy GAAC.....**Adopted: 7/16/2025**

[03/25]

REQUIRED Descriptor Code: GAAE

CRITICAL RACE THEORY

Definitions

For the purpose of this policy:

- *Critical race theory* is as defined in NDCC 15.1-21-05.1 and means the theory that racism is not merely the product of learned individual bias or prejudice, but that racism is systematically embedded in American society and the American legal system to facilitate racial inequality.
- *Curriculum* means the knowledge and skills students are expected to learn and includes the collection of subjects and academic content taught by teachers in the District. District curriculum is designed and evaluated in accordance with policy GAAA and adopted by the Board pursuant to policy GAAB.
- *Instructional/resource materials* means all print and non-print materials, including textbooks, as well as supplementary, library and other educational materials, used for the education of students in the teaching-learning process.

Requests to View

The Board shall make available for public viewing district curriculum and instructional/resource materials used in the school system to ensure compliance with the requirements set forth in NDCC 15.1-21-05.1.

Curriculum and instructional/resource materials shall be made available for public viewing upon request. When a request to view is made, the Superintendent shall direct the requester to complete a Request to View Instructional/Resource Material form in which the individual must identify the specific material the individual wishes to view. The completed Request form must be returned to the Superintendent. Once a completed Request form is received, the Superintendent shall inform the requester of a time during which the individual may review the requested material at the district office. The time for review must occur within thirty (30) days of receipt of the completed Request form.

Complaint Procedure

Any complaints that district curriculum or any instructional/resource material does not comply with the requirements of NDCC 15.1-21-05.1 must be submitted and handled in accordance with the process and procedures outlined in GAAC-BR (Procedure for Reviewing Complaints About Instructional/Resource Material).

Professional Development

All district-led or district-sponsored professional development must comply with the requirements of NDCC 15.1-21-05.1.

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

- GAAA, Curriculum Design and Evaluation
- GAAB, Curriculum Adoption
- GAAC, Review and Complaints of Instructional and Resource Material
- GAAC-BR, Procedure for Reviewing Complaints about Instructional/Resource Material
- GAAD, Selection and Adoption of Instructional Materials

- GAAE-E1, Request to View Instructional/Resource Material

End of Nesson School District #2 Policy GAAE .....**Reaffirmed: 12/20/2023**

ENGLISH LEARNERS

It is the policy of the Nesson School District to provide the appropriate educational services as required by law. Students are guaranteed equal educational opportunities regardless of race, color, religion, gender, national origin, ancestry, disability, age, or other status protected by law. Students identified as lacking the necessary language proficiency to learn and interact in the classroom shall be provided necessary services.

The District provides appropriate educational services and parity in programs/services/ resources provided to students who are Limited English Proficient (LEP) and/or English Learners (EL). The District has developed a plan that describes the process of identifying and assessing students who are LEP or EL. The plan is consistent with state and federal requirements.

The plan also includes a procedure for ensuring participation by identified students in state mandated assessments and a description of methods used to assist with language proficiency and academic achievement, including a description of the instructional model chosen, method of developing individual student instructional plans, teacher assessment, instructional planning, parental involvement, and program exit criteria. The plan assures that a trained ESL or bilingual education teacher shall oversee the LEP and EL program. The plan will be monitored to ensure that portions that fail to meet the needs of LEP and EL students are revised or discontinued.

Parents or guardians of EL and LEP student shall be notified upon identification and be informed of student's needs, services available, and annual progress in English and academic achievement. Parents or guardians shall be communicated with, to the extent practicable, in their native language or a language that they can understand.

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

- AAC, Nondiscrimination & Anti-Harassment Policy
- FAB, School Assignment & Choice
- FACA, Placement & Adjustment of Transfer Students
- GABAA-AR, English Learners (EL) Communication Procedure

End of Nesson School District #2 Policy GABAA ..... **Reaffirmed: 12/20/2023**

RECOMMENDED Descriptor Code: GABDA
Cognia

STUDENT ACHIEVEMENT

The Board recognizes that the key work of school boards is to establish and promote a clear vision of student achievement as the top priority of the District.

The Superintendent will ensure development and implementation of a district-wide program for student achievement improvement that engages district stakeholders in a continuous improvement planning process that provides for annual review, revision as needed, and reports to the community. The district's program will be reflected in school and district improvement plans if applicable and will include, but not be limited to, the following:

1. Self-evaluation of current and prior student achievement and behavioral data, including student and community demographics, student access to and utilization of educational opportunities to meet standards, district progress toward development and implementation of improvement programs, and stakeholder satisfaction.
2. Data-driven goal setting utilizing methods recommended by the Department of Public Instruction or local methods.
3. Action planning including provisions for accountability, professional staff development, steps to assure a safe educational environment conducive to learning, identification of local efficiencies and resources, steps to assure all students have access to the educational opportunities needed to meet the high standards of the State and District, resource allocation and realignment strategies needed to support improvement efforts, and steps to improve methods of student assessments and/or to better utilize student assessment results.

The district's program will be consistent with any North Dakota Department of Public Instruction requirements and reflected in school and district improvement plans if applicable.

The Board will, in striving for continuous improvement of student achievement, annually review district and individual school data on student achievement. In addition, the Board will prioritize, allocate, and realign resources as necessary.

End of Nesson School District #2 Policy GABDA ..... Adopted: 02/21/2024

TITLE PROGRAMS DISPUTE RESOLUTION PROCEDURE

Process

Any individual who believes that the Nesson School District has violated the regulations or law governing a Title program should submit a complaint to the Superintendent at Nesson School District, 224 2nd Ave. W., Ray, ND 58849 or call 701-568-3301. The Superintendent shall investigate the complaint and provide the individual with a written response within 30 days or as soon as practical.[1]

The complaint must include:

1. The date;
2. A detailed description of the complaint, including specific facts;
3. The signature of person making the complaint.

If the complainant is dissatisfied with the response, the complainant may submit an appeal request to the appropriate Title Program Director. The Title Program Director shall issue a written response to the complainant as soon as practical not to exceed 30 days.

Reconsideration

If the complaint is not resolved to the satisfaction of the complainant at the district level, the complainant may forward the complaint to the Title Program Director, Department of Public Instruction, 600 East Boulevard, Bismarck, ND 58505. DPI has established a reconsideration procedure in the event that a complainant is dissatisfied with the State Title Program Director's decision.

Once the state-level complaint review process has been exhausted, a complainant may forward the complaint to the Secretary of Education, U.S. Department of Education, 555 New Jersey Avenue, NW, Washington, DC 20208.

End of Nesson School District #2 Policy GABDB ..... **Reaffirmed: 12/20/2023**

[1] The 30-day deadline is recommended by NDSBA but not required by federal law.

HUMAN TRAFFICKING AND EXPLOITATION PREVENTION AND AWARENESS EDUCATION

The Nesson School District #2 is dedicated to raising student and staff awareness of human trafficking and exploitation incidents. The District provides students and staff with education to promote prevention of human trafficking and supports timely reporting of any possible human trafficking incidents.

Human trafficking is defined as the recruitment, transportation, transfer, harboring, or receipt of people through force, fraud, or deception, with the aim of exploiting them for profit. *Human trafficking* can occur during the commission of an offense under NDCC §§ 12.1-41-02 through 12.1-41-06, including the trafficking of an individual, forced labor, sexual servitude, patronizing a victim of sexual servitude, and patronizing a minor for commercial sexual activity. For the purposes of this policy, *human trafficking* includes sex trafficking.

Education Requirements

The District shall provide all students in grades six, ten, and twelve annual, age-appropriate education regarding human trafficking and exploitation prevention and awareness. The District shall also provide optional workshops or materials or both to parents and legal guardians to support the education of their child on personal safety and grooming prevention.

The District may commission the services of another organization specializing in outreach and education on human trafficking and exploitation to provide developmentally appropriate and culturally sensitive educational materials to students receiving human trafficking and exploitation prevention and awareness education. The education provided to students, faculty, parents, and guardians may include:

Opting Out

Prior to courses on human trafficking and exploitation prevention, parents and guardians will have the opportunity to request in writing that their child(ren) not attend. Instructional materials to be used in human trafficking and exploitation prevention education will be available for inspection by the parent or guardian during school hours prior to the commencement of the instructional program. Teachers who provide instruction in human trafficking and exploitation prevention education will have professional preparation in the subject area.

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

- GABC, Sex Education
- GAAC, Review and Complaints of Instructional and Resource Material
- GAAC-E1, Request for Reconsideration of Instructional Resources

Legal References

- NDCC Ch. 12.1-41, Unifor Act on Prevention of and Remedies for Human Trafficking
- NDCC Ch. 15.1-09, School Boards

Virtual Instruction

Definitions

- *Virtual instruction* means teaching and learning that takes place through digital means and can be synchronous or asynchronous.
- *Distance Education* (under NDCC Ch. 15-19) means a method of learning in which students complete courses remotely through the North Dakota Center for Distance Education (NDCDE), a state-supported program that offers K-12 curriculum and high school diplomas, providing students with flexible access to accredited coursework.

Virtual Instruction Options

When Nesson School District #2 find(s) it impossible or impractical to offer a course or courses in a traditional in-person format, the District may opt to offer semester or year-long virtual instruction using its own teachers or an external provider, including NDCDE or some other institution which has an accredited virtual instruction division. Students who withdraw from school for reasons of emergency may petition administration for permission to take virtual instruction toward graduation credits.

Virtual instruction may be offered as a part of the gifted and talented program of the school. Virtual instruction may also be an option for students who are unable, because of scheduling difficulties, or other documented need as provided by administration, to take a course offered by the When Nesson School District #2 that is and required for graduation. Failure in an in-person course is not justification on its own for enrollment in a virtual course. If the student can take a regularly-scheduled in-person course offered at school, that is not offered in a virtual format by the school, permission to take a virtual course may be denied. The District must notify students and their parents annually about available virtual courses through the NDCDE in accordance with NDCC § 15-19-01.1.

District Responsibilities

The District will not unreasonably restrict student access to virtual instruction options and must comply with (1) applicable laws; (2) the rules adopted by the superintendent of public instruction; and (3) administrative rules applicable to onsite students, as distinguished from virtual academy students.
The District is responsible for covering the required fees when the student chooses to enroll in courses through NDCDE in accordance with NDCC § 15-19-01 (3). The District must pay for a virtual instruction course if the District does not offer the course and obtaining the course credit would contribute to the student meeting high school graduation requirements in time to graduate within the usual time frame in accordance with NDCC § 15.1-07-25.4 (d). The District has the discretion to determine whether to pay for a virtual instruction course retake in accordance with NDCC § 15.1-07-25.4 (f).

Virtual Instruction Registration

Registration for virtual instruction will coincide with the District's course registration schedule and deadlines. Once enrolled in a virtual class, the class will be listed on the student's cumulative record form. The grade will be recorded and will be used in determining the GPA of the student.

Credit will be granted only if the course would normally be found in a high school curriculum. To be accepted as a part of the requirements for graduation, the record of credit must be received and recorded one week prior to graduation.

End of Nesson School District #2 Policy GACA . . . . . Adopted: 7/16/2025

[07/25]

PATRIOTIC EXERCISES

Pledge of Allegiance

All students within the District must be given the opportunity to voluntarily recite the pledge of allegiance at the beginning of each school day. Administration and/or the classroom teacher shall provide a daily program that allows for the voluntary recitation of the pledge of allegiance. Students may also receive instruction concerning the words and music of the national anthem, so they are able to recite or sing the words and recognize the music.

The Board recognizes that the beliefs of some students and teachers prohibit their participation in these patriotic exercises. No person shall be required or intimidated by other students or staff regarding participation or non-participation in these exercises. No individual shall be required to recite the pledge of allegiance, stand during the recitation of the pledge of allegiance, or salute the American flag. All persons, however, are expected to show respect to others who choose to participate in the exercise.

Ceremonies and Curriculum

Schools may hold ceremonies and/or integrate information into the curriculum related to historically significant and/or patriotic holidays such as, but not limited to, Martin Luther King Day, President's Day, Flag Day, and Columbus Day.

Voting

Students who are qualified electors are allowed to leave campus to vote in a general, special, or primary election.

End of Nesson School District #2 Policy .. ..GACB Adopted: 7/16/25

[03/25]

GACE - GED CREDIT FOR HIGH SCHOOL GRADUATION AND CURRICULUM REQUIREMENTS

The Board may allow high school students to receive credit for taking relevant portions of the GED (General Education Development) assessment to satisfy corresponding graduation requirements set forth in NDCC 15.1-21-02.2 and NDCC 15.1-21-02.3. The Board delegates overall authority to the Superintendent to make all GED assessment credit allowance decisions on a case-by-case basis, based on the criteria developed by the Superintendent as set forth in administrative regulations.

End of Nesson School District #2 Policy GACE ..... Adopted: 7/16/25

[08/21]

GRADE PROMOTION, RETENTION, & ACCELERATION

The Nesson School District is committed to fostering the continuous educational and personal growth of its students. Student progress shall be continually evaluated based on state achievement standards, course content standards, and education goals and objectives as established by administration and the teaching staff.

The Board recognizes that at every grade level there are differences among students in their intellectual and personal development and that individual students may be more proficient in some content areas than in others. Therefore, assignment of a student to a grade level shall be based on the best educational interest of the student, which shall be determined by using the criteria established below.

Criteria for Determining Promotion & Retention

The decision to promote or retain a student shall be based on at least the following criteria:

1. Has the student completed course requirements at the presently assigned grade;
2. Has the student demonstrated proficiency in enough course content areas to warrant promotion;
3. Has the student sufficiently met achievement standards and other educational goals/objectives established for the student's current grade level; and
4. Does the student demonstrate the degree of social, emotional, and physical maturation necessary for successful learning experiences in the next grade level.

The decision to promote or retain a special education student shall be made by the Individual Education Program (IEP) team in accordance with applicable law.

Under no circumstances shall a student be retained for the sole purpose of improving the student's ability to participate in the district's athletic program.

Procedures for promoting and retaining students shall be developed by the Superintendent and delineated in administrative regulations.

Acceleration

The Superintendent shall develop grade acceleration criteria and approval/denial procedures, which shall be delineated in administrative regulations.

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

- GCAA-AR, Grade Promotion, Retention & Acceleration Procedure

RECOMMENDED Descriptor Code: GCBA
Cognia

GRADING

The grading system shall be fair and applied consistently in each district school. Grades shall not be assigned in an unreasonable, discriminatory, arbitrary, or capricious manner and shall not be influenced by parental or community pressure. Grades shall reflect students' ability to master educational goals and objectives as established by administration and the teaching staff.

Grades will be based on a number of factors: quizzes, tests, oral and written assignments, daily work, classroom participation, and attendance.

Each principal shall monitor grading practices in their building to ensure compliance with this policy.

Grading Grievances

A student or parent who believes that the student has received a grade that has been assigned in an unreasonable, discriminatory, arbitrary, or capricious manner or that is the result of a clerical mistake may contest the grade using the following procedure:

1. Appeals must be initiated within 30 days of receiving the grade. Failure to present the grievance in accordance with this procedure shall be deemed to be a waiver of the grievance process.
2. Appeals may be filed orally or in writing, must be filed with the student's building principal, and must cite one of the reasons listed above as a basis for the grievance.
3. The principal shall initiate an investigation upon receipt of a grievance filed in accordance with the procedure listed above. The principal shall review grading criteria, attendance records, grade books, lesson plans, the student's graded assignments and tests. The principal may] consult with the classroom teacher and/or the student during this process. Based on the findings, the principal shall render a decision within a reasonable time not to extend past the end of the current quarter. The principal's decision to affirm or alter a grade shall be final and binding.

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

- FFB, Attendance & Absences

End of Nesson School District #2 Policy GCBA..... Adopted: 02/21/2024

PROTECTION OF PUPIL RIGHTS AMENDMENT

Definitions

- *Eligible student* means a student who has reached the age of 18 or becomes an emancipated minor under applicable State law.
- *Instructional material* means instructional content that is provided to a student, regardless of format, including printed or representational materials, audiovisual materials, and materials in electronic or digital formats (such as materials accessible through the Internet), e.g., teacher's manuals, films, tapes, or other supplementary material, which will be used in connection with any survey, analysis, or evaluation. The term does not include academic tests or academic assessments.
- *Parent* means a parent of a student and includes a natural parent, a guardian, or an individual acting as a parent in the absence of a parent or a guardian.
- *Personal Information* means individually identifiable information. This includes, but is not limited to, a student or parent's first or last name; a home or physical address (including street name and the name of the city or town; a telephone number; or a social security identification number.

Protection of Pupil Rights Amendment

The District adheres to the Protection of Pupil Rights Amendment (PPRA), a federal law that affords parents and eligible students certain rights regarding the conduct of surveys, collection and use of information for marketing purposes, and certain physical exams. An overview of these rights follows:

1. Receive regular notification of the districts policies on PPRA;
2. Provide input in the development of this policy;
3. Consent to federally funded surveys concerning protected information. The District must obtain written consent from the parent or eligible student prior to requiring the student to participate in a survey that is funded in whole or part by a program administered by the Department of Education (Department)if the survey concerns one or more of the following protected areas of information ("protected information survey"):
    a. Political affiliations or beliefs of the student or student's parent;
    b. Mental or psychological problems of the student or student's family;
    c. Sex behavior or attitudes;
    d. Illegal, anti-social, self-incriminating, or demeaning behavior;
    e. Critical appraisals of others with whom respondents have close family relationships;
    f. Legally recognized privileged or analogous relationships, such as with lawyers, doctors, or ministers;
    g. Religious practices, affiliations, or beliefs of the student or student's parents/guardians; or
    h. Income, other than as required by law to determine program eligibility;
4. Opt-out of certain surveys and exams even if not federally funded. Parents and eligible students must receive advance notice of any of the following activities and have the right to opt out of them:

a. Any protected information survey, regardless of funding;
b. Any non-emergency, invasive physical exam or screening that is required as a condition of attendance, administered by the District or its agent, and not necessary to protect the immediate health and safety of a student, except for hearing, vision, or scoliosis screenings, or any physical exam or screening permitted or required under State law; and
c. Activities involving collection, disclosure, or use of personal information obtained from students for marketing or to sell or otherwise distribute the information to others. This does not apply to the collection, disclosure, or use of personal information collected from students for the exclusive purpose of developing, evaluating, or providing educational products or services for, or to, students or the District; and

5. Inspect certain materials. Upon request, parents and eligible students have the right to inspect the following before the District administers or uses them:
   a. Protected information surveys of students;
   b. Surveys created by a third party;
   c. Instruments used to collect personal information from students for any of the above marketing, sales, or other distribution purposes; and
   d. Instructional materials used as part of the educational curriculum.

Notification
The District shall directly notify parents and eligible students of this policy at least annually at the beginning of the school year, either through the U.S. mail or e-mail, and shall provide updates within a reasonable time period after any substantive changes to the policy.

In this notification, the District must inform parents or eligible students of the specific or approximate dates when the activities or surveys are scheduled or expected to be scheduled during the school year. For surveys and activities scheduled after the school year starts, parents or eligible students will be provided reasonable notification of the planned activities and surveys. Parents will also be provided an opportunity to review any pertinent surveys and shall be provided an opportunity to opt their child out of the following activities and surveys:

1. Collection, disclosure, or use of personal information collected from students for the purpose of marketing or sale (or otherwise distributing such information to others for that purpose), with some exceptions;
2. Administration or distribution to a student of any protected information survey not funded as part of a program administered by the Department or funded as part of a program administered by the Department but to which students are not required to submit; and
3. Certain non-emergency, invasive physical examinations or screenings, as described above.

Inspection of Surveys/Instructional Materials
Parents or eligible students who wish to exercise their right to inspect surveys and instructional materials as provided above may do so by sending a written request to the building principal. The principal shall respond to requests within a reasonable period of

time after receiving the request and arrange for the parent or eligible student to inspect the applicable materials at the school or district administrative office.

All instructional materials, including teacher's manuals, films, tapes, or other supplementary material, which will be used in connection with any survey, analysis, or evaluation as part of any applicable program shall be available for inspection by the parents or eligible student.

Protection of Student Privacy
The Superintendent or designee shall ensure that applicable district confidentiality and data protection policies are in place to protect student privacy in the administration of protected information surveys and in the collection, disclosure, or use of personal information for marketing, selling, or other distribution purposes.

All survey requests shall be submitted to the Superintendent or designee for review and/or approval. Surveys created by a third party or entity must receive board approval prior to district administration or distribution to students. The Superintendent shall develop criteria to determine if the administration of the survey is appropriate and beneficial for district students and employees and is conducted in accordance with state or federal law and district policy.

Violation of Rights
Parents or eligible students who believe their rights under the PPRA have been violated may file a complaint with the Superintendent or designee.

Complaints may also be filed with:
U.S. Department of Education
400 Maryland Avenue, SW
Washington, DC 20202-4605

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

- FGA, Student Education Records and Privacy
- GAAA, Curriculum Design and Evaluation
- GCC-AR, Criteria for Considering Third Party Student Surveys and Research
  GCC-E1, Model Notification of Rights Under the Protection of Pupil Rights Amendment
- GCC-E2, PPRA Model Notice and Consent/Opt-Out for Specific Activities

End of [Name of District] Policy GCC ..... Adopted: 02/21/2024

GRADUATION EXERCISES

The Board wishes to recognize the achievement of high school graduation by annually holding a graduation ceremony.

Participation Criteria
Only students who have completed all district graduation requirements shall participate in the ceremony. The Superintendent is authorized to make exceptions to this policy under the following circumstances:

1. A student who is within one semester credit of meeting graduation requirements at the end of the school year will be permitted to participate in the graduation ceremonies with their class if they have made arrangements to complete the credit. Their diploma will be awarded when the requirement has been met.
2. A foreign exchange student, upon successful completion of the school year.
3. A special education student who is unable to meet graduation requirements will receive a certificate of attendance or special education diploma.

Additional exceptions may be approved by the Board, upon recommendation of the Superintendent. Students allowed to participate in graduation as a result of one of these exceptions shall not be issued a diploma unless the student has met district graduation standards and is attending district schools.

Participation in the graduation ceremony is a privilege not a right. Students who violate student conduct policies/regulations may be denied the privilege of participation in the ceremony at the principal's or superintendent's discretion.

Graduation Speakers
Student graduation speakers shall be selected based on neutral criteria. Student speakers shall have primary control over their speech and the district's policy on student speech at student assemblies shall apply to graduation ceremonies.

Complementing NDSBA Templates (may contain items not adopted by the Board)
- FF, Student Conduct & Discipline
- FFG, Student Assemblies

REQUIRED

HBAA - FEDERAL FISCAL COMPLIANCE

The Nesson School District shall appoint one individual annually to serve as the authorized representative for the Title I and related federal Title programs in accordance with state and federal Title I requirements. This individual shall have the responsibility for ensuring Title program compliance, shall have official signature authority over the Title I program, and the districts Title I funds, and shall serve as the districts main contact for the State Title I office/ ND Department of Public Instruction, unless the District specifies otherwise, and shall receive Title I updates and mailings.

The Nesson School District Board approves the authorization of the Superintendent as the authorized representative for the following federal Title programs: Title I, Title II Part A, Title III, Title IV Part A, RLIS funds[1][1], School Food Service, Comprehensive School Reform, and Federal Vocation Program.

NOTE: Districts that receive additional federal funds, such as formula or competitive grants, must also assign an authorized representative for those programs and grants.[2][2]

Annually, the Board shall review and approve the consolidated application for Title I, Title II Part A, Title III, Title IV Part A, and RLIS funds. Upon approval, the Board shall grant permission to the authorized representative to submit the application. The Board shall also review and approve all competitive grant applications prior to their submission.

All purchases, use, management, disposition, and retention of equipment and other capital expenditures made on behalf of the District using federal funds shall conform to applicable state and federal laws and the districts purchasing policy (HCAA), federal fiscal compliance policy (HBAA), disposal of school equipment and supplies policy (ICCB), and other applicable policies. Under federal regulations applicable to the District, the District defines capital assets to mean tangible or intangible assets used in operations having a useful life of more than one year and a per-unit acquisition cost that equals or exceeds $10,000. Capital assets may include land, buildings, facilities, vehicles, equipment, and information technology systems. When district policies and procedures are more restrictive than state or federal laws, district policies must be followed. The District will request prior written approval of the federal agency or pass-through entity for the purchase of special purpose equipment with a per unit cost of $10,000 or more.

The districts designated Title I representative shall ensure requested Title expenditures are within compliance with state and federal laws and the districts policies. The Business Manager shall track all federal expenditures and assure that the District follows all budgetary requirements under the specific program and all purchases adhere to district policy.

The Business Manager shall ensure that the budgetary requirements have been appropriately documented, submit all federal program reports to the ND Department of Public Instruction, as required, and ensure that the districts federal programs comply with the federal Maintenance of Effort regulation.

The Business Manager shall also ensure that all other federal funds, such as those received through grants, are expended as intended in the grant application or budget revision and will verify that the budgetary information for these federally funded programs matches the budgetary information on file with the state.

The Business Manager shall track all items purchased with federal funds. These items will be labeled as purchased with these specific federal program funds. The District shall maintain a formal inventory description list of equipment and all computers purchased with federal funds.

All employees paid with federal funds shall document the time and effort they expend towards federal programs in accordance with federal law.

Record Retention

The District shall retain federal financial and program records to show compliance with program requirements. Records and source documents for financial data must be kept for a period of three years, the starting date of which begins on the day the final report is submitted (exception is litigation or audit findings and records held in resolution). Acceptable forms of source documentation include, but are not limited to, cancelled checks, paid billings or invoices, time and attendance records (for payroll), and contracts/leases.

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

- ABCD, Record Retention
- ABCD-E, Record Retention Schedule
- HBAA-AR1, Federal Fund Expenditures & Inventory Requirements
- HBAA-AR2, District Personnel Time and Effort
- HBAA-E, District Personnel Time and Effort Form
- HCAA, Purchasing

End of Nesson School District #2**Policy HBAA . . . . . Adopted: 07/15/2026**

[01/26]

[1] Rural and Low-Income School grant program, AKA, Rural Education Achievement Program (REAP) - https://www2.ed.gov/programs/reaprlisp/index.html

[2] Remove NOTE prior to adopting final version.

PURCHASING

All purchases made on behalf of the District shall be executed in a fair, equitable, and legal manner using a process that helps ensure the best value for the District and its taxpayers. The purpose of this policy and accompanying regulation is to establish such procedures.

Establishment of a Purchasing System

The Board delegates overall purchasing authority to the Superintendent who shall serve as the district's Chief Procurement Officer. The Chief Procurement Officer shall be responsible for developing and administering the purchasing program of the District, including the development and implementation of a requisition and purchasing system that is efficient, economical, and meets the standards below. A complete purchasing record system shall be maintained by the Chief Procurement Officer. To ensure adequate checks and balances, the procurement officer shall have authority to approve district employee's purchases but shall not directly make purchases for the District.[1]

General Requirements for Purchases

1. All purchases must conform to all applicable state laws (see HCAA-E), including, but not limited to, laws prohibiting disclosure of confidential and proprietary information.
2. All parties involved in purchasing shall act in good faith, and purchases at all levels shall be made in a manner and form that permits the highest degree of fair competition possible.
3. All purchases must be documented through the purchase card (p-card) system, a purchase order, contract, invoice, or receipt. All records of purchases must be submitted to the Chief Procurement Officer.
4. All purchases made through the purchasing system must have budget appropriations adequate to cover the cost of such obligations. Purchases not meeting this criterion must be approved by the Board.
5. Prior to making a purchase, the purchaser shall check current inventories to ensure that the purchase is necessary and determine if the item can be obtained through existing cooperative purchasing agreements under NDCC 54-44.4-13 or federal agencies contracted under 21-06-08. Purchases made through such agreements are exempt from the procurement procedures contained in this policy.
6. Procurement requirements may not be artificially fragmented as to constitute a small purchase or to avoid competitive purchasing requirements. Artificial fragmentation means splitting purchase requirements or splitting an invoice to stay below a certain dollar level to avoid competition or stay within delegated authority limits. Fragmentation must be based on an actual need of the District, and documentation of this need shall be filed with the procurement officer.

[1] Districts should consult with their auditors for guidance and review p-card rules if considering modification to these recommended checks and balances.

7. If purchases are made using restricted funds (e.g., grant dollars), purchases must conform to any requirements associated with those funds.
8. This policy is not applicable to legal services or public improvement or construction purchases, which are covered by separate policies HCAB, HCAC, HCAD.
9. Purchases requiring contracts must comply with the contracting standards contained in this policy and in law.

Purchasing Authority Thresholds
The Chief Procurement Officer or designee shall evaluate the procurement needs and estimate the amounts to be purchased to ensure the appropriate purchasing authority threshold is followed. Estimated price may be based upon previous purchases, market research, a published price list, or asking a vendor for a budgetary estimate.

1. **P-Cards**: The Chief Procurement Officer is authorized to implement a purchase card system. While most purchases with p-cards shall conform to the purchasing standards contained in this policy, the Chief Procurement Officer is authorized to make exceptions to this policy as follows. The Chief Procurement Officer may issue cards to school staff not listed in this policy, ensuring that their cards have adequate spending caps in place given the nature of their positions and may waive specification and solicitation requirements for p-card purchases for items or services that are difficult or impossible to obtain through competitive purchasing (e.g., travel expenses). {In addition to these p-card requirements, the Board has adopted a separate p-card policy, HCAG.}
2. **Purchases less than $10,000**: These purchases may be delegated by the Chief Procurement Officer to building-level administrators and Athletic Director. Purchasers shall obtain at least one fair and reasonable quote. To the extent feasible, the District must rotate vendors solicited on an equitable basis. The Board has developed criteria if multiple informal bids or proposals are necessary (HCAA-BR).
3. **Purchases $10,000 to $50,000**: These purchases may only be made by the Superintendent who shall develop specifications and solicit at least three vendors to submit oral or written informal bids or proposals. If receiving three bids or proposals is not feasible or practical, the purchaser shall document an explanation and file it with the Chief Procurement Officer who has authority to require the purchaser to seek additional solicitations. The Board has developed criteria for purchasers to evaluate informal bids or proposals (HCAA-BR).
4. **Purchases greater than $50,000**: These purchases shall only be made in accordance with NDCC 15.1-09-34 and board policy HCAB.

Delegation of Purchasing Authority when Conflict of Interest Declared
In the event that an individual with purchasing authority has a conflict of interest under law, they shall contact the Chief Procurement Officer who shall appoint another qualified district employee without a conflict to oversee the procurement process of the good or service at issue.

Purchases Requiring Contracts

Any purchase requiring a contract with a vendor shall be approved by the Board prior to execution. When a vendor supplies the contract, the Chief Procurement Officer or designee shall review and make recommendations to the Board prior to approval. Contracts for purchases or services of $10,000 or more or contracts that contain the option for extension or renewals shall be reviewed by the district's legal counsel prior to board adoption.

Contracts shall be no longer than one year in term unless permitted by law and may contain options for renewals or extensions in accordance with law. The District shall not enter into contracts containing indemnity obligations on the part of the District and additional insured status when these clauses benefit another party.

Unauthorized Purchases
Unauthorized purchases are prohibited by Policy DEBJ.

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

- DEBJ, Unauthorized Purchases
- HCAA-AR, Informal Bids or Proposals Process
- HCAA-E, Purchasing Laws for Schools
- HCAB, Bidding Requirements & Procedures
- HCAG, Purchase Cards
- HEAA, Line-Item Transfer Authority

End of Nesson School District #2 Policy HCAA ..... Adopted: 02/21/2024

RECOMMENDED Descriptor Code: HCAB
Cognia

BIDDING REQUIREMENTS & PROCEDURES

Requests for Bids

All requests for bids shall include at least the following components so long as such components are applicable:

1. Term (i.e., number of days, months, etc.) for which prices must be available;
2. Disclaimers regarding:
   a. Ownership of proposal forms;
   b. Propriety of information contained within the proposal;
   c. Responsibility for expenses related to preparation and award of contract.
3. Requirements to include any security instrument (bond or check).
4. A requirement to break down costs, specifically:
   a. Delivery charges, installation fees, warranties, etc.
   b. Unit pricing.
5. Delivery and installation guidelines (time of day, place or places, period of time within which delivery and installation must be made).
6. Guidelines for properly submitting invoices for payment.
7. Right of the District to reject any and all bids.

Bid notices for construction, repair, remodeling or demolition of a facility shall not contain criteria related to organized labor nor shall the Board or District discriminate against a bidder or subcontractor based on his/her participation or lack thereof in organized labor.

Bidding Opening & Review

Unless otherwise stipulated by law, the procedure for bidding and bid openings is as follows. The District shall only accept sealed bids and shall designate a time and place for the opening of such bids. The bid opening will not be held during a meeting of the Board unless the meeting has been properly noticed in accordance with law. Bids shall not be awarded at a bid opening but at a future meeting of the Board to allow the Superintendent or other designee an opportunity to compare and investigate the bids. The Superintendent or designee shall make recommendations to the Board regarding the awarding of bids. The Board may interview bidders in accordance with 44-04-19.2 prior to awarding the bid. All contracts which require public advertising and competitive bidding shall be awarded by board motion.

End of Nesson School District #2 Policy HCAB ..... Adopted: 02/21/2024

RECOMMENDED Descriptor Code: HCAE
Cognia

DISBURSEMENT OF MONIES

The Board authorizes the Business Manager to disperse district monies by issuance of a negotiable instrument, electronic payment, or credit/debit card that has been issued in the district's name. Money shall only be dispersed if the following conditions are met:

1. There are sufficient moneys available in the fund from which monies will be withdrawn.
2. Money shall only be dispersed when authorized by the Board through policy or prior approval.
3. All bills/invoices shall be signed by the authorized purchasing agent.
4. Electronic payments are recorded in a format that can be reviewed and verified by the Board.
5. An itemized listing of all bills paid shall be given to the Board each month for approval**,** with receipts attached.
6. Negotiable instruments shall be signed by the Business Manager and Board President.

Online Banking

The Business Manager is authorized to use online banking to manage district monies provided that all online transactions (e.g., transfers, withdrawals, etc.) are recorded in a format that can be reviewed and verified by the Board.

Petty Cash

The Board authorizes the Business Manager to establish a petty cash fund Five Hundred Dollars ($500.00) to be kept in the school office for payment of incidental expenses. Access shall be limited to the Superintendent, Business Manager, Assistant Business Manager and School Secretary. A complete account of the petty cash fund shall be provided to the Board monthly.

Facsimile Signature

The Board President is authorized to provide a facsimile signature in accordance with law. This signature shall not be used by, nor shall it be in the custody of the Business Manager. The Superintendent shall develop measures to ensure compliance with this policy. The signature shall only be used on negotiable instruments that have received approval in accordance with this policy.

The Business Manager shall read and agree to this policy as a condition of employment.

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

- HCAA, Purchasing

End of Nesson School District #2 Policy HCAE ..... Adopted: 02/21/2024

RECOMMENDED Descriptor Code: HEAA
Cognia

LINE-ITEM TRANSFER AUTHORITY

The Superintendent has the authority to transfer monies between and within major classifications of the general fund budget so long as the total general fund budget is not overspent.

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

- HAA, Budget Planning, Preparation, & Adoption
- HCAA, Purchasing

End of Nesson School District #2 Policy HEAA ..... Adopted: 02/21/2024

MEMBER-REQUESTED Descriptor Code: HEAC

MANAGEMENT OF STUDENT ACTIVITIES FUNDS

The Nesson School Board shall establish a student activity fund for the support of school-related extracurricular activities.

The Superintendent shall establish procedures for the operation and maintenance of student activity accounts.

The principal of each school building is responsible for the overall operation of the student activity funds, including approving disbursements, fundraising plans, and assigning faculty advisors to each student activity.

The faculty advisor for the student activity shall supervise all activities and finances. The faculty advisor shall have the principal and/or Athletic Director approve all transactions of the student activity and shall maintain proper supporting financial documentation. The faculty advisor shall promptly collect, receipt and deposit all monies with the Business Manager.

All checks for an extracurricular activity should be made payable to Nesson School District.

The Business Manager shall deposit all student activities funds into the appropriate student activity account.

Records of receipts and disbursements shall be part of the annual district audit. Payments for the audit must be made from district funds. The Business Manager shall give the Board a monthly report of receipts, expenditures, and balances in the activities fund.

When a student activity is terminated, the Business Manager shall submit an account of those funds to the Superintendent, the Principal, and the Board. An unencumbered student activity account will revert to the High School Student Council Fund when a class graduates or the student activity is discontinued.

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

- HCAA, Purchasing
- HCAE, Disbursement of Monies
- HEBB, Cash in School Buildings
- HEBD, Audits

End of Nesson School District #2 Policy HEAC ..... Amended: 02/21/2024

RECOMMENDED Descriptor Code: HEBB
Cognia

CASH IN SCHOOL BUILDINGS

All monies collected during the day for any purpose shall be turned in to the office as soon as possible, properly receipted and kept in locked safes provided for safekeeping of valuables. Accounting to the Business Manager for monies collected shall be done daily and all monies shall be promptly deposited in the proper account.

In no case shall large amounts of money be left overnight in schools. All schools shall provide for making bank deposits after regular banking hours in order to avoid leaving money in school overnight.

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

- HEAC, Management of Student Activities Funds

End of Nesson School District #2 Policy HEBB ..... Adopted: 02/21/2024

RECOMMENDED Descriptor Code: HEBC
Cognia (AdvancED)

FRAUD PREVENTION & INVESTIGATION

The District prohibits board members, employees, vendors, contractors, consultants, and others seeking or maintaining a business relationship with the District from committing or participating in fraud and financial impropriety as defined below.

Fraud and financial impropriety include, but are not limited to:

1. Forgery or unauthorized alteration of any document or account belonging to the District.
2. Forgery or unauthorized alteration of a check, bank draft, or any other financial document.
3. Misappropriation of funds, securities, supplies, or other district assets.
4. Impropriety in the handling of money or reporting of district financial transactions.
5. Profiteering as a result of insider knowledge of district information or activities.
6. Unauthorized disclosure of confidential financial information (e.g., account numbers).
7. Inappropriately destroying, removing, or using records or equipment.
8. Failure to provide financial records required by state or local entities.
9. Any other dishonest act regarding the finances of the District.

Financial Oversight and Controls

The Superintendent shall maintain a system of internal controls to identify potential risks, manage potential risks, and deter and monitor fraud and financial impropriety in the District. Internal controls shall be subject to board review.

The Superintendent is authorized to order a complete forensic audit if, in his/her judgment, such an audit is necessary or would be beneficial to the District.

Reports

Any person who suspects fraud or financial impropriety in the District shall report this information to an immediate supervisor, principal, Superintendent, or, in instances where the Superintendent is suspected of committing such acts, the Board President. Individuals may also report suspected fraud/financial impropriety activity to local law enforcement.

Individuals who report potential fraud/financial impropriety shall not be retaliated against, including instances when a complaint is not substantiated. However, employees who knowingly make a false fraud/financial impropriety report may be subject to disciplinary action.

Reports of suspected fraud/financial impropriety 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.

Investigation
The Superintendent shall investigate reports of suspected fraud/financial impropriety. If the Superintendent is suspected of fraud/financial impropriety, the Board President shall investigate the report.

The investigator shall coordinate investigation efforts with appropriate district personnel, legal counsel, the state fraud auditor, insurance carrier, and other internal and external departments and agencies as deemed necessary.

If an investigation substantiates the occurrence of fraud/financial impropriety, the investigator shall promptly notify the State Bond Fund and shall recommend responses to the investigation findings, including disciplinary action up to and including termination from district employment. These recommendations shall be documented in the investigator's report. The report shall be submitted to the appropriate district authority for action. The District may file a criminal complaint in cases where fraud/financial impropriety is substantiated. In cases involving monetary loss to the District, the District may seek to recover lost or misappropriated funds.

Analysis of Fraud
After any investigation that substantiates a report of fraud or financial impropriety, the Board shall appoint an individual to analyze conditions/factors that allowed for the activity to take place. This individual shall update internal controls to ensure measures are put in place to better protect district assets and deter future fraud/financial impropriety activities.

Complementing NDSBA Templates (may contain items not adopted by the Board)
- HEBD, Audits

End of Nesson School District #2 Policy HEBC ..... **Reaffirmed: 12/20/2023**

AUDITS

All financial records of the District will be audited following the close of each fiscal year.

The Board will appoint an independent auditor, who shall be a Certified Public Accountant, to conduct this audit in accordance with law. The audit shall be presented to the Board upon completion and submitted to the state auditor in accordance with law.

End of Nesson School District #2 Policy HEBD ..... Adopted: 02/21/2024

ICCB--DISPOSAL OF SCHOOL EQUIPMENT AND SUPPLIES

MEMBER REQUESTED

ICCB - DISPOSAL OF SCHOOL EQUIPMENT AND SUPPLIES

Effective use of school building space, and consideration for the safety of personnel and students, will at times require disposal of surplus or obsolete equipment and material. The Board will dispose of surplus or obsolete equipment, materials, and supplies no longer required to accomplish the mission of the school system as outlined herein.

The building principal or person in charge of the department where such school property is located will inform the Superintendent of the availability of the property. The Superintendent shall inform the Board of the property available for disposal.

The Superintendent shall post a listing of all property available for disposal throughout the District. Any department or building in the District that can use such equipment or supplies may request the material. Reassignment of the property will be made by the Superintendent.

Those items not requested by other District departments or buildings will be disposed of as follows:

1. Items having minimal or no resale value may be offered without cost to charitable and civic organizations or disposed of by the most efficient method by the Superintendent or a designee. When such a donation or disposal is made, the organization receiving the donated or disposed of property must pay all costs associated with the donation or disposal of the obsolete property, including, but not limited to, any costs associated with loading or unloading the property, shipping the property, storing the property, and/or insuring the property.
2. Items having resale value may be sold to the highest bidder either through sealed bids, at auction, or through another form of public sale. The Superintendent shall establish procedures for the sale. All items for sale shall be advertised.
3. Items may be sold through private sale if the District deems it appropriate
4. Property the District purchased through federal funds may be disposed of only in accordance with policy HBAA (Federal Fiscal Compliance) and in accordance with post federal award requirements.

Recordkeeping

The District shall maintain records of all transactions related to the sale, donation, or disposal of items in accordance with applicable record retention policies. The Board shall be given a list of all items disposed of either through sale or donation.

Use of Sale Proceeds

The Proceeds from the lease, rental, or sale of real property shall be deposited into the District's general fund or building fund.

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

- HBAA, Purchasing

End of [Name of District] Policy ICCB . . . . . Adopted: 07/15/2026

[01/26]

DATA PROTECTION & SECURITY BREACHES

Definitions:
For the purpose of this policy:

- *Breach* means unauthorized access or acquisition of computerized data that has not been secured by encryption or other methods or technology that renders electronic files, media, or databases unreadable or unusable. Good-faith acquisitions of personal information by an employee or agent of the employee is not a breach of security of the system if the personal information is not used or subject to further unauthorized disclosure.
- *Private information* is defined as information protected under federal laws such as, but not limited to, the Family Educational Rights and Privacy Act (FERPA), information defined as confidential or exempt in NDCC Ch. 44-04, and data defined as "personal information" in NDCC 51-30-01(4). Private information does not include publicly available information that is lawfully made available to the general public pursuant to state or federal law or regulation.
- *Security system plan* includes:
    - Records, information, photographs, audio and visual presentations, schematic diagrams, surveys, recommendations, communications, or consultations relating directly to the physical or electronic security of a public facility, or any critical infrastructure, whether owned by or leased to the state or any of its political subdivisions, or any privately owned or leased critical infrastructure if the plan or a portion of the plan is in the possession of a public entity;
    - Information relating to cybersecurity defenses, or threats, attacks, attempted attacks, and vulnerabilities of cyber system operations relating directly to the physical or electronic security of a public facility, or any critical infrastructure, whether owned by or leased to the state or any of its political subdivisions, or any privately owned or leased critical infrastructure if the information is in the possession of a public entity;
    - Threat assessments;
    - Vulnerability and capability assessments conducted by a public entity, or any private entity;
    - Threat response plans; and
    - Emergency evacuation plans.

Data Protection
The Nesson School District will take reasonable security measures to guard against the foreseeable loss of private information. In determining the reasonableness of the district's security measures, the Board will consider the value of private information in the district's possession and the potential damages associated with the loss or compromise of this data. All security measures will be delineated in a security system plan, which is exempt from North Dakota open records law. Creation of, discussion of, and revision to this plan will occur in executive session in accordance with North Dakota law.

Security Breach
Any identified or suspected breach or cybersecurity incident that affects the confidentiality, integrity, or availability of information systems, data, or services must be reported immediately to the Superintendent. The Superintendent shall put procedures in place to notify state residents affected by the breach and any state agencies as required by law.

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

- ACDA, Acceptable Use
- BCAD, Executive Session
- IDC-AR, Security Breach Procedure

End of Nesson School District #2 Policy IDC ..... Amended: 02/21/2024

NESSON DISTRICT-LEVEL PARENT AND FAMILY ENGAGEMENT POLICY

In support of strengthening student academic achievement, the Nesson School District which receives Title I, Part A funds must jointly develop with, agree on with, and distribute to parents and family members of participating students a written District-Level Parent and Family Engagement Policy that contains information required by Every Student Succeeds Act (ESSA). The policy establishes the district's expectations and objectives for meaningful parent and family engagement and describes how the District will implement a number of specific parent and family engagement activities.

Definitions

This policy defines the following:

- *Parent* means a biological, adoptive, step or foster father or mother, or any other individual who stands in loco parentis to the student.
- *Parental involvement* means the participation of parents in regular, two-way, and meaningful communication involving student academic learning and other school activities, including ensuring:
  a. Parents play an integral role in assisting their child's learning;
  b. Parents are encouraged to be actively involved in their child's education at school;
  c. Parents are full partners in their child's education and are included, as appropriate, in decision-making and on advisory committees to assist in the education of their child; and
  d. Other activities are carried out, such as those described in ESSA.
- *Family/family members* are adults living in a student's household who are related to the student and/or adult relatives living outside the student's household who, based on a school administrator's knowledge, play a direct and active role in the student's education (e.g., volunteer in school, attend school meetings).

District-Level Parent and Family Engagement Policy Requirements

The District agrees to implement the following requirements as outlined in law:

1. Put into operation programs, activities, and procedures for the engagement of parents and family members in all of its schools with Title I, Part A programs. These programs, activities, and procedures must be planned and operated with meaningful consultation with parents and family members of participating children;
2. Work with its schools to ensure that the required School-Level Parent and Family Engagement Policy meets the Title I, Part A requirements, and includes as a component, a school-parent compact;
3. Incorporate this District-Level Parent and Family Engagement Policy into its district plan;

RECOMMENDED

KAAA - VISITOR ACCESS AND COMMUNICATIONS IN THE SCHOOLS

Definitions

This policy defines the following:

- *School property* is defined in N.D.C.C. § 15.1-19-10(6)(c) 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.

- *Visitors* are defined as any individual who is on school property and is not acting in the capacity of a student, district employee, or district board member. Visitors may include parents, contractors, vendors, service providers, and any other member of the public.

School Property Oversight & Visitor Access

The Board maintains custody and control of all school property under N.D.C.C. § 15.1-09-33 (2) and delegates to the Superintendent the oversight authority over school property and visitor access and appropriate communication procedures in accordance with the Superintendent's duties to supervise the general operations of the District in accordance with N.D.C.C. § 15.1-14-01. The Superintendent may develop regulations and rules regarding visitor pre-authorization requirements, check-in procedures, expected communications, safeguards, limitations, and restrictions to support this policy.

Visitor Expectations

The Board encourages parents and community members to interact with the District and attend Board meetings to become better informed about school operations and the District's educational goals and initiatives. State law requires public schools to be "free, open, and accessible at all times to any child" in accordance with N.D.C.C. § 15.1-06-01, with limitations as allowed under N.D.C.C. ch. 15.1-19 or other applicable law. Access to school property as a "visitor" is a privilege granted by the District in the best interest of the educational environment and only as authorized under the law.

Because schools are places of work and learning, visitors shall observe the following requirements when visiting district schools, which are created to ensure the educational environment is not disrupted:

1. Visitors shall comply with applicable state law and district policy/regulations while on school property. No person shall enter school property in violation of a court order, in violation of the law, for unlawful purposes, or for purposes unauthorized by the Board or administration. The District will comply with and make appropriate reports in accordance with state law on willful disruption of schools. *See* N.D.C.C. § 15.1-06-16 (prohibiting any person from (1) willfully disturbing a public school in session; (2) willfully interfering with or interrupting the proper order or management of a public school by an act of violence, boisterous conduct, or threatening language; or (3) rebuking, insulting, or threatening a teacher int eh presence of a student). District policies pertaining to visitors such as, but not limited to, drug,

alcohol, and tobacco use; weapons prohibition; sexual offenders; patron and personnel complaints; violent and threatening behavior; and other policies designed to maintain order and acceptable standards of conduct on school property;

2. Visitors are prohibited from engaging in disruptive conduct that is interfering or interrupting the orderly operation/management of the District, or that is insulting, harassing, or threatening toward district personnel or students. Visitors who engage in such conduct (verbally and/or in writing) may immediately be asked to leave school property, have communications monitored appropriately, and may be subject to safeguards, limitations, or restrictions on future visitor access to school property and communications with district personnel and students;
3. Solicitors are not permitted on school property except when authorized in accordance with state law and/or applicable district policy;
4. Visitors shall be prohibited from videotaping and/or otherwise electronically recording district students and staff at any time on school property. This prohibition includes, but is not limited to, parent-teacher meetings, parent-administrator meetings, and any meetings related to student education records and personal identifiable information (PII), unless there is an authorized exception under the law. Special education meetings in which the District has authorized school personnel to record the meeting so parents can have meaningful access and communication under the IDEA or other applicable law is an exception under this policy. The District will create, maintain, and control any authorized recording that is a student education record. This policy does not apply to visitors electronically recording school-sponsored events not governed by copyright laws and non-school-sponsored activities and events held on school property. The District may also create an exception to this policy for members of the press; and
5. Any visitors allowed in classrooms or allowed to participate in education-related activities sponsored by the District must receive pre-authorization from administration. Authorization will not be granted for visitors to evaluate teachers, teaching methods, or curriculum. Visitors must abide by the District's policies and regulations protecting students education records and privacy under the Family Education and Privacy Rights Act (FERPA).

Sexual offenders as defined under N.D.C.C. § 12.1-20-25 are denied visitor access to school property unless authorized under the law or district policy. Visitors seeking access to school property who do not meet the legal definition of “sexual offender” but have pled guilty or been found guilty of a misdemeanor offense under N.D.C.C. ch. 12.1-20 (Sex Offenses) may be restricted, limited, or denied access to school property when the health and/or safety of students and/or staff may be at risk as determined by the Superintendent.

Policy Violations

Individuals who violate any portion of this policy or applicable administrative regulations may receive notice that they are in violation of a district policy/regulation and may be asked by the Superintendent, building principal, or designee to leave school property and follow administrative directives regarding future communications and meetings. The

Superintendent, building principal, or designee may implement set perimeters for school property access and communications for visitors who repeatedly violate district policy/regulations or willfully disrupt school operations to leave school property. If an individual refuses to leave when asked, school administration shall seek the assistance of law enforcement to remove the individual from school property. At all times, the District reserves the right to limit or restrict an individual's ability to access school property and/or communicate directly with district personnel if their conduct is in violation of this policy.

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

- ABBA, North Dakota's Comprehensive Model School Policy for Tobacco Use
- ACCA, Sexual Offenders on School Property
- ACCA-BR, Criteria for Granting Parent Offenders Privileges to Enter School
- ACE, Violent and Threatening Behavior
- DEAA, Drug and Alcohol-Free Workplace
- FFA, Student Alcohol and Other Drug Use/Abuse
- FGA, Student Education Records and Privacy
- HCBB, Sales Calls and Demonstrations
- KAAA-AR, Visitors in Schools Regulations
- KAAB, School Volunteer Program
- KACB, Complaints about Personnel
- KACA, Patron Complaints
- KADA, Weapons Prohibitions on School Property - Public
- KBA, Relations with the News Media

End of Nesson School District #2 Policy KAAA . . . . . Adopted: 07/15/2026

[04/26]

4. Provide, to the extent practicable, full opportunities for the participation of parents with limited English proficiency, limited literacy, disabilities, of migratory students, who are economically disadvantaged, or are of any racial or ethnic minority background, including providing information and school reports required under ESSA in an understandable and uniform format including alternative formats upon request and, to the extent practicable, in a language parents understand; and
5. If the district plan for Title I, Part A is not satisfactory to the parents of participating students, the District shall submit any parent comments with the plan when the District submits the plan to Department of Public Instruction.

Required District-Level Parent and Family Engagement Policy Components
The District-Level Parent and Family Engagement Policy includes a description of how the district may implement or accomplish each of the following components:

1. **Joint Development**
   The District shall take the following actions to involve parents and family members in jointly developing its district plan, and in the development and review of support and improvement plans.

   a. Conduct two meetings annually - a fall meeting to give an overview of the Title program and a spring meeting to review results of parent surveys to determine improvements for the program.

   b. Annual parent survey regarding the effectiveness of the program.

2. **Annual Evaluation**
   The District shall take the following actions to conduct, with the meaningful involvement of parents and family members, an annual evaluation of the content and effectiveness of this District-Level Parent and Family Engagement Policy in improving the academic quality of its Title I, Part A schools. The evaluation must include identifying barriers to greater participation by parents in activities (with particular attention to parents who are economically disadvantaged, are disabled, have limited English proficiency, have limited literacy, or are of any racial or ethnic minority background). The evaluation must also include identifying the needs of parents and family members to assist with the learning of their children, including engaging with school personnel and teachers and strategies to support successful school and family interactions. The District may use the findings of the evaluation about its District-Level Parent and Family Engagement Policy to design evidence-based strategies for more effective parental involvement, and to revise, if necessary, its District-Level Parent and Family Engagement Policy.

   The Nesson Public School District #2 will take the following actions to conduct, with the involvement of parents, an annual evaluation of the content and effectiveness of this parental involvement policy in improving the quality of its Title I schools. The evaluation will include identifying barriers to greater participation by parents in parental involvement activities (with particular attention to parents who are economically disadvantaged, are disabled, have limited English proficiency, have

limited literacy, or are of any racial or ethnic minority background). The District will use the findings of the evaluation about its parental involvement policy and activities to design strategies for more effective parental involvement, and to revise, if necessary (and with the involvement of parents) its parental involvement policies.

If applicable, the District shall involve the parents and family members of students served in Title I, Part A schools in decisions about how the one percent of Title I, Part A funds reserved for parent and family engagement is spent and will ensure that not less than 90 percent of the one percent reserved goes directly to Title I schools.

The Nesson Public School District #2 will provide parents of participating children, if requested by parents, opportunities for regular meetings to formulate suggestions and to participate, as appropriate, in decisions relating to the education of their children, and respond to any such suggestions as soon as practically possible.

3. **Coordination of Services**

The District shall, to the extent feasible and appropriate, coordinate and integrate parent and family engagement programs and activities with other relevant Federal, State, and local laws and programs such as Head Start, Reading First, Early Reading First, Even Start, Home Instruction Programs for Preschool Youngsters, the Parents as Teachers Program, and public preschool and other programs, and conduct other activities, such as parent resource centers, that encourage and support parents in more fully participating in the education of their children.

Building Capacity of Parents

The District shall, with the assistance of its Title I schools, build the parents' capacity for strong parent involvement by providing materials and training on such topics as literacy training and using technology to help parents work with their children to improve their children's academic achievement. Assistance will also be provided to parents in understanding the following topics:

a. The challenging State academic standards;

b. The State and local academic assessments including alternate assessments;

c. The requirements of Title I, Part A;

d. How to monitor their child's progress; and

e. How to work with educators to improve the achievement of their child.

4. **Building Capacity of School Staff**

The District shall, with the assistance of its schools and parents, educate its teachers, specialized instructional support personnel, principals and other school leaders, and other staff in the value and utility of contributions of parents, and in how to reach out to, communicate with, and work with parents as equal partners,

implement and coordinate parent programs, and build ties between parents and schools by:

conducting, with the involvement of parents, an annual evaluation of the content and effectiveness of this parental involvement policy in improving the quality of its Title I schools. The evaluation will include identifying barriers to greater participation by parents in parental involvement activities (with particular attention to parents who are economically disadvantaged, are disabled, have limited English proficiency, have limited literacy, or are of any racial or ethnic minority background). The District will use the findings of the evaluation about its parental involvement policy and activities to design strategies for more effective parental involvement, and to revise, if necessary (and with the involvement of parents) its parental involvement policies.

Building Capacity for Involvement

1. The District-Level Parent and Family Engagement Policy may include additional paragraphs listing and describing other discretionary activities that the District, in meaningful consultation with its parents, choose to undertake to build parents' capacity for involvement in the school and school district to support their children's academic achievement, such as the following discretionary activities listed in ESSA. The District shall implement the following District-Level Parent and Family Engagement Policy components to improve family-school partnerships[1]:Involve parents in the development of training for teachers, principals, and other educators to improve the effectiveness of that training;
2. Provide necessary literacy training for parents from Title I, Part A funds if the school has exhausted all other reasonably available sources of funding for that training;
3. Pay reasonable and necessary expenses associated with local parent and family engagement activities, including transportation and child care costs, to enable parents to participate in school-related meetings and training sessions;
4. Train parents to enhance the engagement of other parents;
5. Maximize parent and family engagement and the participation in their child's education, arrange school meetings at a variety of times or conduct in-home conferences with teachers or other educators who work directly with participating students and parents who are unable to attend conferences at school;
6. Adopt and implement model approaches to improving parent and family engagement;
7. Establish a district parent advisory council to provide advice on all matters related to parent and family engagement in Title I, Part A programs; and
8. Develop appropriate roles for community-based organizations and businesses, including faith-based organizations, in parent and family engagement activities.

[1] *NOTE: Indicate the following District-Level Parent and Family Engagement Policy components the district will implement to improve family-school partnerships.*

Policy Adoption and Dissemination
The Board shall annually review this policy and any associated policy templates. The District shall distribute this policy annually to all parents of participating Title I, Part A students.

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

- FDC, Education of Migrant Students
- GABAA, English Learners
- KAB-BR, School-Level Parent and Family Engagement Policy
- KAB-E, School-Parent Compact Requirements

End of Nesson School District #2 Policy KAB-1 ..... Adopted: 02/21/2024

NESSON SCHOOL-LEVEL PARENT AND FAMILY ENGAGEMENT REGULATIONS

In support of strengthening student academic achievement, the District which receives Title I, Part A funds must jointly develop with, agree on with, and distribute to parents and family members of participating students a written School-Level Parent and Family Engagement Policy that contains information required by the Every Student Succeeds Act (ESSA). The policy establishes the school's expectations and objectives for meaningful parent and family engagement and describes how the school may implement a number of specific parent and family engagement activities. This policy must be incorporated into the school's plan submitted to the District.

Definitions

This policy defines the following:

- *Parent* means a biological, adoptive, step or foster father or mother, or any other individual who stands in loco parentis to the student.
- *Parental involvement* means the participation of parents in regular, two-way, and meaningful communication involving student academic learning and other school activities, including ensuring:
  a. Parents play an integral role in assisting their child's learning;
  b. Parents are encouraged to be actively involved in their child's education at school;
  c. Parents are full partners in their child's education and are included, as appropriate, in decision-making and on advisory committees to assist in the education of their child; and
  d. Other activities are carried out, such as those described in ESSA.
- *Family/family members* are adults living in a student's household who are related to the student and/or adult relatives living outside the student's household who, based on a school administrator's knowledge, play a direct and active role in the student's education (e.g., volunteer in school, attend school meetings).

School Level Parent and Family Engagement Policy Requirements

The school agrees to implement the following requirements as outlined in law:

1. Involve parents, in an organized, ongoing, and timely way, in the planning, review, and improvement of programs under Title I, Part A, including the planning, review, and improvement of the District-Schools Parent and Family Engagement Policy and the joint development of the targeted assistance or schoolwide program plan.
2. Update the School-Level Parent and Family Engagement Policy periodically to meet the changing needs of parents and the school, distribute it to the parents of participating students, and make the Parent and Family Engagement Policy available to the local community.
3. Provide full opportunities for the participation of parents with limited English proficiency, limited literacy, disabilities, of migratory students, who are economically disadvantaged, or are of any racial or ethnic minority background, including providing information and school reports required under ESSA in an

understandable and uniform format including alternative formats upon request and, to the extent practicable, in a language parents understand.

4. If the schoolwide program plan for Title I, Part A is not satisfactory to the parents of participating students, the school shall submit any parent comments with the plan when the school submits the plan to the district.

School-Level Parent and Family Engagement Policy Components

The School-Level Parent and Family Engagement Policy includes a description of how the school may implement or accomplish each of the following components:

1. Joint Development

The school shall take the following actions to involve parents and family members in an organized, ongoing, and timely manner in the panning, review, and improvement of Title I, Part A programs, including opportunities for regular meetings, if requested by parents, to formulate suggestions and to participate, as appropriate, in decisions relating to the education of their child and respond to any such suggestions as soon as practicably possible.

a. Conduct two meetings annually - a fall meeting to give an overview of the Title program and a spring meeting to review results of parent surveys to determine improvements for the program.

b. Annual parent survey regarding the effectiveness of the program.

2. Annual Title I, Part A Meeting

The school shall take the following actions to conduct an annual meeting, at a convenient time, and encourage and invite all parents of participating students to attend to inform them about the school's Title I, Part A program, the nature of the Title I, Part A program, the parents' requirements, the School-Level Parent and Family Engagement Policy, the schoolwide plan, and the school-parent compact.

a. The Annual Title I Meeting will take place during the first semester of each school year.

3. Communications

The school shall take the following actions to provide parents of participating students the following:

a. Timely information about the Title I, Part A programs,

b. Flexible number of meetings, such as meetings in the morning or evening, and may provide with Title I, Part A funds, transportation, child care or home visits, as such services relate to parent and family engagement, and

c. Information related to the school and parent programs, meetings, and other activities, is sent to the parents of participating students in an understandable and uniform format, including alternative formats upon request and, to the extent practicable, in a language the parents can understand.

d. The school's parent engagement policy will be available on the Ray School Website, and distributed to those in attendance at the Annual Title I Meeting.

4. School-Parent Compact

The school shall take the following actions to jointly develop with parents of participating students a school-parent compact (KAB-E) that outlines how parents, the entire school staff, and students may share the responsibility for improved student academic achievement and the means by which the school and parents may build and develop a partnership to help students achieve the state's high standards.

As a school-wide Title I Program, there is no need to develop a compact.

5. Coordination of Services

The school shall, to the extent feasible and appropriate, coordinate and integrate parent and family engagement programs and activities with other relevant Federal, State, and local laws and programs such as the District will, to the extent feasible and appropriate, coordinate and integrate parental involvement programs and activities with Head Start, Reading First, Early Reading First, Even Start, Home Instruction Programs for Preschool Youngsters, the Parents as Teachers Program, and public preschool and other programs, and conduct other activities, such as parent resource centers, that encourage and support parents in more fully participating in the education of their children.

Building Capacity of Parents

The school shall build the parents' capacity for strong parent and family engagement to ensure effective involvement of parents and to support a partnership among the school and the community to improve student academic achievement through the following:

a. Provide parents with a description and explanation of the curriculum in use at the school, the forms of academic assessments used to measure student progress, and the achievement levels of the challenging State academic standards;

b. Provide materials and training to help parents to work with their child to improve their child's achievement, such as literacy training and using technology (including education about the harms of copyright piracy), as appropriate, to foster parent and family engagement; and

c. Provide assistance to parents of participating students, as appropriate, in understanding topics such as the following:
   i. The challenging State's academic standards,
   ii. The State and local academic assessments including alternate assessments,
   iii. The requirements of Title I, Part A,
   iv. How to monitor their child's progress, and
   v. How to work with educators to improve the achievement of their child.

6. Building Capacity of School Staff

The school shall provide training to educate teachers, specialized instructional support personnel, principals and other school leaders, and other staff, with the assistance of parents, in the value and utility of contributions of parents, and in how to reach out to, communicate with, and work with parents as equal partners,

implement and coordinate parent programs, and build ties between parents and the school by:

a. Digital Zoom Meetings
b. Parent Planning Sessions
c. Concerts
d. Book Fairs
e. Other parent involvement activities

Nesson School District shall provide other reasonable support for parent and family engagement activities as parents may request by:

a. Communication
b. Collaboration
c. Creativity

Regulation Adoption and Dissemination

This regulation will be in effect for the period of one school year. The District shall distribute this regulation annually to all parents of participating Title I, Part A students.

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

- KAB, District-Level Parent and Family Engagement Policy
- KAB-E, School-Parent Compact Requirements

End of Nesson School District #2 Board Regulation KBA-BR..... Adopted: 02/21/2024

PATRON COMPLAINTS

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

If the complaint is not satisfactorily remedied at the lowest possible level of administrative authority, either party may refer the matter to the Superintendent or designee for investigation. The Superintendent or designee shall follow established procedures to complete the investigation within a reasonable deadline in accordance with any applicable deadline in law.

If all other remedies have been exhausted, a complainant may request that the matter be placed on the agenda of the next regular school board meeting. However, the Board will not hear, consider, or act upon complaints that have not been investigated at each appropriate level of authority. Additionally, the Board will not hear, consider, or act upon complaints for which specific complaint resolution procedures have been established that do not allow for board review of the complaint, including, but not limited to, complaints about personnel, complaints about instructional material, and complaints about unlawful harassment or discrimination.

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

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

Complaints for which specific resolution procedures are provided shall be directed through those channels. These include, but are not limited to, complaints about personnel and complaints about instructional materials, complaints about unlawful harassment or discrimination, and complaints regarding student education records and amemdments..

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

- AAC, Nondiscrimination and Anti-Harassment Policy
- AAC-BR1, Discrimination and Harassment Grievance Procedure
- AAC-BR2, Title IX Sex Discrimination Grievance Procedure

- CCB, Superintendent Grievance Procedure
- DGAA, Teacher Grievance Procedure
- FGA-BR1, Student Education Records Access and Amendment Procedure
- GAAC, Patron Compliant About Instructional Materials
- GAAC-BR, Procedure for Reviewing Complaints about Instructional Resource Material
- KACB, Complaints about Personnel
- KACB-E1, Patron Complaint Form-Personnel Complaint

End of Nesson School District #2 Policy KACA.....**Adopted: 7/16/2025**

[12/24]

COMPLAINTS ABOUT PERSONNEL

The District is committed to resolving complaints about school district personnel in an efficient manner, while providing a positive working and learning environment for all staff and students. The Board adopts this policy to reduce potential concerns and to establish channels of communication for complaints about personnel.

Filing Procedure

The following procedure is intended to minimize the risk of a possible defamation, to retain the impartiality of the Board, and to maximize compliance with state and federal law.

When possible and appropriate, complaints shall be resolved at the lowest possible level of authority, starting with the personnel member directly. If the complaint cannot be satisfactorily resolved at that level, the complaint shall be directed to the principal or other supervisor directly responsible for supervision of that employee. The supervisor shall:

1. Follow established procedures to investigate the complaint.
2. Notify the employee if the complaint is to be placed in the employee's personnel file. The administration makes the decision to place information into a personnel file based on the results of an inquiry or investigation and may make the final decision at the conclusion of the investigation.
3. Schedule a meeting with the employee, the complainant, and/or the supervisor if deemed appropriate.
4. Provide a response to the complainant and respondent employee within 60 days of receipt of the complaint. Upon conclusion of the investigation, the complainant shall be informed of the outcome of the investigation, and the disposition of the complaint to the extent appropriate. If either party is dissatisfied with the handling of the complaint, the dissatisfied party may appeal the matter to the Superintendent or designee for final resolution.

The Board will not hear, consider, or act upon personnel complaints and must remain neutral and uninvolved in the investigation process, except as identified below for a Board President. Board members shall refer individual complaints about school district personnel to the Superintendent or designee, whereupon established procedures will be followed.

Complaints about the Superintendent or Business Manager shall be directed to the Board President, who is responsible for conducting or delegating the investigation to a designated investigator. The Board President may make a recommendation for action, if any, to the Board, based on the outcome of the investigation. The Board President may retain an attorney or consultant to assist with the investigation process.

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/or law enforcement officials.

Deadlines
A complaint about personnel must be filed within 180 days of the alleged occurrence to be considered for investigation, except as provided by other district policy. The District has separate investigation procedures that must be followed for complaints of alleged unlawful harassment and/or discrimination.

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

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

- AAC, Nondiscrimination and Anti-Harassment Policy
- AAC-BR, Discrimination and Harassment Grievance Procedure
- ACF, Whistleblower Protections Policy: Prohibition Against Retaliation
- DI, Personnel Records
- KACB-E1, Personnel Complaint Form
- KACB-E2, Investigation Report on File

End of Nesson School District #2 Policy KACB.....**Adopted: 7/16/2025**

[12/24]

KACB-E--PATRON COMPLAINT FORM PERSONNEL COMPLAINT
EXHIBIT

KACB-E1 - PERSONNEL COMPLAINT FORM

Date: _____

Your name: _____

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

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

_____

Address (Home):_____

Phone (Home): _____

Address (Business): _____

Phone (Business):_____

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

Phone Number: _____

Name of employee about whom you are complaining: _____

Date(s) of incident(s): _____

Location(s) of incident(s): _____

Briefly describe the incident(s)/complaint(s):

_____

_____

_____

If possible and appropriate, list the date on which you brought this complaint to the respondent employee and a description of how the complaint was resolved by the employee. If you did not bring the complaint to the employee, please explain why:

_____

_____

_____

List any individuals that have personal knowledge of and/or witnessed the incident(s):

_____

_____

List any applicable district policies you believe have been violated:

Are you interested in informal resolution with the employee you are submitting this complaint about?

What remedy is sought?

To be considered for investigation, any such complaint must have been filed within 180 days of the alleged occurrence.

ACKNOWLEDGEMENTS

I understand the following:

1. I have the right to be free of retaliation for filing this complaint. I agree to report any conduct I believe is motivated by retaliation for filling this complaint. I understand, however, that if this statement contains accusations I know are false, I may be subject to disciplinary action within the District and/or external legal action from those I have falsely accused. (NOTE: disciplinary action within the District only applies to district students and employees)

2. The respondent may be given a copy of this complaint to have the opportunity to respond to it.

3. I understand the investigating personnel are advocates for neither the complainant nor the respondent. Their responsibility is to investigate complaints from a neutral position to determine whether violations of District's policy and/or law have occurred.

CERTIFICATION

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

Signature of complainant Date

Signature of administrator receiving complaint Date

End of Nersson School District #2 Exhibit KACB-E1

[12/24]

WEAPONS PROHIBITION ON SCHOOL PROPERTY-PUBLIC

Definitions

This policy defines the following:

- *Dangerous weapon* as defined by NDCC 62.1-01-01(1).
- *Firearm* as defined by 18 U.S.C. 921 and NDCC 62.1-01-01(3).
- *School property* is defined in NDCC 15.1-19-10 (6)(c) 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.

Prohibitions

Parents and members of the public are prohibited from possessing on school property a firearm, dangerous weapon, or any object that is used, attempted to be used, or threatened to be used to intimidate or cause bodily harm, including those individuals who may otherwise be permitted by law to carry such weapons. This prohibition does not apply to firearms or dangerous weapons under the control of law enforcement personnel**,** including the school resource officer(s) or other authorized individuals on school property as permitted by law.

Exceptions

The prohibitions in this policy do not apply when the building principal, Superintendent or School Board has authorized the following:

1. Use of a blank firearm cartridge or look alike weapon in a sporting, memorial, or theatrical event.

2. Participation in educational, training, cultural, or competitive events that requires use of a firearm or dangerous weapon.

3. For purposes of a hunter's safety course.

4. Firearms or dangerous weapons stored in residences of individuals living in district-owned housing as authorized by the District [1].

Notification

The Superintendent will ensure parents and members of the public are notified of this policy using methods deemed most efficient.

Firearms and/or Dangerous Weapons Stored in Vehicles

Members of the public are prohibited from possessing firearms and/or dangerous weapons in their vehicles while on school property, except as permitted by law. Authorized individuals must ensure that all firearms are secured in or on their vehicle while on school property.

Enforcement

When a school employee observes a violation of this policy, they shall promptly inform administration. The Superintendent, building principal, SRO, or other staff member will ask the violator to remove the firearm or dangerous weapon from school property. If the violator refuses, or in an emergency situation, the school employee shall follow applicable emergency response protocols.

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

- DE, Staff Code of Conduct

End of Nesson School District #2 Policy KADA.....**Adopted: 7/16/2025**

[01/25]

[1] See NDCC 62.1-02-05 for more detailed information regarding exceptions to the possession of firearms or dangerous weapons at school or other school-sponsored events.