

OPEN ENROLLMENT

Open enrollment applications received from residents of other North Dakota school districts will be acted upon by the Board at a regular or special meeting prior to the deadline established by law. All applications will be reviewed and acted upon in the same chronological order as they were received.

Criteria for acceptance or rejection may be based upon the capacity of a class or grade-level. The Board shall not deny an application on the basis of previous academic achievement, participation in extracurricular activities, disabilities, English language proficiency or previous disciplinary proceedings.

The District shall not give or offer to give remuneration or directly or indirectly exert influence upon the student or the student's family, in order to encourage participation in the open enrollment program.

The Business Manager or designee shall notify the parent or guardian and the resident district of the acceptance or rejection of an application within five days of the decision.

The District reserves the right for the Superintendent to assign a building and to determine the class schedule for students who are accepted under this policy.

The District shall not be responsible for transportation of resident students who have enrolled in other districts through the open enrollment process. The District may transport students that open enroll in the District if the student lives on a current route and there is room on the bus. The District can at any time choose not to transport an open enrolled student if it becomes not in the best interest of the District.

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

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

End of New Salem-Almont School District Policy FAAA.....Adopted: 12/19/2022

[05/21]

EARLY ENTRANCE REQUIREMENTS

A parent/guardian may apply for early admission of his/her child to the New Salem/Almont Public Schools if the child meets early entrance age requirements established by law. The Superintendent shall develop a procedure for testing and evaluating early entrance applicants in accordance with law. The procedure shall, at a minimum:

1. Require that applicants be evaluated using developmental and readiness tools developed by the Superintendent of Public Instruction.
2. Contain a prohibition disallowing an applicant from applying for early admission more than once during a 12-month period.
3. Require a mandatory nine-week probationary period for all approved applicants at the end of which reassessment shall be made.
4. Contain a notice that application denial decisions are binding for a 12-month period.

Fees

The Board will assess the costs of early admission evaluations for students residing in the District. Out-of-district applicants will be charged a fee as determined by the Board and such monies will revert to the District.

Transfer Students

The District will honor early admission evaluation decisions made by other North Dakota school districts. The District shall also honor early admission decisions made by other U.S. school districts for military children governed by 15.1-04.1-01 and worldwide for military children governed by 15.1-04.1-01. Despite these exceptions, the District will still require a nine-week probationary period for any student who transfers into the District and is younger than the state minimum age of attendance for kindergarten or first grade.

End of New Salem/Almont School District Policy FAAB Adopted: 2/22/16

ENROLLMENT OF SUSPENDED OR EXPELLED STUDENTS

Any student who has been suspended or expelled from another district will not be permitted to enroll in the District until eligible to re-enroll in his or her former district or until the Board or the Superintendent has reviewed the prior suspension or expulsion and determines that the suspension or expulsion was illegal or improperly imposed.

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

- FFK, Suspension & Expulsion

End of New Salem/Almont School District Policy FAAC Adopted: 2/22/16

SCHOOL ASSIGNMENT & CHOICE

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

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

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

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

School Choice

Parents of students attending a Title I school identified under law as in need of improvement, under corrective action, under restructuring, persistently dangerous, and/or parents of students who become a victim of documented violence while at school shall:

1. Receive notification in accordance with law;
2. Be given the option of transferring their child to another district school;
3. Be given the option of transferring their child to a school outside the District if the District does not have more than one school offering the student's grade level and/or the District does not have another school defined under applicable law as safe and meeting adequately yearly progress.

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.

End of New Salem/Almont School District Policy FAB Adopted: 4/20/15

PLACEMENT & ADJUSTMENT OF TRANSFER STUDENTS

Students new to the District shall be required to produce records required of students for admission in accordance with state law. Students who are unable to produce transcripts within a reasonable time shall be subject to testing for placement purposes. Students whose transcripts or educational records do not indicate proper placement shall also be subject to testing. The Superintendent shall develop testing procedures and standards for determining placement.

The Superintendent may also adjust a transfer student's placement and shall develop procedures and standards for making adjustment determinations.

Students believed to have a disability which impairs their learning shall be tested and placed in accordance with law and applicable policy.

The Compact on Educational Opportunity for Military Children, which contains requirements related to the enrollment and placement of qualifying military children, supersedes this policy; however, this law does not preclude the District from performing subsequent placement evaluations after initially honoring a sending school's placement decision.

Parents of students enrolling in the District for the first time will be asked to complete a Home Language Survey (HLS). Staff responsible for enrolling students shall be required to refer students for language proficiency testing should the results of the HLS indicate a need for this testing or should such staff members otherwise have a reason to believe a student should undergo such testing. Registration and ELL identification procedures for English Language Learners (ELLs) shall comply with the district's ELL policy (GABAA) and regulations.

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

- FACB, Transfer & Withdrawal Records
- FGA, Student Education Records
- FGA-Br, Student Education Records Access & Amendment Procedure

End of New Sale/Almont School District Policy FACA.....Adopted: 2/22/16

STUDENT FEES

The Board will establish and reassess student fees in accordance with law on an as needed basis at least annually. The Board shall establish school fine amounts as permitted by law.

When a parent/guardian is unable to pay a fee in full, the Superintendent is authorized to waive or reduce this fee upon the parent/guardian's completion of a free/reduced lunch application.

The Board has adopted the following specific policies with relation to student fees:

1. Students will be prohibited from charging hot lunch.
2. Fees for driver's education and for courses that generate products that become the personal property of the student must be paid prior to the start of the course.
3. Students will not be able to participate in the first contest until the activity fee has been paid.
4. Students will need to pay any technology fines before being issued a new device or charger.

The District will vigorously pursue the collection of any outstanding bills, including use of a collections agency and/or filing a claim in small claims court. The Superintendent, in accordance with law, may impose further penalties on students for failure to pay fees/fines.

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

- IB-BR, Lunch Charging

End of New Salem-Almont School District Policy FBA Adopted: 2/22/2016

Amended: 2/21/2023

STUDENT SAFETY & SUPERVISION

The Superintendent is responsible for the district's overall safety program. As part of this program and within the constraints of the adopted budget, the Superintendent shall develop a procedure for integrating safety education into the curriculum and for ensuring adequate supervision of students during the school day. The District will notify parents when supervision is available before and after school.

Staff will receive appropriate training on student safety measures and will be required to follow student safety precautions subject to disciplinary consequences for willful disregard of these rules.

In accordance with NDCC Ch. 14-09, any classified or support staff member directly responsible for a student's supervision (i.e., a student under 18) shall inform the building principal or his/her designee as soon as possible if the employee knows or has reasonable cause to believe that the student:

1. Has/is believed to been missing for 24 hours if the student is under 13 years of age.
2. Has/is believed to been missing for 48 hours if the student is ages 13 through 17.

If the employee is uncertain of the student's age, s/he should inform administration as soon as possible 24 hours after the employee knows or believes a student is missing.

As soon as possible, the principal/designee shall attempt to contact the student's parents/guardians to verify the student's whereabouts and should document this attempt and findings. If the principal/designee is unable to verify the student's whereabouts, s/he shall assist the district employee with reporting the missing student to law enforcement. Staff members required to comply with this policy provision include, but are not limited to, bus drivers, paraprofessionals, coaches, and after-school care providers employed by the District. Teachers and administrators are not covered by this provision but must report a child in violation of compulsory attendance laws.

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

- ACAB, Emergency Plans & Drills
- ACAC, Accident Reporting
- FC-E, Missing Student Reporting Form

End of New Salem/Almont School District Policy FC.....Adopted: 2/22/16

ACCOMMODATING STUDENTS WITH ALLERGIES & SPECIAL DIETARY NEEDS

Each building principal shall implement procedures for identifying students with life-threatening allergies and shall develop general exposure avoidance measures.

The Board recognizes that students with medically documented life-threatening allergies are considered disabled and are covered by the Americans with Disabilities Act and Section 504 of the Rehabilitation Act. A clearly defined 504 Accommodation Plan will be developed and implemented for all such identified students. Appropriate staff, the parent/guardian of the student, and the student's physician shall sign these plans.

Relevant staff shall be made aware of 504 plans, the measures needed to implement them, methods to reduce risk of exposure, and emergency response procedures in the event of exposure.

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

- FCAA-AR, General Guidelines for Reducing Risk of Exposure to Allergens
- FFF, Field & Other School-Sponsored Trips

End of New Salem/Almont School District Policy FCAA Adopted: 2/22/16

HEAD LICE

School district personnel may not prohibit a student infected with head lice from attending school.

School district personnel shall make an effort to assist in the prevention and management of head lice.

1. Annually, the Superintendent shall issue guidance to parents on the prevention, diagnosis and treatment of head lice.
2. The Superintendent shall develop material and a protocol for informing the parent of a student infected with lice of the infestation and available treatment methods.
3. The Superintendent shall develop a procedure for alerting the parents of students who were exposed to the infected student. This procedure shall prohibit release of the infected student's personally identifiable information unless an exception applies under FERPA (e.g., release to educational officials with a legitimate need to know.)

Management of Head Lice

School district personnel may perform a head lice screening on any student exhibiting symptoms of a lice infestation and on any student who has had head-to-head contact with a student believed to have head lice.

1. A student found to be infected with head lice must be reported to the building principal immediately.
2. The building principal shall work with teachers and other personnel to implement a plan to reduce head-to-head contact among students.
3. School district personnel shall notify the student's parent of a suspected infestation.

Nothing in this policy prohibits school district personnel from reporting the suspected abuse or neglect of a student as required by law.

SUICIDE PREVENTION

Students identified as suicidal shall receive appropriate help as quickly as possible. School personnel working with a depressed or suicidal student shall provide support, parental contact, and referral. To that end, student confidentiality may be waived in life-threatening situations.

With the intent of contributing to the prevention of suicide among its students where possible, the Board directs that an Adolescent Suicide Awareness Program be initiated, including:

1. Staff in-service education on suicide prevention that at least complies with state law.
2. Establishment of referral/response procedures in each school to facilitate assisting students identified as possibly suicidal which may include referral to the student assistance program.
3. Infusion into the curriculum (K-12) of appropriate information to help students deal appropriately with their emotions, recognize possible suicide warning signs in themselves and others, and increase their awareness of alternatives and resources available for assistance.
4. Parental awareness program to increase their understanding about the problem and the resources available.
5. Procedures in each school for dealing appropriately with tragedies to ease the impact on students, staff, and community in the event of a student suicide.

End of New Salem/Almont School District Policy FCAE.....Adopted: 2/22/16

[06/13]

CONCUSSION MANAGEMENT

The District shall comply with the concussion management program requirements contained in law (NDCC 15.1-18.2). For the purposes of compliance, 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). These regulations shall be published in staff and student handbooks.

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

Definitions

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

- *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 as required by law and providing appropriate information to parents and students as required by law. The sponsor shall provide to the District documentation certifying that this training has occurred and students/parents have viewed required informational material on concussions prior to beginning the activity.

- *School-sponsored athletic activity* is a sport that the District has approved through policy or other board action for inclusion in the district's extracurricular program, is controlled and funded primarily by the District, and requires participating students to regularly practice or train and compete.

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 games if a student reports or exhibits a sign or symptom of a concussion. The Athletic Director shall make this determination, and the 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 Athletic Director should consult with community members, parents, and staff to determine who has such credentials and who would be willing to assist in this regard. The District should compile a list of such individuals, which should be provided to all coaches. This measure in no way guarantees that a healthcare provider trained and credentialed in accordance with law shall 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.

While law allows coaches and officials to make removal from play decisions when concussion signs or symptoms are reported or observed, the District prohibits any coach or official under the age of 18 or who is currently a high school student from making such removal decisions. High school students and minors who serve as coaches or officials are required to report any known sign, symptom, or report of a student's concussion as soon as possible to an adult who has removal-from-play authority for action. This restriction shall be a condition of allowing a minor/high school student to coach or officiate at district training, practices, and games.

If two or more parties with removal-from-play authority disagree on whether or not a student (who reports or exhibits signs or symptoms of a concussion) should be required to sit out, the District requires that the ruling 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 New Salem/Almont School District Policy FCAF Adopted: 2/22/16

STUDENT DISMISSAL PRECAUTIONS

To assure that children are released only for proper reasons and into proper hands, each school shall set up procedures for dismissal, entering and exiting schools during the school day and at lunchtime, and establish procedures to approve requests for early dismissal. No staff member shall excuse any student from school prior to the end of the school day without a request for the early dismissal by the student's parents or without contacting the parents prior to releasing the child.

Dismissal Precautions for Children of Separated/Divorced Parents

Dismissal of students governed by a legally binding custody order shall be handled in accordance with policy FCBD.

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

- FCBA-AR, Procedure for Entering & Leaving District
- FCBD, Student Custody

End of New Salem/Almont School District Policy FCBA Adopted: 2/22/16

STUDENT TRANSPORTATION SAFETY & SUPERVISION

Although the District provides transportation to and from school, parents are responsible for supervision of their children until students board the bus and after students leave the bus at the end of the school day. The responsibility for district supervision of a student begins upon a student boarding a district vehicle at the beginning of the school day and ends when the student exits the vehicle.

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

- FCBB-AR, Student Transportation Safety & Supervision Regulations
- FFC, Bus Conduct
- FFC-AR, Bus Conduct Regulations
- IEAA, Bus Safety

End of New Salem/Almont School District Policy FCBB Adopted: 2/22/16

STUDENT CUSTODY

Section I: Parent's/Legal Guardian's Rights at School

The New Salem School District assumes that both of a student's biological or adopted parents and all other legal guardians (hereafter parents) have equal access to their child at school, play an equal role in educational decisions related to their child, and have equal access to their child's educational record restricted only by limitations delineated in district policies and regulations that are applicable to all parents/guardians and when access/participation is reasonably predicted by the Superintendent or principal to disrupt the educational environment. Exceptions to these assumptions exist when criteria in Section II of this policy have been satisfied.

Section II: Restricting Parent/Guardian Access and Rights

A parent is responsible for providing the District with legally binding documentation (e.g., court order) restricting parent rights. Such documentation must be current and a parent is responsible for ensuring that the documentation remains up-to-date. District personnel shall not initiate a request for or otherwise actively seek information pertaining to student custody.

The District will act in good faith to comply with the terms and restrictions of any current legally binding document pertaining to student custody that is provided to one of its schools. However, it shall not be responsible for validating the authenticity of such documentation or interpreting and implementing any provision that is unclear.

If a parent makes a student access request that is not addressed clearly by the legal documentation on file, the District shall notify both parents that the documentation on file is unclear, that the District needs further clarification from the court on this matter, and that the District will consult with its attorney on how to respond to the request in the interim while additional documentation is being sought by the parent(s).

Section III: Student Visitation and Release

A request by a parent to visit or otherwise access his/her child at school shall be handled in accordance with applicable district policy and rules (e.g., rules on visitors in schools, parent visits to school, phone calls at school, etc.). The District shall deny any request that the Superintendent or principal reasonably predicts will disrupt the educational environment or any request that is prohibited by current legally binding custody documentation on file with the school.

A request by a parent to have a designee pick up or drop off his/her child shall be handled in accordance with district policies and rules governing this matter; however, the District shall deny any request that the Superintendent **[or principal]** reasonably predicts will disrupt the educational environment or any request that is prohibited by current legally binding custody documentation on file with the school.

The District prohibits on school property exchange of children for visitation purposes (i.e., exchanges that are condition of a custody order).

EDUCATION OF HOME SCHOOLED STUDENTS

The New Salem/Almont School District acknowledges the right of a parent to provide their own child's education in a home-based setting. The Superintendent will accept as correct the information on the statement of intent filed with the District in accordance with North Dakota law.

Homeschooled students are eligible to transfer into New Salem School District schools and/or participate in individual district classes and/or extracurricular activities on the same basis as students already enrolled.

Transfers

Homeschooled students transferring into district schools will be required to produce documentation containing a list of courses taken, grades earned, and the results of standardized achievement tests unless the student is exempt from such testing under law. Placement will be determined in accordance with district placement standards.

Students without records or whose records do not indicate proper placement shall be subject to placement testing.

Students believed to have a disability impairing learning shall be tested and placed in accordance with law and applicable policy.

Diplomas

The District shall not award diplomas to homeschooled students. Students must enroll full-time in the regular New Salem/Almont educational program and complete all the necessary requirements to be eligible for a diploma.

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

- FACA, Placement & Adjustment of Transfer Students
- FACB, Transfer & Withdrawal Records
- FFE, Extracurricular Participation Requirements

End of New Salem/Almont School District Policy FDA Adopted: 2/22/16

Section IV: Release of Student Educational Records

In accordance with the Federal Educational Rights and Privacy Act (FERPA), the District shall assume that both parents have equal rights to student educational records (as established by FERPA), including the right to authorize a designee access, unless:

1. Restricted by current legally binding custody documentation on file with the school, or
2. The District is aware that a student or his/her parent is participating in domestic violence or sexual assault program. In such cases, the District should contact its legal counsel to determine if any information from the student's educational record should be released to the requesting parent/designee.

Section V: Responding to Parent/Guardian Disagreements

In the event that parents engage in a custody or visitation dispute on school property, a school official, if possible, shall remove the student from the dispute to ensure the child's safety (e.g., escort the child inside the school building, move the child to the school office) and contact law enforcement.

Parent requests related to his/her child's education shall be handled in accordance with applicable district policy except when the parent does not have authority to make such requests as stipulated in current legally binding custody documentation on file with the school. Neither parent has a fundamental right generally to direct how a public school teaches their child.

The consent of both parents is required before the District places a student on an Individual Education Program if:

1. The student's parents are divorced or separated, and
2. Both have the right to make educational decisions on behalf of their child as stipulated in legally binding custody documentation on file with the school.

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

- ACCA, Sexual Offenders on School Property
- ACCA-BR, Criteria for Granting Parent Offenders Privileges to Enter School
- FC, Student Safety & Supervision
- FCBA, Student Dismissal Precautions
- FGA, Student Education Records
- FGA-BR, Student Education Records Access & Amendment Procedure
- KAAA, Visitors in Schools

End of New Salem/Almont School District Policy FCBD Adopted: 2/22/16

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 and 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 School Counselor 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, **New Salem-Almont School District** District-Level Dispute Resolution Form

End of New Salem-Almont School District Policy FDB.....Adopted: 12/21/22

[0718]

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 shall contact the homeless student liaison to file an appeal.
2. The homeless student liaison shall notify the Superintendent of the appeal, and the Superintendent shall take measures necessary to immediately enroll the homeless student in the school in which s/he is seeking enrollment, pending resolution of the dispute.
3. The homeless student liaison shall present the appeal to the Board in a timely manner.
4. The Board will make an independent school placement determination based on feasibility and the student's best interest. When making this determination, the Board shall at least consider the following criteria:
 - 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;
 - f. The amount of time left in the school year.
5. The Board shall issue a placement determination within 30 days of receiving the appeal request. The determination shall be made in writing and issued to the parent/guardian/unaccompanied student who initiated the appeal.

State Resolution Procedure

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

1. A parent/guardian/unaccompanied youth shall inform the homeless liaison in the district of residence of his/her intent to file a state level placement appeal.
2. The homeless liaison shall assist the parent/guardian /unaccompanied youth with filing the appeal and notify the state homeless coordinator of the appeal.
3. The homeless student liaison shall notify the affected Superintendent(s) of the appeal, and the Superintendent(s) shall take measures necessary to immediately enroll the homeless student in the school in which s/he is seeking enrollment, pending resolution of the dispute.
4. The homeless liaison in the affected district(s), the enrollment officer in the affected district(s), parents of the student, homeless service providers, and the state homeless coordinator shall meet at the direction of the state coordinator to resolve the issue.

5. The District will comply with the state homeless coordinator's placement determination.

End of New Salem/Almont School Board Reg. FDB-BR Approved: 4/20/15

EDUCATION OF MIGRANT STUDENTS

The Superintendent will develop and implement a program to ensure that migratory students receive appropriate services in the same manner as other students selected to receive services. The program shall contain a means to:

1. Identify migrant students and assess their educational and related health and social needs.
2. Provide a full range of services to migrant students including applicable Title I programs, special education, gifted education, vocational education, language programs, counseling programs, and elective classes.
3. Provide migrant children with the opportunity to meet the same statewide assessment standards that all children are expected to meet.
4. Provide advocacy and outreach programs to migrant children and their families and professional development for district staff.
5. Provide parent/guardians an opportunity for meaningful participation in the program.

Parent Involvement in the Migrant Education Program (MEP)

The District in conjunction with parents/guardians of migrant students shall develop a parental involvement plan and compact, which shall be adopted by the Board and integrated into the district's overall parental involvement policy and compact. The MEP parental involvement plan shall contain procedures for consulting and communicating with parent(s)/guardian(s) about student achievement and the migrant program's development, implementation, operation, and evaluation.

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

- KAB, Parental Involvement
- KAB-E, School-Parent Compact

End of New Salem/Almont School District Policy FDC

Adopted: 2/22/16

[06/08]

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 New Salem-Almont Public Schools.

Attendance Standards for Pregnancy and Post-Pregnancy Conditions

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

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

Accommodations for Pregnant Students

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

Alternative Curricular Participation

The District shall encourage pregnant and parenting students to remain enrolled in the regular school program; however, the District will provide an educational option to those students who are unable or who elect not to remain in their regular schools. That option may include distance learning. Pregnant and parenting students electing that option shall be permitted reenter the regular education program upon request. If a request to re-enroll is made near the end a semester, the District may elect to re-enroll the student in the regular education program at the beginning of the subsequent semester.

Medical Documentation Requests and Participation in Physical Activities

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

Disclosure

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

Complementary Documents

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

End of New Salem-Almont School District Policy FDD..... Adopted: 4/20/15

Amended: 3/13/2023

EDUCATION OF SPECIAL EDUCATION/DISABLED STUDENTS

The New Salem/Almont School District assures that all students with disabilities, ages 3 through 21, have the right to a free and appropriate public education in accordance with the Individuals with Disabilities Education Act and North Dakota law. In addition, the District complies with Section 504 requirements. For the purpose of compliance with state and federal laws concerning special education/disabled students and providing this assurance, the New Salem School District is a member of the Morton/Sioux Special Education Unit and subscribes to its policies and procedures. These policies and procedures include those required to comply with IDEA and Section 504, such as but not limited to child find and procedural safeguards.

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

- FDE-E, Section 504 Eligibility Determination Form

End of New Salem/Almont School District Policy FDE Adopted: 4/20/15

SECTION 504 ELIGIBILITY DETERMINATION FORM

Student's Name: _____

Parent's Name(s): _____

School: _____ Grade: _____

Date of Birth: _____

Date of Meeting: _____

Type of Evaluation:

- ☐ Initial
- ☐ Reevaluation (no more than once a year; no less than every three years; before a significant change in placement)

Parental Notice Issued: Date: _____**Parental Consent Obtained:** Date: _____

Attach documented proof.

Sources of Evaluation Information:

- | | |
|---|--|
| ☐ Aptitude tests | ☐ Medical report |
| ☐ Achievement tests | ☐ Parent input |
| ☐ Student's work | ☐ Student's disciplinary records |
| ☐ Attendance records | ☐ Academic/behavioral interventions |
| ☐ Teacher recommendations/observations | |
| ☐ Psychological evaluations | |
| ☐ Other: _____ | |

Eligibility Determination Team:

The following individuals have been selected to make a placement determination because they are knowledgeable about the child, the meaning of the evaluation data, and the placement options (e.g., parents, student's teacher(s), Section 504 Coordinator, individuals who conducted the evaluation, counselor, etc.).

504 Coordinator or team leader: _____

Team Members:

_____	_____
_____	_____
_____	_____
_____	_____

Eligibility Criteria (all must be answered "yes" for a student to be eligible):

1. Does the student have a physical or mental impairment (i.e., any physiological disorder or condition, cosmetic disfigurement, or anatomical loss affecting one or more of the following body systems: neurological; musculoskeletal; special sense organs; respiratory, including speech organs; cardiovascular; reproductive, digestive, genito-urinary; hemic and lymphatic; skin; and endocrine; or any mental or psychological disorder, such as mental retardation, organic brain syndrome, emotional or mental illness, and specific learning disabilities.)

☐ Yes

☐ No

If yes, specify the impairment: _____

2. Does the impairment affect one or more major life activities?

☐ Yes

☐ No

Which major life activity?

☐ Caring for oneself

☐ Performing manual tasks

☐ Seeing

☐ Hearing

☐ Eating

☐ Sleeping

☐ Walking

☐ Standing

☐ Lifting

☐ Bending

☐ Speaking

☐ Breathing

☐ Learning

☐ Reading

☐ Concentrating

☐ Communicating

☐ Operation of a major bodily function

☐ Working

☐ Other: _____

NOTE: Do not check "seeing" if the physical impairment can be corrected or reduced through the use of eyeglasses or contact lenses.

Describe how the major life activity is affected (do not take into account mitigating measures such as medication): _____

3. Will the impairment last for an extended period of time (i.e., more than six months)?

☐ Yes

☐ No

4. Is the student substantially limited in the major life activity(ies) (use the average student in the general population as the frame of reference for comparison):

☐ Yes

☐ No

(NOTE: Substantially limits means unable to perform a major life activity that a student of approximately the same age can perform or significantly restricted as to the condition, manner, or duration under which a particular life activity is performed as compared to the average student of approximately the same age.)

Determination:

- ☐ The student has a physical or mental impairment that substantially limits a major life activity.
If yes, course of action:
- ☐ Develop a 504 plan (i.e., accommodations that the school will provide and an explanation of when they will be provided).
 - ☐ Continue present services with no changes (check this only if this evaluation is being conducted for purposes of re-evaluation).
 - ☐ Modify the present program (check this only if this evaluation is being conducted for purposes of re-evaluation).
- ☐ The student's impairment does not substantially limit one or more major life activities. The student does not meet Section 504 criteria.

The student's parent(s) has been provided with a copy of this determination.

Parent's signature: _____

Date: _____

End of New Salem-Almont School District.....Exhibit FDE-E

[05/10]

GIFTS & AWARDS TO STUDENTS

In compliance with North Dakota law, the District shall not spend public money for purposes other than permitted by law. The District shall not award scholarships to students nor shall it, in any way, reward students in a manner that would have a direct individual financial benefit. The District will not use public funds to subsidize award and recognition programs created by parent, civic, or booster groups.

District schools may offer award and recognition programs that enrich the school environment and that conform to the restrictions in this policy.

End of New Salem/Almont School District Policy FECB.....Adopted: 2/22/16

STUDENT CONDUCT & 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, and off-campus 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 principals and other applicable 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.

Disciplinary Standards for Special Education Students

District employees are required to comply with the Individuals with Disabilities Education Act 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 or to deliver a student to an administrator's office; however, the use of corporal punishment, defined as the willful infliction of physical pain on a student, is not allowed in the New Salem/Almont 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.

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

- FF-AR, Student Conduct Standards & Disciplinary Procedures
- FF-E, Examples of Student Conduct Violations
- KACB, Patron Complaints About Personnel

End of New Salem/Almont School District Policy FF Adopted: 5/11/15

STUDENT ALCOHOL & OTHER DRUG USE/ABUSE**Philosophy**

The New Salem-Almont 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.

As part of this search, the principal or Superintendent may require the student to submit to a drug/alcohol test if:

1. The principal and/or Superintendent has reasonable suspicion that the student is under the influence of drugs/alcohol.

All drug/alcohol testing shall be performed in accordance with federal law on Transportation Workplace Drug Testing. This language in no way authorizes random drug testing in district schools as part of the curricular program.

¹ When a teacher/principal participates in a juvenile court program and receives confidential information about a student.

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, 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 counselor 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 New Salem-Almont 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 New Salem-Almont School District Policy FFA.....Adopted: 5/11/15

Amended 3/13/2023

[09/17]

ATTENDANCE & ABSENCES

North Dakota law contains compulsory attendance requirements for students ages seven through sixteen. In order to comply with and enforce these requirements, the Board establishes the following attendance policy.

Section I: Definitions

- A. For purposes of compulsory attendance reporting under NDCC 15.1-20-02.1 (1-2):
- *Excused absence* is an absence that the District will not use in determining if a compulsory attendance violation occurred. Any absence may be excused if it is supported by either a verbal or written excuse supplied by the student's parent, teacher, or school administrator.
 - *Unexcused absence* is any absence not supported by the verbal or written excuse required for an excused absence.
- B. For the purposes of imposing sanctions under Section III of this policy as authorized by NDCC 15.1-20-02.1(3):
- *Approved absence* is an absence that the District believes is necessary and/or unavoidable and has received administrative approval. Necessary and/or unavoidable absences may be caused by illness, injury, family emergency, religious observance or instruction, suspension, participation in a school-related activity, court appearances when subpoenaed, or other reasons deemed necessary and/or unavoidable by the principal or Superintendent. Students granted approved absences shall not be subject to the consequences contained in Section III of this policy. The Superintendent or designee shall develop criteria for requesting and granting an approved absence and shall establish make-up work requirements.
 - *Unapproved absence* is defined as an absence that does not meet the above criteria for approved absences. If a student is absent for an unapproved reason, the parent/guardian shall still be responsible for calling the principal's office to explain the absence, and the student will be subject to the consequences contained in Section III of this policy.

Section II: Documentation Requirements

School administration may require applicable documentation to verify an excused or approved absence, including, but not limited to:

1. Medical documentation from an appropriate licensed healthcare provider;
2. A copy of a court summons or subpoena;
3. An obituary for funeral leave;
4. Verification of planned or executed family travel (e.g., a boarding pass);
5. A request from an official at the student's place of worship;
6. A request for an absence due to a curricular or extracurricular event submitted by the student's teacher, coach, or extracurricular advisor.

Compulsory Attendance Violations

North Dakota law defines what constitutes a compulsory attendance violation. Suspected violations of the compulsory attendance law shall be reported to school administration and investigated in accordance with law. When a compulsory attendance violation is substantiated, the District shall comply with law enforcement reporting requirements under law.

Dissemination

This policy shall be published in all student handbooks.

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

- FFB-E, Accumulated Absence Letter to Parents
- FGDB, Student Handbooks

End of New Salem/Almont School District Policy FFB Adopted: 5/11/15

BUS CONDUCT

The District has disciplinary authority over students while being transported in district owned, leased, and/or contracted vehicles to and from school and during school-sponsored curricular and extracurricular events. The Superintendent or building principal shall determine the level of disciplinary authority that shall be given to school vehicle driver and develop regulations for handling student misconduct on school vehicles.

Conduct Requirements: Students shall be required to abide by all applicable district conduct and safety policies while in district vehicles. The Superintendent or designee may develop additional, specific regulations related to conduct in school vehicles.

Violations: Students who violate any of these policies or rules may be subject to the consequences contained in applicable student discipline policies.

When the conduct of a disabled and/or special education student transported in a school vehicle poses a transportation safety risk or when the conduct otherwise violates policy to the extent that it compels the District to reconsider the student's transportation arrangements, prior to making a removal decision, the District shall determine the following:

1. If transportation is part of the student's 504 Plan and/or Individual Education Program (IEP).
2. If removal would constitute a removal from the education program as determined by the following factors:
 - a. There is a significant distance between the student's home and school.
 - b. There are no alternative means of public or private transportation.
 - c. The school has not made appropriate arrangements to provide for the student's education.

If criteria one or two above is applicable, the 504/IEP Team will develop an alternative means of providing transportation to the disabled and/or special education student in accordance with federal law and regulations or will treat such student's removal from school transportation as suspension from the educational program and will follow the procedure for suspension contained in the district's suspension/expulsion policy and in federal regulations.

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

- FCBB, Student Transportation Safety & Supervision
- FCBB-AR, Student Transportation Safety & Supervision Regulations
- FFC-AR, Bus Conduct Regulations
- FF, Student Conduct & Discipline
- FF-AR, Student Conduct Standards & Disciplinary Procedures
- FF-E, Examples of Student Conduct Violations
- FFK, Suspension & Expulsion
- FFK-BR, Suspension & Expulsion Regulations
- FFK-E2, Suspension & Expulsion of Special Education Students

CARRYING WEAPONS

Definitions

- *Firearm* is defined in accordance with 18 U.S.C. 921.
- *Weapon* includes, but is not limited to any knife, razor, ice pick, explosive, smoke bomb, incendiary device, firearm, slingshot, bludgeon, brass knuckles or artificial knuckles of any kind, or any object that can reasonably be considered a weapon, dangerous instrument, or look-alike.

Prohibitions

No student will knowingly possess, handle, carry, or transmit any weapon or dangerous objects or look-a-likes, in any school building, on school grounds, in any school vehicle, or at any school-sponsored activity.

Disciplinary Consequences

Violation of this policy will result in disciplinary action up to and including suspension or expulsion. Bringing a weapon other than a firearm to school will require that proceedings for the suspension for up to 10 days and/or expulsion for up to 12 months be initiated immediately in accordance with the district's suspension and expulsion policy.

Bringing a firearm to school will require that the District immediately initiate proceedings for the expulsion of the student involved for a minimum of one calendar year in accordance with the district's suspension and expulsion policy. The Superintendent may modify the length of a firearms-related expulsion on a case-by-case basis based on the following criteria:

1. The totality of the circumstances, including the severity of the incident and the degree of endangerment of other students and staff.
2. The age and grade level of the student.
3. The prior disciplinary history of the student being expelled.
4. Relevant factors which contributed to the student's decision to possess a firearm in violation of this policy.
5. The recency and severity of prior acts resulting in suspension or expulsion.
6. Whether the optional provision of educational services in an alternative setting is a viable alternative to modifying the duration of the expulsion.
7. Input, if any, provided by licensed professionals (psychologists, psychiatrists, counselors) as to whether the expelled student would place himself/herself or others at risk by returning to the school prior to the expiration of the expulsion period.

Parents will be notified and all weapons, dangerous objects, or look-a-likes will be confiscated and may be turned over to the student's parents or to law enforcement officials at the discretion of the administration. Firearms will be confiscated and turned over to law enforcement.

Special Education Students

A student who is defined as having a disability under the Individuals with Disabilities Education Act (IDEA) who has brought a weapon to school shall be handled in accordance with IDEA regulations. The District shall make manifestation determinations, disciplinary decisions, and placement decisions of such students in accordance with IDEA regulations.

Nonapplicable 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 weapons, other dangerous objects or look-a-likes for educational purposes. Such a display will be exempt from this policy.

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

- FFK, Suspension & Expulsion
- FFK-BR, Suspension & Expulsion Regulations
- FFK-E1, Suggested Procedure for Conducting an Expulsion Hearing
- FFK-E2, Suspension & Expulsion for Special Education Students

End of New Salem/Almont School District Policy FFD Adopted: 5/11/15

EXTRACURRICULAR PARTICIPATION REQUIREMENTS

Philosophy

The Board believes that participation in extracurricular activities constitutes a privilege and not a right. Students who participate in extracurricular activities represent the student body, school district, and community on the state and national level. As such, behavior of these students is a reflection on the entire community.

The District will enforce the requirements placed on extracurricular participants by the North Dakota High School Activities Association (NDHSAA), which govern both on- and off- campus behavior. In addition, the Board has established the following extracurricular participation requirements.

Activities Affected by this Policy

Activities affected by this policy shall include extracurricular activities as listed in the student handbook, including those not sponsored by NDHSAA.

Academics

NDHSAA requires that local districts establish a definition of what constitutes a failing grade. For the purposes of this policy, a failing grade is defined as receiving an F or lower in any curricular course as computed from the beginning of the semester for regular education students or, in the case of special education students, not meeting the goals of Individual Education Programs as assessed from the beginning of the semester.

Violation of Other Misconduct Policies

Students who violate student conduct policies not covered by NDHSAA bylaws may be subject to suspension from extracurricular activities for a period of six (6) consecutive weeks for the first offense and a period of eighteen (18) weeks for any subsequent offense(s) if occurring in the same academic year. Such consequences shall be imposed in addition to other disciplinary consequences imposed under the applicable policy.

Suspension Procedure

When the principal or Superintendent, as a result of his/her investigation, concludes that a violation of this policy or NDHSAA bylaws has occurred, s/he shall issue notice to the student of this suspension.

Practice and Travel while Suspended

Students who are under suspension are encouraged to practice and travel with their respective teams. However, suspended students will not be allowed to miss school time to travel with the team.

This policy is effective all year long!

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

- FF, Student Conduct & Discipline
- FFE-AR, Meals for Students Participating in Extracurricular Activities
- FFE-AR2, Athletic Physicals
- FFK, Suspension & Expulsion
- FFK-BR, Suspension & Expulsion Regulations
- GCBA, Grading

End of New Salem/Almont School District Policy FFE.....Adopted: 5/11/15

STUDENT ASSEMBLIES

Generally, school administrators will determine or substantially control the content of what is expressed at student assemblies. In such cases religious expression will not be permitted as the religious expression may be attributed to the school or seen as an endorsement of a particular religious belief or expression. However, in the instances where students are selected to speak at assemblies based upon neutral selection criteria and where the student speaker has primary control over the content of the oral presentation, the school will not restrict the student speech because of its religious or anti-religious content. In such cases, school authorities will publicly clarify that the content of the student's speech is the speaker's opinion and not the school's.

For the purposes of this policy, primary control is defined as authority by a student to include any content in a speech so long as it is not profane, sexually explicit, defamatory, disruptive, and/or does not infringe on the rights of others. Administration shall review student speeches prior to delivery. In the event that a speech contains potential prohibited content, administrators should contact legal counsel to seek guidance before asking a student to remove such content.

End of New Salem/Almont School District Policy FFG Adopted: 5/11/15

STUDENT USE OF PERSONAL TECHNOLOGY

Definitions

For the purposes of this policy:

- *Inappropriate content* is defined as content that:
 - a. Violates a district student conduct policy;
 - b. Attacks ethnicity, race, religion, or other legally protected status;
 - c. Promotes violence, terrorism, or other illegal activities including, but not limited to, tobacco, drug, and/or alcohol use by minors;
 - d. Is obscene or pornographic as defined by community standards.
 - e. Is reasonably forecasted to materially or substantially disrupt the educational environment;
 - f. Poses a direct threat to the physical safety of the school population; and
 - g. Infringes on the rights of others, such as (but not limited to) material that is potentially libelous or invades an individual's privacy.
- *Personal technology*, including but not limited to electronic devices include, but are not limited to, headphones, earbuds, radios, recorders, CD players, MP3 players, iPads, iPods, electronic readers, tape players, pagers, cellular phones, smart watches, boomboxes, wireless speakers, and electronic games. All electronic devices besides school-issued devices and approved personal laptops are strictly prohibited upon entry to the building. Teachers who require headphones for their supply lists must specify that only wired, non-Bluetooth headphones are allowed.
- *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 day* is defined as beginning and ending at the following times: 8:15AM-3:15PM.
- *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.

Prohibitions

In accordance with chapter 15.1-07 of the North Dakota Century Code, the New Salem-Almont School District prohibits students from using personal technology as follows:

1. Students' personal technology devices to be silenced, turned off, and securely stored using a cell phone pouch or something similar during instructional time during the school day. Exceptions are as follows with prior administrative approval:
 - a. Medical needs
 - b. IEP/504 requirements
 - c. During lunch and when traveling to and from work-based learning or other off-site learning environments for grades 9-12.
 - d. Voluntary fire fighter and/or EMT if needed.
 - e. Dual-credit courses
2. Students are prohibited from using personal 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;
3. Students are prohibited from using personal 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;
4. Students are prohibited from using personal technology to photograph or video record inappropriate content and/or transmit inappropriate content while on school property and/or participating in school-sponsored events;
5. Students are prohibited from displaying and/or using personal 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;
6. Students are prohibited from using personal 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;
7. Students are prohibited from using personal technology disruptively or in a manner that potentially compromises the safety of others on school property and during school sponsored events; and
8. To ensure safety and efficiency, students are prohibited from using personal technology between classes in district hallways, when entering and exiting district transportation, and when required to be in line for activities such as, but not limited to, recess and lunch.

Elementary Classroom Use

Students in Prairie View Elementary School are discouraged from bringing personal devices to school. If students in grades K-4 have a device, it must be stored in the office during the school day. Students in grades 5 will have their personal devices stored in a secured location in the classroom.

Disciplinary Consequences

Students who violate this policy will be subject to the disciplinary action listed in the current student-parent handbook.

Confiscation

Teachers may confiscate personal technology when a student is reasonably suspected of using it to violate this policy or classroom rules and bring it to the office at the end of class. Under no circumstances shall a teacher or ancillary staff member search personal technology.

The building principal shall determine how long to keep confiscated personal technology based on the following criteria:

1. The nature of the offense; if illegal activity is suspected, the administrator shall contact law enforcement, the Superintendent, and retain the device until further directed by law enforcement or the Superintendent;
2. If the confiscated item is a phone, the principal should consider if the student walks or drives to and from school and potential safety considerations associated with not having the phone in the student's possession; and
3. Other considerations of significance based on the nature of the device confiscated and the student's disciplinary history.

Searches of Personal Technology

If the building principal or Superintendent suspects or finds that a student's personal technology contains content that violates NDCC 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, must have probable cause to search the device, preferably in the form of a search warrant.

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

- ACDA, Acceptable Use
- FFI-E, Personal Technology Use and Waiver of Liability
- FFK, Suspension and Expulsion
- FFK-BR, Suspension and Expulsion Regulations
- FGCB, Searches of Students and Student's Personal Possessions

End of New Salem-Almont Policy FFI.....Adopted: 07/22/2025

SUSPENSION AND EXPULSION

Definitions

This policy defines the following:

- *Dangerous weapon* as defined by NDCC 62.1-01-01
- *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* as defined by NDCC 62.1-01-01
- *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.
- *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 New Salem-Almont 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;

REQUIRED

Descriptor Code: FFK

3. Causing or attempting to cause physical injury to another individual, except in self-defense;
4. Possessing or transmitting 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.;
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 & Expulsion Regulations
- FFK-AR1, Suggested Procedure for Conducting an Expulsion Hearing
- FFK-AR2, Suspension & Expulsion of Special Education Students

End of New Salem-Almont School District Policy FFK.....Adopted: 12/19/22

[11/21]

SUGGESTED PROCEDURE FOR CONDUCTING AN EXPULSION HEARING

The following guidelines are offered recognizing that each expulsion hearing may call for a slightly different method of presentation. Expulsion hearings should be kept informal so that the truth may be obtained and a fair and just result reached.

1. Advise the Parties of the Procedures to be Followed:

- a. The hearing will be closed unless the parent(s) or eligible student waives their rights under the Family Rights and Privacy Act (FERPA) in writing.
- b. The hearing will be recorded, and either side may request the witnesses be sent to another room and be called individually. The student, the student's parent(s), and/or representative may be present throughout the hearing. Witnesses will be given an oath or affirmation before official testimony.
- c. No formal rules of evidence will be followed, and the hearing will be informal, as it is not a court proceeding. However, certain procedures may be established that will facilitate the conduct of the hearing.
- d. The Business Manager or other individual who is receiving the evidence and recording what is said should be identified as the person to whom exhibits and/or other written evidence or materials are to be presented.
- e. The parties and their respective capacities should be identified for the record, prior to commencing the hearing.

2. State the Reasons for the Proposed Expulsion: The hearing officer should read the written reasons that were mailed (preferably by certified mail) or otherwise delivered to the student, their parent(s), and their representative, which are the basis for the possible expulsion. This should be done to assure that the record will adequately reflect the reasons for the proposed expulsion, to substantiate that all parties had notice of the proposed reasons and possible punishment, and to narrow the issues.**3. Allow the School's Witnesses to Testify and Present Evidence:** The witnesses for the administration will first present their evidence in support of the reasons given for the proposed expulsion. This may be done in any manner that is conducive to reaching the truth and supports the reasons offered for possible expulsion. If necessary to reach the truth or in the interest of fairness, the hearing officer may allow cross examination of witnesses.**4. Allow Student's Witnesses to Testify and Present Evidence:** The student and/or their representative will then be given an opportunity to present witnesses and evidence to disprove the reasons offered by the school's witnesses. If necessary to reach the truth, or in the interest of fairness, the hearing officer may allow cross examination of witnesses.**5. Allow Concluding Arguments:** At the conclusion of the presentation of witnesses by the school and the student, each side should be allowed the opportunity to make concluding remarks and arguments regarding the evidence that has been presented and the reasons for the expulsion.

6. **Making the Decision:** The decision whether or not to expel may be made at the hearing, or may be made following the hearing, after the hearing officer has had time to review the evidence. If the decision is delayed, the hearing officer should announce a time at which the decision will be made and notify the student and the student's parent(s) or representative of the decision at that time. The decision of the hearing officer will be in writing and will set forth the basis of the decision. When the hearing officer gives notification of the decision, the hearing officer should also inform the student and the student's parent(s) or representative of the right to appeal the decision to the Board and the procedure for doing so if the Board did not serve as the hearing officer.

End of New Salem-Almont School District Administrative Regulation FFK-AR1

[11/21]

SUSPENSION AND EXPULSION OF SPECIAL EDUCATION STUDENTS**Definitions**

- *Change of Placement (long-term removals)* occurs when either:
 - a. The removal is for more than 10 consecutive school days; or
 - b. The student has been subjected to a series of removals that constitute a pattern:
 - 1. Because the series of removals total more than 10 school days in a school year;
 - 2. Because the student's behavior is substantially similar to behavior in previous incidents that resulted in the series of removals; and
 - 3. Because of additional factors such as the length of each removal, the total amount of time the student has been removed and the proximity of the removals to one another.
 - c. The school determines on a case-by-case basis whether or not a pattern of removals constitutes a change of placement and this determination is subject to review through due process and judicial proceedings.
- *Controlled substance* means a drug or other substance identified under schedules I, II, III, IV, or V in section 202(c) of the Controlled Substances Act (21 U.S.C. 812(c)).
- *Functional behavioral assessment* means a functional behavioral assessment is generally considered to be a problem-solving process for addressing student's inappropriate behavior.
- *Interim alternative educational setting* means a different setting that must allow a student covered by IDEA to continue to receive educational services that will enable the student to continue to participate in the general education curriculum and to progress toward meeting the goals set out in their IEP.
- *Illegal drug* means a controlled substance; but does not include a substance that is legally possessed or used under the supervision of a licensed healthcare professional or that is legally possessed or used under any other authority under the Controlled Substances Act or under any other provision of Federal law.
- *Manifestation determination* means a process that occurs prior to a change of placement. During this process, the students' parent(s) and IEP team review all relevant information including:
 - a. Test results and any independent educational evaluations;
 - b. Information provided by the parent(s);
 - c. Observations of the child; and
 - d. The child's IEP and placement.

After the review of information, the team then determines if:

- The conduct in question was caused by or had a direct and substantial relationship to the student's disability; or
- The conduct in question was the direct result of the school's failure to implement the IEP.
- *Serious bodily injury* has the meaning given the term "serious bodily injury" under 18 U.S.C.1365(h)(3).
- *Short-term removal* means any appropriate interim alternative educational placement, placement in another setting, or suspension that does not result in a change of placement (see definition above).
- *Weapon* has the meaning given the term "dangerous weapon" under 18 U.S.C.930(g)(2).

Short Term Removals (No Change of Placement)

School personnel may remove a student with a disability who violates a student conduct policy from their current placement to an appropriate interim alternative educational setting, another setting, or suspension, for not more than 10 consecutive school days, and for additional removals of not more than 10 consecutive school days in that same school year for separate incidents of misconduct as long as those removals do not constitute a change of placement under 34 CFR 300.536. Suspension procedures under district regulations must be followed. If the student is incapable of understanding any part of the suspension and expulsion procedure, their parent(s) should be present in meetings between school district personnel and the student regarding the suspension.

After determining if the student should be suspended, the principal or the Superintendent, in consultation with at least one of the student's teachers, determines how best to address the student's needs during short-term removals.¹ Providing alternative educational services for the first 10 days of a short-term removal is only required if the District provides these services to regular education students.

Parents should be promptly notified of short-term removals. The content of this notice does not have to follow the format of a change of placement notice (e.g., not required to provide procedural safeguards). In other words, notice of short-term removals need only state the charges against the student, the form and duration of the disciplinary action taken, and any services that will be provided/withheld during the disciplinary sentence.²

Change of Placement (Long-Term Removals)

Longer removals include expulsion and suspensions that would constitute a change in placement. If a longer removal is being considered, the District must have a meeting with parents and the IEP team to make a manifestation determination. This meeting must be

¹ Law does not require parents be involved in making the determination of the extent to which services are needed for a student removed from school on a short-term basis. However, there is nothing in federal regulations that would prohibit the principal or Superintendent, if they choose to do so, from including parents in the consultation.

² This notice is not required by law but is strongly recommended

held within 10 school days of any decision to change the placement of a student. The manifestation determination meeting would occur after the initial suspension/expulsion proceedings, which must be held in accordance with district policy. The purpose of these proceedings shall only be to determine if the student violated policy and to make a tentative disciplinary recommendation if a policy violation is substantiated. Any disciplinary sentence recommended at the suspension/expulsion hearing shall only go into effect if criterion "1" below is satisfied and notice of change of placement is issued to the parents.

Manifestation Determination Criteria

1. If the behavior that gave rise to the violation of district policy is determined not to be a manifestation of the student's disability nor a result of the school's failure to implement the IEP, the District:
 - a. May apply the relevant disciplinary procedures to students with disabilities in the same manner and for the same duration as the procedures would be applied to students without disabilities.
 - b. Must provide services that enable the student to continue to participate in the general education curriculum, although in another setting, and to progress toward meeting the goals set out in the IEP.
 - c. As appropriate, must conduct a functional behavioral assessment (FBA) and provide behavioral intervention services and modifications that are designed to address the behavior violation so that it does not reoccur.
2. If the team concludes that the misconduct was a manifestation of the student's disability or a result of the school's failure to implement the IEP, the District must:
 - a. Conduct a FBA, unless the District had already conducted an FBA before the behavior occurred, and implement a behavior intervention plan; or
 - b. Review the behavior intervention plan, if a behavior intervention plan already has been developed, and modify it as necessary to address the behavior; and
 - c. Return the student to the placement from which they were removed unless the student's parent(s) and the District agree to a change of placement as part of the modification of the behavior intervention plan, or the student's misbehavior was related to drugs, weapons or serious bodily injury.

Drugs, Weapons, and Serious Bodily Injury

School personnel may remove a student governed by IDEA to an interim alternative educational setting, after holding an expulsion hearing, for not more than 45 school days if:

1. The student carries a weapon to school or possesses a weapon on school property;
2. The student knowingly possesses or uses illegal drugs or sells or solicits the sale of a controlled substance while on school property; or

3. The student has inflicted serious bodily injury upon another person while on school property.

Referral to Law Enforcement /Transmission of Records

The District may report a crime committed by any student with a disability to appropriate authorities. In doing so, the District must ensure that copies of the special education and disciplinary records of the student are transmitted for consideration by appropriate authorities to whom the crime is reported, but must also obtain parental consent to send those records, consistent with the requirements of the Family Educational Rights and Privacy Act (FERPA).

Notice for Change of Placements

Parents must be provided prior written notice before enacting a change of placement decision. This notice must include:

1. A description of the action proposed or refused by the District;
2. An explanation of why the action is proposed or refused;
3. A description of any other options considered and the reasons why those options were rejected;
4. A description of each assessment procedure, test, record, or report used as a basis for the action proposed or refused;
5. A description of any other factors relevant to the action proposed or refused;
6. A notice that parents can invite individuals with knowledge or special expertise about their child to an IEP meeting;
7. A statement that parents of a child with a disability are protected by the procedural safeguards and a copy of these safeguards; and
8. A list of resources parents can use to contact help in understanding these procedural safeguards, and a description of how parents can file a complaint.

Prior written notice must be provided in parents' native language unless doing so is clearly not feasible. The District's special education unit should have a sample notice and sample procedural safeguards to assist the District with notification requirements.

Protections for Children Not Yet Eligible for Special Education and Related Services

A student is entitled to the procedural safeguards under IDEA if the District had knowledge that the student had a disability before the behavior that precipitated the disciplinary action occurred. The District is considered to have knowledge that a child is a student with a disability if:

1. The student's parent(s) expressed concern in writing to supervisory or administrative personnel of the District, or a teacher, that the student is in need of special education and related services;
2. The student's parent(s) requested an evaluation of their child; or

3. The teacher of the student or other school personnel expressed specific concerns directly to the director of special education or to other supervisory personnel of the District about a pattern of behavior demonstrated by the student.

Appeals

If a parent disagrees with any decision regarding the placement of their child as a result of a disciplinary action, the manifestation determination, or if the District believes that maintaining the current placement of the student is substantially likely to result in injury to the student or others, then the parent or the District may appeal the decision by requesting a due process hearing.

Following a due process hearing, the hearing officer may:

1. Return the student to the placement from which they were removed; or
2. Order a change in placement of the student to an appropriate interim alternative educational setting for not more than 45 school days, if the hearing officer believes that maintaining the current placement of the student is substantially likely to result in injury to them or others.

When an appeal has been made, the student must remain in the interim alternative educational setting pending the decision of the hearing officer or until the expiration of the timeline determined by the district's disciplinary procedures, whichever occurs first, unless the District and parent(s) agree otherwise.

Expedited Due Process Hearing

Whenever a due process hearing is requested regarding a dispute over placement, then the parent(s) and the District must have the opportunity to an expedited due process hearing. The expedited due process hearing timelines differ from the standard due process hearing timelines in that:

1. The hearing must occur within 20 school days of the date the due process complaint is received; and
2. The hearing officer must make a determination (final decision) within 10 school days after the conclusion of the hearing.

Resolution Session and Expedited Due Process Hearings

Unless the parent(s) and the District agree in writing to waive the resolution meeting or agree to use the mediation process to resolve the issues in dispute:

1. The resolution meeting must occur within 7 days of receiving the due process complaint notice; and
2. The due process hearing may proceed unless the matter has been resolved to the satisfaction of both parties within 15 days of the receipt of the due process complaint.

Placement by a Hearing Officer

A hearing officer may order a change in placement of a student covered by IDEA to an interim alternative educational setting for not more than 45 school days if the hearing

REGULATION

Descriptor Code: FFK-AR2

officer determines that maintaining the current placement of the student is substantially likely to result in injury to the student or other students.

Extensions of 45 school day removals by a hearing officer may be repeated, if necessary, when returning the student to the current placement would be substantially likely to result in injury to the student or other students.

Civil Action

The decisions on expedited due process hearings are appealable through civil action within 90 days from the date of the decision of the hearing officer.

End of New Salem-Almont School District.....Administrative Regulation FFK-AR2

[11/21]

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 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.

REQUIRED REGULATION

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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 finding 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 New Salem-Almont School District Board Reg. FFK-BR.....Adopted: 12/19/22

[11/21]

STUDENT RIGHTS AND RESPONSIBILITIES

The Board affirms those legal rights of students that are guaranteed under the federal and state constitutions and statutes. The Board reminds students that rights also are accompanied by responsibilities.

These rights and responsibilities include:

1. Civil rights, including the rights to equal educational opportunity and freedom from illegal discrimination; the responsibility not to discriminate against others.
2. The right to attend free public schools; the responsibility to attend school as required by law and to observe school rules and regulations essential for permitting others to learn at school.
3. The right to due process of the law with respect to expulsion, searches and seizures, or administrative decisions that the student believes have injured his/her rights.
4. The right to free inquiry and expression; responsibility to observe reasonable rules regarding these rights. Students may exercise their right to freedom of expression through speech, assembly, petition, and other lawful means. The exercise of this right may not interfere with the rights of others. Freedom of expression may not be utilized to present material that is vulgar, slanderous, defames character, advocates violation of law or is in violation of district policy.

The Superintendent shall ensure that students are made aware of the legal authority of the Board and the delegated authority of the staff to make rules and regulations regarding the orderly operation of the school, which uphold the legal rights of students.

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

- FFG, Student Assemblies
- FGBB, Student Prayer During Non-Instructional Time
- FGDB, Student Handbooks

End of New Salem/Almont School District Policy FG Adopted: 5/11/15

STUDENT EDUCATION RECORDS AND PRIVACY

The New Salem-Almont School Board believes that while collection and use of student information is necessary to provide educational and student support services, the District must implement safeguards to ensure information is appropriately protected and used to serve the best interests of students. The purpose of this policy is to establish such safeguards.

Definitions

- *Directory information* is defined as personally identifiable information contained in a student education record that is generally considered not harmful or an invasion of privacy if disclosed and includes:
 - a. Name (first and last)
 - b. Degrees, honors, and awards received
 - c. Grade level
 - d. Participation in officially recognized activities and sports
 - e. Photograph
 - f. 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 all individuals and entities having access to student information, including school district personnel listed by title. To ensure this list remains current and is manageable to maintain, it shall not contain names of individuals who have access to data.

The Superintendent may designate privacy officers at the District and building level. These privacy officers are responsible for:

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 and local media sites.
- 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.

REQUIRED

Descriptor Code: FGA

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; or
- k. To the parents of an eligible student who is also a "dependent student" as defined in IRS Section 152.

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
- c. When administering a survey funded in whole or in part by the U.S. Department of Education and concerning any of the following areas²:
 - 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.

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

504 Plans and Individual Educational Programs (IEPs)

Sharing of student information necessary for developing, amending, or implementing an IEP or 504 Plan and sharing student information needed to determine eligibility for special education or disability services are not subject to board approval requirements in NDCC ch. 15.1-07-25.3 because the District provides these services in fulfillment of requirements under state and federal law.

Policy Violations

Failure by a district employee or volunteer to comply with this policy, other district confidentiality requirements, or any improper disclosure of student information by a 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 & Withdrawal Records
- FGA-BR1, Student Education Records Access & Amendment Procedure
- FGA-BR2, Criteria for Approving & Denying Directory Information & PPI 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 & Third-Party Research on Students
- IDC, Data Protection & Security Breaches

End of New Salem-Almont School District Policy FGA.....Adopted: 12/19/2022

[11/21]

STUDENT EDUCATION RECORDS ACCESS & AMENDMENT PROCEDURE**Reviewing an Educational Record**

The District shall comply with a parent or eligible student's right to inspect and review the student's education records. This right will be granted using the following procedure:

1. A parent or eligible student shall make a request orally or in writing to the building principal to inspect and review the student's education records.
2. The building principal must provide a parent or eligible student the opportunity to inspect and review the student's education records within a reasonable period of time, but not more than 45 calendar days following receipt of a request.
3. The building principal shall notify the parent or eligible student of the time and place when the student's education records may be inspected.
4. The building principal shall require the requestor to submit/show a form of state or federally issued identification to verify the identity of the requestor if the requestor is unknown to the principal.
5. The principal or designee shall be present when the parent or eligible student reviews the records.
6. If circumstances prevent a parent or eligible student from reviewing their child's or their education records at the school office, the District shall prepare and mail a copy of the records or make alternative arrangements for the parent or eligible student to inspect and review the records. Any expense incurred from copying and/or mailing the records may be charged to the parent or eligible student at state rates, except as prohibited by law.

The building principal shall respond to reasonable requests for explanations and interpretations of the records in a prompt and equitable manner.

Amending an Educational Record

A parent or eligible student has the right to request an amendment to any portion of the education records they believe to be inaccurate, misleading, or in violation of the student's right to privacy. A parent or eligible student shall use the following procedure to dispute or request an amendment to an educational record. This procedure shall not be used to dispute a grade, disciplinary decision, or opinions/reflections of a school official contained in an educational record.

1. Any request to amend education records shall be made in writing and submitted to the building principal.
2. The principal shall review the request within a reasonable time and approve or deny it. The principal's decision shall be submitted to the parent or eligible student. If the principal denies the amendment request, they shall inform the parent or eligible student of their right to request an appeals hearing.
3. Requests for an appeals hearing shall be submitted to the Superintendent or designee. The hearing shall be held within a reasonable time after the appeal request has been made.

REQUIRED REGULATION

Descriptor Code: FGA-BR1

4. The Superintendent or designee shall provide the parent or eligible student notice of the date, time, and place, reasonably in advance of the hearing.
5. The Superintendent or designee shall serve as the hearing officer
6. The parent or eligible student may, at their own expense, be assisted or represented by one or more individuals of their choice, including an attorney;
7. The parent or eligible student shall have a full and fair opportunity to present evidence related to the amendment request.
8. The Superintendent or designee shall make its decision in writing within a reasonable period of time after the hearing. The decision must be based solely on the evidence presented at the hearing, and must include a summary of the evidence and the reasons for the decision. This decision is final and binding.
9. If the Superintendent or designee denies the amendment request, they will notify the parent or eligible student within a reasonable time of their right to submit a written response commenting on the contested material and/or explaining the disagreement with the hearing officer's decision. This written response shall be retained and, when applicable, disseminated in accordance with law.

End of New Salem-Almont School District Board Reg. FGA-BR1.....Adopted: 12/19/22

[11/21]

**CRITERIA FOR APPROVING AND DENYING DIRECTORY INFORMATION AND PII
RELEASE REQUESTS****Finding Alternatives to Release**

Whenever possible, the Board should identify alternatives to releasing directory information and personally identifiable information (PII) such as, but not limited to, asking the requestor to disseminate material directly through the school and/or de-identifying information before release.

Reasons for Release

Release of directory information and PII should further the District's mission and/or support the development of students, a specific district school, the District, or a school-sponsored program. Release requests meeting these criteria shall not be denied based on viewpoint expressed or organization represented by the requestor.

Criteria for Denying Release

Directory information and PII releases requested for the following purposes are outside the scope of and/or violate the District's mission and shall be denied:

1. Attacks ethnicity, race, religion, or other class protected by law;
2. Promotes violence, terrorism, or other illegal activities, including, but not limited to, tobacco, drug, and/or alcohol use by minors;
3. Is obscene or pornographic as defined by community standards;
4. May substantially disrupt the educational environment;
5. Poses a direct threat to the safety of students;
6. Infringes on the rights of students including, but not limited to, material that is potentially libelous or invades privacy; or
7. Has a political purpose defined as any activity undertaken in support of or in opposition to a statewide initiated or referred measure, a constitutional amendment or measure, a political subdivision ballot measure, or the election or nomination of a candidate to public office.

End of New Salem-Almont School District Board Reg. FGA-BR2.....Adopted: 12/19/22

[11/21]

RELEASED TIME FOR OUTSIDE INSTRUCTION

Released time for off-campus religious instruction shall be granted to students of all religious groups in a nondiscriminatory manner in accordance with North Dakota law so long as released time does not exceed one hour per week and the parent or guardian of the student has submitted a written request to the building principal. Such absences shall be deemed excused. Students will be responsible for completing all make-up work in accordance with administrative regulations.

A parent may request release time for other forms of outside instruction for a child. The Superintendent {or designee} shall review and either deny or approve all such requests. Requests that are reasonable and do not seriously interfere or impair a student's academic performance shall be granted. Release time for outside instruction shall be limited to one hour per week, and students will be responsible for completing all make-up work in accordance with administrative regulations. Such absences shall be deemed excused.

End of New Salem/Almont School District Policy FGBA Adopted: 2/22/16

STUDENT PRAYER DURING NON-INSTRUCTIONAL TIME

The District shall comply with state law concerning student recitation of prayer/student-initiated religious speech in school, which allows such activity before, during, and after the school day to the same extent that the District allows secular speech. Any time, place, and manner restrictions that the District places on recitation of prayer/student religious speech shall not exceed those placed on student's secular speech.

The decision to participate or not participate in religious expression is a matter of individual choice. No student will be permitted to harass or intimidate other students to participate or refrain from participating in religious expression. School staff shall refrain from encouraging or discouraging students from participating in such activity.

End of New Salem/Almont School Board Policy FGBB Adopted: 5/11/15

SEARCHES OF LOCKERS

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 suspicion that locker(s) contains objects/substances that are illegal, violate school policy, or may be detrimental to the health, safety, or welfare of district students.

Search Procedure

When a locker is subject to a search, the principal/Superintendent should be accompanied by at least one other school staff member.

Students' personal items stored in lockers such as, but not limited to, book bags, purses, and coats shall not be searched unless there exists reasonable suspicion that they contain an object(s) or substance(s) in violation of school rules/policy, the law, or which may be detrimental to the health, safety, or welfare of enrolled students. Administrators shall make a reasonable attempt to have students present during searches of personal items contained in lockers except when an immediate search is necessary in the event of an emergency.

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/substances that are illegal or violate school policy, the principal/Superintendent shall search the locker in accordance with the search procedure above.

In the event a police officer or other law enforcement officer is to conduct a search of a student's locker, probable cause is necessary unless the search is school-initiated and would pose a safety threat if conducted by school staff.

Illegal substances found in lockers will be turned over to proper authorities.

End of New Salem/Almont School District Policy FGCA Adopted: 2/22/16

SEARCHES OF STUDENTS & STUDENTS' PERSONAL PROPERTY

A search of a student's personal property or clothing shall only be undertaken when there is a reasonable and particularized suspicion that the student is concealing an object(s) or substance(s) in violation of school rules/policy, the law, or which may be detrimental to the health, safety, or welfare of enrolled students. The building principal or Superintendent must authorize all searches.

When the principal/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 property belonging to the suspected student(s) may be subject to inspection. When determining the scope of a search, the principal/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.

Search Procedure For the purposes of this policy, personal property includes, but is not limited to: a student's vehicle, backpack, book bag, and/or purse. Students may also be asked to empty their pockets; however, strip searches shall not be conducted.

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.

Searches of Vehicles The principal or designee, with a witness present, shall conduct searches of student vehicles if the vehicle is parked on school property and if reasonable suspicion exists. The principal shall make a reasonable attempt to contact the student who owns the vehicle and ensure s/he is present during the inspection unless an emergency situation is deemed to exist. If a vehicle is locked and its owner cannot be contacted or refuses to open it, the principal shall contact law enforcement.

Involvement of Law Enforcement The principal/Superintendent may request the assistance of law enforcement to conduct any portion of a school-initiated search of a student/student's personal property 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/student's personal property. Illegal substances found during searches of students/students' personal property will be turned over to proper authorities.

Reporting Requirements The administrator who authorized the search shall notify the Superintendent whenever a search has been conducted and shall complete a search and seizure report form to be retained in the suspected student's educational record.

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

- FGA, Student Records
- FGCB-E, Search & Seizure of Students Form

STUDENT INTERVIEWS, INTERROGATIONS, AND CUSTODY BY SCHOOL RESOURCE OFFICERS AND OUTSIDE AUTHORITIES

General Provisions

For all action permitted by this policy and/or law, it is the responsibility of law enforcement officials, not district employees, to assure compliance with procedural and constitutional safeguards.

School Resource Officers (SROs)

When acting in the role of a school official to investigate school policy violations and/or maintain the safety of the school environment, SROs may interview students without parental consent and may search students in accordance with applicable school district policy on searches by school officials. When a student is suspected of a crime, the SRO shall comply with the procedure below pertaining to police interrogations.

Police Interviews and Interrogations

To minimize disruptions to the school environment and embarrassment to students involved, all police interviews and interrogations of students on school property shall be held in private unless the urgent nature of the situation prevents compliance with this requirement as determined by the building principal or designee in consultation with law enforcement. Students shall not be subject to coercion or illegal restraint during police interviews and interrogations.

1. **When the student is the suspect of a crime (police interrogation):**
The Superintendent or building principal shall only grant the interrogation request if the following conditions are met:
 - a. The officer properly identifies him/herself to the building principal or designee if the officer is unknown to the school, confirms the identity of the student to be interrogated, and confirms the reason and purpose of the interrogation.
 - b. The interrogation relates to a school matter or needs to be held at school because of justifiable law enforcement need that is explained to the building principal or designee.
 - c. The student's parent, guardian, or attorney is present for the interrogation. This requirement does not apply to students of legal age.
 - d. The student is read *Miranda* rights.

These requirements do not apply to crimes in progress, which are covered under this policy's section on taking students into custody.

2. **When a student is a witness or victim of a crime:** The Superintendent, building principal or designee may grant requests for a police interview of a student who is a witness or victim of a crime if the following conditions are met:
 - a. The officer properly identifies him/herself to the building principal or designee if the officer is unknown to the school, confirms the identity of the student to be interview, and confirms the reason and purpose of the interview.

- b. The interview relates to a school matter or needs to be held at school because of justifiable law enforcement need that is explained to the building principal or designee.
- c. At a minimum, a school official is available to be present at the police interview. The building principal or designee should attempt to contact the student's parent or guardian and allow them to attend the interview unless the urgent nature of the situation demands that the interview be conducted as soon as possible. The building principal or designee, in consultation with law enforcement, shall make the determination of whether or not to contact parents/guardians on a case-by-case basis.
- d. If, during the interview, the student becomes a suspect of a crime, the requirements in #1 shall be implemented as soon as this suspicion arises.

Interviews of Students by Officials of Other Agencies

When the Department of Human Services or an officer acting on the agency's behalf requests to interview a student as part of a child/abuse neglect investigation, the building principal shall:

1. Verify that the purpose of the interview is to investigate child abuse/neglect;
2. Require that the interviewer identify him/herself;
3. Allow a student to be interviewed if the student is the subject of, sibling of, or living with a child the subject of abuse/neglect;
4. School staff shall not share information related to a child abuse investigation with the public or the child's parents.

Students taken into Custody at School

In all of the situations listed below, efforts should be made to minimize embarrassment or loss of class time for the student. The office of the Superintendent and principal should be notified immediately when any of the actions listed below has occurred if not previously aware that these actions were to occur.

1. Student Taken into Custody: Police officers, counselors of the juvenile court, or other authorized law enforcement officials have the right to enter the school to take a student into custody or to make a lawful arrest of a student, provided the officer displays an order signed by a judge of the juvenile court authorizing the taking of the student into custody, displays a warrant for the student's arrest, or has probable cause to make an arrest. If the student is arrested and/or taken into custody at a school, the school officials should make every effort to notify the parents immediately.
2. Right to Serve Subpoena in School: While police officers have the legal right to serve a subpoena at school, the serving officials should be strongly urged to serve these subpoenas off campus whenever possible.

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

- LBB, Relations with Department of Human Services

End of New Salem/Almont School District Policy FGCC Adopted: 2/22/16

STUDENTS OF LEGAL AGE

Students of legal age shall be required to abide by all district policies pertaining to students. Students of legal age are permitted to inspect their personal educational record and may represent themselves at an expulsion hearing without parental involvement if they sign a waiver to this effect.

The building principal may also grant students of legal age authority to report their absences and sign authorization forms. Students of legal age must request this permission in writing.

If a student of legal age is claimed as a dependent by his/her parent for tax purposes, the parent is entitled to access to the student's educational record under FERPA. The District will assume that all students of legal age are claimed as dependents unless a student produces documentation demonstrating otherwise.

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

- FFB, Attendance & Absences
- FGA, Student Education Records
- FGA-BR, Student Education Records Access & Amendment Procedure

End of New Salem/Almont School District Policy FGDC Adopted: 2/22/16

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 New Salem-Almont 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.

End of New Salem-Almont School District Policy FGDD.....Adopted: 1/16/2023

[05/21]

STUDENT DISTRIBUTION & POSTING OF NON-CURRICULAR MATERIAL IN SCHOOL

Students shall be permitted to distribute non-curricular material that meets the following criteria and receives district approval as described below:

1. The material is submitted to the Superintendent at least 5 school days before the proposed distribution date. The request must indicate the time and place where the student wishes to distribute material and the ages of students that are the requestor's target audience.
2. The Superintendent shall approve or disapprove the material. If the Superintendent rejects a request to distribute material, the decision may be appealed to the Board. The decision to approve material shall not be based on the viewpoint expressed; however, material containing the following shall not be approved for dissemination:
 - a. Attacks on ethnicity, race, religion, or other class protected by law;
 - b. Promotes violence, terrorism, or other illegal activities, including, but not limited to, tobacco, drug, and/or alcohol use by minors;
 - c. Is obscene or pornographic as defined by community standards;
 - d. Is reasonably forecasted to materially or substantially disrupt the educational process or environment;
 - e. Poses a direct threat to the physical safety of the school population;
 - f. Infringes on the rights of others, such as (but not limited to) material that is libelous or invades an individual's privacy.
3. Requests to distribute non-curricular material in the classroom and/or in areas that are reasonably forecasted to substantially disrupt the educational environment shall be denied.
4. Material approved for distribution must include a disclaimer stating that the District does not endorse, approve, or sponsor the activities, views, or events promoted in the material. This disclaimer shall be affixed in a prominent location on the material.

The Superintendent shall document reasons for denying a student's request to distribute non-curricular material.

The Superintendent shall provide notice of his/her decision to approve or deny a non-curricular material distribution request to the requestor within in a reasonable timeframe.

End of New Salem/Almont School District Policy FGDE Adopted: 2/22/16

