

# Sterling Elementary School



## **Mission Statement**

Providing all students with the knowledge and skills necessary to become active, informed, and productive members of society

## **Vision Statement**

Empower all learners to be choice ready and succeed on a changing world

## **SCHOOL DAY:**

The school will be open from 8:00AM to 3:30PM on school days. Students are not permitted in the building until 8:00 AM to ensure proper supervision.

## **ARRIVAL:**

Buses will arrive at the school approximately 8:10 a.m. Students not riding the bus should not arrive at the school before 8:10 a.m. There is no supervised playground time before school begins.

## **TARDINESS:**

Tardiness will be excused only when a bus is late, due to inclement weather conditions, or if other unavoidable circumstances exist. If a student is tardy, a note from the parent or guardian must be sent to school with the student. Being tardy three times will equal one absence.

## **BREAKFAST:**

Breakfast will be served each morning until 8:25 am. The cost is \$1.45. Adult or guest price \$2.50

## **LUNCH:**

A hot lunch is provided each day at noon. The cost is \$1.85. Lunch money must be paid on a timely basis. Adult or guest lunch is \$3.00. No child will be denied a lunch or breakfast because of unpaid balances. Sterling School will work with parents to catch up on unpaid balances.

## **SCHOOL MEAL CHARGE POLICY**

### **Purpose**

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

### **Adults**

Adults are prohibited from charging meals.

### **Dissemination**

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

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

### **Payment Options**

Parents are responsible for ensuring that students have sufficient funds to purchase school meals each day or pre-pay for meals, to avoid accruing meal charges. District payment options for student meal accounts include in-person payments or payments made by mailing the required funds to the district.

### **Provision of Meals to Students with Insufficient Funds**

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

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

### Payment Reminders

Whenever a student incurs a charge, district personnel shall notify the parents of the student by letter, phone, text, etc. Notice may be provided by requiring the student to deliver a sealed letter addressed to the child's parent or guardian, but the letter may not be distributed to the student in a manner that stigmatizes the student. If a pattern of charging continues, the administration shall attempt to contact the student's parent or guardian and encourage the parent or guardian to complete a free or reduced meal application. Nothing in this procedure prohibits school district personnel from reporting suspected abuse or neglect of a student as required by law.

### Unpaid Meal Charges

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

### Balance

Students returning to school in the district shall see a positive meal balance rolled forward into their meal account for the next year. Students that graduate or withdraw from the district may receive a refund of the remaining balance in their meal account.

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

- ABEC-AR, Adult Meals

**End of Sterling School District #35 Policy ABEC..... Adopted: 4/22...Amended 9/24**

## **ATTENDANCE & ABSENCES**

North Dakota law has established age requirements for compulsory attendance. In order to comply with and enforce these requirements, the Board establishes the following attendance policy.

### **Definitions**

For purposes of compulsory attendance reporting under NDCC 15.1-20-02.1 (1-2):

- *Excused absence* is defined as absence caused by illness, injury, family emergency, religious observance, suspension, participation in a school-related activity, or other reasons deemed excusable by the principal. The Principal or designee shall develop criteria for requesting and granting an excused absence and shall establish make-up work requirements.

- *Unexcused absence* is defined as an absence that is not excused and/or has not been approved by the principal or Superintendent. Unexcused absences include but, are not limited to, being absent from class or a scheduled activity during the school day without a parent's/guardian's consent and appropriate school approval. If the a student is absent for an unexcused reason, the parent/guardian shall still be responsible for calling the principal's office to explain the absence.

- *Truancy* is defined as being absent from one or more classes without the consent of parent/guardian or school officials.

### **Accumulated Unexcused Absence**

The board believes there is an intangible benefit associated with being present in the classroom; therefore, students will face academic rather than disciplinary sanctions for unexcused absences.

Students who are absent for unexcused reasons will receive no credit for the day(s) or classes missed unless make-up work is complete and the student attends make-up sessions in accordance with administrative regulations. Report cards shall delineate all grade reductions made as a result of unexcused absences and list the number of unexcused absences.

The Principal shall develop standards, outlining violations of the compulsory attendance law. The Principal shall investigate suspected violations of the compulsory attendance law. A parent/guardian of a child that is in

violation of the compulsory attendance law shall be reported to the State's Attorney for appropriate action. Students found to be in violation of these standards shall be referred to a school counselor. If a rural student is absent for any reason, the bus driver should be contacted by the parent guardian the day or evening before.

### **Dissemination**

This policy shall be published in all student handbooks and distributed to parents annually.

Complementing NDSBA Templates (may contain items not adopted by the Board) REQUIRED Descriptor Code: FFB

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

End of Sterling School District #35 Policy FFB ..... Adopted:7/06.... Amended:8/22

### **ILLNESS**

Please notify the school by 8:30 a.m. if your child will not be attending school. For student safety, the parent/guardian will receive a phone call, text, and/or email if the school does not receive prior notification of a student absence from a parent/guardian.

It is the student's responsibility to make up all the assigned work missed during any absence. Each student will receive two days more than the length of absence to complete his or her make-up work. For example, if the student misses Monday the work will be due Thursday morning. This does not apply in two instances: 1. When the student knows about an assignment or test in advance; 2. When the student is absent for only part of the school day. In these circumstances the teacher has the final say on when assignments are due.

In the case of known absences for appointments, family vacations, or other circumstances, students should make arrangements with the teachers of classes that will be missed before the absence occurs. The teacher has the final say on when assignments are due.

The teacher has the final say when all work will be due. If there is a severe illness the parents, student, and teachers will work together to come up with a plan.

**Students Becoming Ill in School** – If a student becomes ill in school, he/she should notify the teacher.

A student should be sent home, or stay home, in the onset of the following symptoms:

- Fever of 100 degrees or higher. The child should be fever free without the aid of fever reducing medication for at least 24 hours.
- Diarrhea: runny, watery stools, or 2 or more loose stools within 4 hours
- Vomiting: 2 or more times in a 24-hour period. Please do not bring your child if they have vomited during the night.
- Pink eye: child needs to have a doctor's note recommending they can rejoin class.

**COMMUNICABLE DISEASES:** Students with a communicable disease shall be sent home from school and shall not be readmitted without a physician's written statement that the child is free from contagion.

If a student has shown any of these symptoms, they should remain at home until they have been symptom free for 24 hours.

Parents are allowed to request limited activity for their child, for up to two days, due to illness. Thereafter, the students must have a written doctor's excuse to continue only participating in limited activities.

### **Limited Activity**

Recess limitation – either outside with no participation, or no recess at all.

PE – participation limited to only those activities that are not physically demanding as determined by the teacher and/or principal/assistant principal.

## **COMMUNICABLE DISEASES**

When any symptom of a communicable disease appears, please keep the child at home.

**Influenza** – Influenza, H1N1, and COVID-19 are contagious respiratory illnesses caused by viruses. Some of the symptoms are:

Influenza – Fever, headache, fatigue, cough, sore throat, runny/stuffy nose, body aches, and diarrhea/vomiting

H1N1 – Fever, headache, fatigue, cough, sore throat, runny/stuffy nose, body aches, and diarrhea/vomiting

COVID-19 – Fever/chills, cough, shortness of breath/difficulty breathing, headache, fatigue, sore throat, runny nose/congestion, muscle/body aches, new loss of taste or smell, diarrhea, and nausea/vomiting

It is very difficult to distinguish the flu from other infections. A doctor's exam may be required.

Mode of Transmission: These viruses spread from person to person in respiratory droplets when people who are infected cough or sneeze. People become infected by touching something with the virus on it.

Communicable Period: Healthy people may infect others one day before getting symptoms and up to 5 days after getting sick.

**Chicken Pox**-Lesions of chicken pox usually start on the trunk of the body but can be in the mouth, nose, and rectum. They appear to look yellow and later develop into a crust. If the child feels itchy and scratches the crust, discourage this as much as possible. A soda bath is sometimes soothing and relieves the itching. Keep fingernails short to avoid infection. If lesions become infected and red wheels appear around the lesion, consult the child's physician. When the lesions crust or become very dry looking, usually after six or seven days, the child may safely return to school without risk of spreading the disease.

Mode of Transmission: Droplet spread, direct contact, discharge from skin

Communicable Period: 1 to 2 days before and 6 days after eruption

**Strep Throat**-A child may complain of a sore throat or that it is hard to swallow. The child may have a fever, enlarged tonsils or pharyngitis. It is best to have a throat culture done by a doctor or nursing service and if it shows positive, the child must be placed on medication, rest and lots of fluids. Strep throat usually lasts four to five days after being treated. If a child is on medication, the child may return to school 24 to 48 hours after being treated with medication or as directed by doctor.

Mode of Transmission: Droplet spread, direct contact

Communicable Period: From 24 hours before onset of symptoms until 2 to 3 weeks (If treated with penicillin, 1 to 2 days)

**Head Lice** - The objectives of this Policy are to avoid misdiagnosis and unneeded school absences, to assure fair treatment for all students affected by head lice, to assist parents in the process of monitoring and resolving the problem, and to provide evidence-based and consistent head lice information to parents and students. The first goal is prevention. Where lockers are not available, if space allows, require students to hang their coats leaving a space between them, avoid situations where coats are piled up, and remind students not to share headgear, including headphones.

We shall use the following protocol for instances of head lice:

1. Remember: our attitudes about lice can make a student feel unaccepted or discriminated against. Head lice can affect anyone, do not carry disease, do not fly or jump, are transmitted more often in out-of-school activities than in school, and are transmitted through close contact. Getting rid of head lice is a process of checking and removing nits for a number of weeks.
2. The school nurse or designated staff will check any student reported to possibly have head lice.
3. An active infestation of head lice is the presence of live lice or nits (eggs) in clusters, laid close (1/4 in.) from the scalp.
4. If head lice are found, the teacher will be informed immediately, and the child will not use any shared headphones or related items.
5. Parents will be notified to pick up their child as soon as possible. The child will return to the classroom until parents arrive.
6. Procedure for dismissal from and return to school:
  - Give parents a head lice home action plan. Encourage them to take steps to rid head lice from the home environment. Give parents a copy of the 2 pages provided by the ND Dept. of Health in their handbook

Head Lice: A Lousy Problem. Do not distribute materials recommending treatment products. Do not encourage parents to use head lice products for the purpose of preventing head lice.

- Inform parents a school nurse or other trained staff member will recheck their child once a week for two weeks after readmission. Encourage parents to conduct daily checks for any signs of reinfestation and to continue to comb out nits. The removal of all nits is encouraged for aesthetic purposes, but not required for school attendance,
  - Encourage parents to inform other parents of their child's close playmates about the head lice incident.
7. Siblings of the Student with an active infestation and close playmates may be screened for head lice. If an active case is identified, their parents will be notified.
  8. Letters to parents of classmates will NOT be sent and names of affected students shall not be shared with classmates' parents.
  9. If the identified student is in kindergarten, the principal and/or school nurse will determine if the entire classroom needs to be screened. Parental consent is not required for classroom screening.
  10. Cleaning of the school environment (to be completed on the same day as active case is found if possible): Vacuum upholstered furniture and carpet in the affected classroom and wipe non-upholstered furniture with a damp cloth. Do not use aerosol sprays! It is harmful to those with respiratory conditions and does not remove or kill lice or eggs.

Training: the staff members designated to check students for head lice in the absence of the school nurse must be trained by the school nurse. All school staff members should attend a presentation by the school nurse for training in the current practices in the management of head lice.

## **FIRST AID**

The teacher must be notified of any accident that requires first aid. First aid supplies are in the office.

## **MEDICATION**

Medication cannot be dispensed without a signed release from a parent or guardian. Each family will receive release forms at the beginning of the school year and are available on the school's website. Whether a child needs regular or occasional medication, release forms will need to be filled out and sent to school. Staff members will confirm permission before the medication will be dispensed. A parent or guardian must send a note to request a medication be dispensed to their child. Over the counter medication can only be dispensed with the permission of a parent or guardian. This includes inhalers, cough drops, acetaminophen (Tylenol®), ibuprofen (Advil®), and cold/ allergy medications (Sudafed®, Comtrex® etc.). If medication must be taken during school hours, the medication must be brought to the school in its original pharmaceutical container before it can be dispensed.

The staff will keep all medications brought from home in a locked box in the office. The time and date of medications dispensed will be recorded and kept in the box. Medications will be dispensed in the presence of two teachers.

## **IMMUNIZATIONS**

All students entering the Sterling School must have all immunization shots as required by law or the waiver needs to be filled out. See N.D.C.C. Section 23-07-17.1

## **INCLEMENT WEATHER**

The health and safety of the students and staff will be the major consideration when making decisions about the appropriateness of going outside during extremely cold or wet conditions. Other considerations will be the needs of the students such as fresh air, exercise, work breaks, and unstructured play time for social development. Students should come to school dressed properly for outside activities. Outdoor recesses will not normally occur when the wind chill drops below -15 degrees F.

## **DRIVEWAYS AND YARDS TO BE KEPT OPEN**

Parents of students riding on the school buses are required to keep their driveways and yards free from snow and parked vehicles so the bus driver can drive the bus in and out of the driveway and yard when the students board the bus in the morning and depart from the bus in the afternoon.

## **EMERGENCY SCHOOL CLOSING**

The school will text parents/staff concerning school closings.

## **FIELD TRIPS**

Field trips are planned for the students' enjoyment as well as additional learning experiences. Before each field trip each family will receive a field trip permission form to be filled out by the parent or guardian. This form will grant permission for the student to participate in all scheduled field trips. The parent or guardian will be notified in advance of planned field trips. If for any reason you do not wish your child to participate in a particular field trip, please notify the teacher in writing and other arrangements will be made for your child. A parent or guardian may occasionally be asked to chaperone on a field trip.

## **LIBRARY**

Students are encouraged to read library books. Each student is responsible for the care of a library book checked out to the individual student.

## **BOOKMOBILE**

The Burleigh County Bookmobile will be at the Sterling School once a month, usually the first Wednesday of the month.

## **MONEY AND VALUABLES**

Students are discouraged from bringing large amounts of money or valuable articles to school.

## **TELEPHONE CALLS**

Unless a telephone call is an emergency, students, teachers, and support staff members will not be called away from their work. Messages will be taken. A student must ask permission from the teacher to use the telephone.

## **PET POLICY**

No unauthorized pets allowed in school building or classrooms.

## **FIRE AND TORNADO DRILLS**

Practice fire and tornado drills will be held throughout the school year on a regular basis. Students must regard these drills seriously. The drills are a very important part of school safety. Students will practice walking in an orderly manner to designated areas. Roll call will be taken by the classroom teachers before students return to their classrooms. Students are expected to conduct themselves properly during the drills.

## **ACADEMIC INFORMATION**

### **SUPPLY LIST**

This school year students are only required to furnish a backpack and a water bottle if desired for their own personal use. The school will provide the remaining required supplies.

### **GRADING SCALE**

The Sterling School uses the following grading scale:

Grades 2-8

100-92.....A

91-82.....B

81-72.....C

71-63.....D

Below 62.....F

A copy of the grading scale is posted in each classroom.

## **HOMEWORK**

Time is usually provided for assignments to be completed during school hours. Students who make good use of their time will usually get their assignments done in school. However, there may be times when it is necessary to take work home to meet a deadline or prepare for a test. In those instances, it is the student's responsibility to complete the work at home and on time. Parents or guardians are encouraged to help their children establish good study habits.

## **MAKE UP WORK**

If a student is absent, they will have two days to make up their school work for each day they were absent. Example: if a student misses Monday and comes back Tuesday then all work will be due on Thursday. If there are concerns, please contact the teacher to work out a plan for missed work.

## **PARENT OR GUARDIAN CONCERNS**

If a parent or guardian has any concern, it should first be discussed with the child. If further communication is necessary, a meeting should be arranged with the student's teacher. If satisfaction is not reached at that level, a meeting with the principal or a letter is welcome. If, after discussing concerns with the principal, the parent or guardian feels injustice is being served, direct communication with the school board might be appropriate.

## **CONFERENCES**

Parent-teacher conferences will be held twice during the year. Parents, guardians, and teachers are encouraged to make an appointment for a conference at any time during the school year.

## **TEACHER/PARENT ASSOCIATION**

The Sterling TPA is an organization of parents and teachers. This organization is advisory in nature and exercises only in those functions and authority delegated to it by the School Board. The purpose of the Association is:

1. To promote and support good education for students attending the Sterling School.
2. To advise and report educational concerns to school personnel and to act as a sounding board for good education.
3. To disseminate information to parents and students of the Sterling School.
4. To organize activities to help provide resources for special school needs not funded by the School District.

## **OUTSIDE SCHOOL ACTIVITIES SCHEDULED DURING SCHOOL HOURS**

During a school year, students may be selected to participate in county and state events. With the permission of a parent or guardian, students will be chaperoned to and from the event by a volunteer parent or teacher to ensure proper supervision. The chaperone oversees the students placed in his or her care throughout the event and for the student's return to the school or home. A student must remain at the event with the chaperone until the event is completed unless the student has an excused absence. It is the responsibility of the participating student's parent or guardian to keep school officials informed regarding their wishes pertaining to their child's participation in the event and transportation provided by the school. It will be the responsibility of school official to keep parents, guardians and chaperones informed and provide them with all necessary information.

## **GOOD BEHAVIOR POLICIES**

### **OFFICIAL AUTHORITY**

The principal, teachers, bus drivers, teacher aides and other school employees have authority over the students always. A student refusing to accept authority from these designated persons can be suspended from school.

### **DISCIPLINE**

Our goal at the Sterling School is to provide a productive learning environment as well as promote a positive self-worth in each student. We care about your children and the people with whom we work. We will see that no child is prevented from having an opportunity to learn and that no teacher is prevented from teaching. It is in everyone's best interest that we cooperate in developing appropriate school behavior. A spirit of trust and



cooperation is essential between the student, teacher, parent or guardian to develop a plan to positively affect a targeted behavior problem in a student. Without the cooperation of the parent or guardian and teacher, disciplinary actions are often unsuccessful.

## **CLASSROOM**

Each teacher will establish his or her own set of policies.

## **CARE OF SCHOOL PROPERTY**

We are proud of our school and feel that the student, patrons and taxpayers share that view. Part of a child's education is to learn responsibility and respect the property of others. Cost of willful damage to the building, equipment, textbooks, or the property of others, will be the responsibility of the student and parent.

## **LUNCHROOM EXPECTATIONS**

1. Students are expected to be polite and courteous.
2. Eat and visit quietly.
3. Use proper table manners.
4. Clean up your own area.
5. Do not pass or share food.
6. Students are encouraged to taste all food items served in order to develop good eating habits.

## **BUILDING**

1. Walk in the hallways. Accidents do and can happen when students neglect this simple rule.
2. Students will not be allowed to throw items of any kind within the school building.
3. Profanity is not allowed.
4. Lavatories are not play areas. Teachers will grant permission for lavatory use.
5. Students should respect the school building and property. Any damage done to the school building or property of the school will be paid by the student responsible for the damage.
6. Gum, candy and other food items will not be allowed inside or outside the school building or on the school bus. However, the above food items may be allowed at occasional school parties.
7. Students are responsible for the upkeep of their desks and the area around their desks.
8. Once a student arrives at the school, the student may not leave the school grounds without the permission of a teacher or principal. If possible, a parent or guardian will be notified.
9. Repeated misbehavior will result in suspension of a student at the discretion of the principal and school board. The parent or guardian will be notified and a written explanation stating the reason and length of suspension will be issued.

## **PLAYGROUND**

1. Be fair and respectful to each other.
2. Use playground equipment properly.
3. Before leaving the playground, ask permission from the playground supervisor.
4. Be respectful of school property. No vandalism.
5. Be responsible for all personal equipment brought to school.
6. The following is considered inappropriate behavior and will not be tolerated:
  - a. Fighting
  - b. Verbal abuse and inappropriate language as bullying, teasing, swearing and spitting.
  - c. Throwing rocks, ice, snowballs or other objects which could inflict injury.
  - d. Rough play, including tackling, tripping, pushing, kicking, scratching, and biting.
  - e. Lack of respect for authority.
7. Recess is held on the south and west side of the school building for supervision purposes. Students are not allowed on the north and east side of the school building during recess.

8. Students are expected to stop playing when the bell has rung and assemble at the front doors of the school in an orderly manner. All equipment taken out during recess must be returned to the supply closet after recess.

### **APPROPRIATE DRESS APPAREL**

No profane or inappropriate language will be permitted on a shirt, sweatshirt or other apparel worn by a student. A student will be asked to change or reverse the garment if this type of apparel is worn to school.

### **BUS BEHAVIOR**

Students are to wait until the classroom teacher releases them before they depart. Students must walk to the bus in an orderly manner. During winter months, students riding a bus must have in their possession a coat, hat, gloves, and boots. Students may not be allowed on the bus without proper clothing.

Students are to remain seated while the bus is in motion. Students are under the supervision of the bus driver when on the bus and are expected to always comply with his/her instructions. The bus drivers will notify the principal of any cases where students are causing a problem or causing confusion on the buses.

If you are not going to ride home on the bus in the evening, you are to go out and inform the bus driver, so he/she does not wait for you.

Sterling School provides transportation for the convenience and safety of our students. To avoid disciplinary measures, students must behave in a responsible manner while as a passenger in a school vehicle. Students may not move about or do anything that could endanger other riders, distract the driver or cause problems of any sort. Students must respect the driver's authority and the rights of other riders.

#### **Bus Discipline:**

First Offense: Warning

Second Offense: Parent Contact, Administration informed

Third Offense: School Disciplinary Action, Parent Contact

Fourth Offense: Suspension from the bus for an amount of time determined by administration.

**The district reserves the right to deny bus service to any students for disciplinary or safety reasons on a temporary or permanent basis.**

### **WEAPONS/EXPLOSIVE DEVICES POLICY**

The Sterling School determines that possession and use of a weapon by a student is detrimental to the welfare and safety of the students and to school personnel within the district. Violations of the weapons policy will be handled in accordance with the school's policy.

Carrying, bringing, using or possessing any dangerous or deadly weapon in any school building, on school grounds, in any school vehicle or at any school-sponsored activity without the authorization of the Sterling School or School Board is prohibited. Such weapons include but are not limited to any pistol, revolver, shotgun, air gun or spring gun, slingshot, bludgeon, brass knuckles, or artificial knuckles of any kind, knife having a blade of greater than three inches, any knife the blades of which can be opened by a flick of a button or pressure on the handle, or any pocketknife where the blade is carried in a partially-opened position. Copies of weapons, including guns, starter pistols and other look-alikes are to be considered as weapons for the purpose of this policy. Also, any object which has a school-related purpose that could be used to inflict harm on another person will be considered a weapon if the object is used in a threatening manner.

### **NONDISCRIMINATION AND ANTI-HARASSMENT POLICY**

#### **General Prohibitions**

The Sterling School District is committed to maintaining a learning and working environment free from discrimination and harassment in all employment and educational programs, activities, and facilities. The district prohibits discrimination and harassment based on a student's, parent's, guardian's, or employee's race, color, religion, sex, gender identity, national origin, ancestry, disability, age, or other status protected by law.

The district also provides equal access to the Boy Scouts and other designated youth groups, as required by federal law.

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

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

### **Definitions**

- *Complainant* is the individual filing the complaint. If the complainant is not the victim of the alleged discrimination and/or harassment, the victim must be afforded the same rights as the complainant under this policy and regulations AAC-BR1 or AAC-BR2.
- *Disability* is defined in accordance with NDCC 14-02.4-02 (5).
- *Discrimination* means failure to treat an individual equally due to a protected status.
- *Protected status* is defined in applicable state (NDCC 14-02.4-02 (6)) and federal laws.
- *Employee* is defined in accordance with NDCC 14-02.4-02 (7).
- Harassment is a specific type of discrimination based on a protected status. It occurs under the following conditions:
  - a. For employees: When enduring the offensive conduct becomes a condition of continued employment, or the conduct is severe, persistent, and/or pervasive enough to create a work environment that a reasonable individual would consider intimidating, hostile, or abusive.
  - b. For students: When the conduct is sufficiently severe, persistent, and/or pervasive so as to limit the student's ability to participate in or benefit from the education program or to create a hostile or abusive education environment.
- *North Dakota Human Rights Act (NDCC ch. 14-02.4)* provides protection from discrimination in the workplace on the basis of race, color, religion, sex, national origin, age, the presence of any mental or physical disability, status with regard to marriage or public assistance, or participation in lawful activity off the employer's premises during nonworking hours which is not in direct conflict with the essential business-related interests of the employer.
- *Section 504 (Section 504 of the Rehabilitation Act of 1973, as amended, 29 U.S.C. § 794)* is a federal law designed to protect the rights of individuals with disabilities in programs and activities that receive federal financial assistance from the U.S. Department of Education.
- *Sexual harassment* is a form of harassment based on sex. It is defined under Title IX as unwelcome sexual advances, requests for sexual favors, and/or other verbal, written, or physical conduct or communication of a sexual nature, that:
  - a. Constitutes *quid pro quo* harassment, meaning submission to such conduct or communication is made a term or condition, either explicitly or implicitly, of the basis for employment decisions or educational decisions or benefits for students (e.g., receiving a grade);

- b. Is so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the District's education program or activity; or
- c. Constitutes sexual assault, dating violence, domestic violence, or stalking as those offenses are defined in the Clery Act, 20 U.S.C. § 1092(f) and the Violence Against Women Act, 34 U.S.C. § 12291(a).
- *Sexual harassment* examples include, but are not limited to, the following:
  - a. Sexual or "dirty" jokes;
  - b. Sexual advances;
  - c. Pressure for sexual favors;
  - d. Unwelcome touching, such as patting, pinching, or constant brushing against another's body;
  - e. Displaying or distributing of sexually explicit drawings, pictures, and written materials;
  - f. Graffiti of a sexual nature;
  - g. Sexual gestures;
  - h. Touching oneself sexually or talking about one's sexual activity in front of others;
  - i. Spreading rumors about or rating other's sexual activity or performance;
  - j. Remarks about an individual's sexual orientation; and
  - k. Sexual violence, including rape, sexual battery, sexual abuse, and sexual coercion.
- *Title II of the Americans with Disabilities Act* extends the prohibition on discrimination established by Section 504 to all services, programs, and activities of State and local government entities.
- *Title VI* is a federal law that provides protection from discrimination based on race, color, or national origin in employment and employment practices in programs or activities receiving federal financial assistance.
- *Title VII* is a federal law that provides protection from discrimination on the basis of race, color, religion, sex or national origin. Title VII applies to all public school districts with 15 or more employees.
- *Title IX* is a federal law that provides protection from discrimination, based on sex, in education programs or activities that receive federal financial assistance.

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

### Complaint Filing Procedure

The Board shall create an informal and formal discrimination and harassment complaint filing procedure in board regulations coded AAC-BR1. For Title IX sexual harassment complaints, grievance procedures shall be followed in accordance with federal regulations and board regulation AAC-BR2.

The procedure provides for an impartial investigation free of conflicts of interest and bias. Nothing in this policy or in the discrimination and harassment grievance procedure prevents an individual from pursuing redress available through state and/or federal law.

### Confidentiality

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

### Complaint Recipients

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

## **Grievance Coordinators**

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

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

The Board designates the principal as the Title IX Coordinator. They may be contacted at Sterling School, PO Box 68, Sterling, ND 58572-0068, 701-387-4413. Districts must notify students, parents or legal guardians, employees and unions of the name and specified contact information for the designated Title IX Coordinator(s). The notification must also state that inquiries about the application of Title IX and its regulations may be directed to the district's Title IX Coordinator or the Assistant Secretary of Education, or both. Districts must prominently display the Title IX Coordinator(s) contact information on their website, if any, and in each handbook it makes available to students, parents or legal guardians, employees and unions.

The 504/Title II Coordinator's responsibilities include overseeing the district's response to disability discrimination reports and complaints. The 504/Title II Coordinator must have knowledge of the requirements of Section 504 and Title II, of the district's policies and procedures on disability discrimination, and of all complaints raising Section 504/Title II issues throughout the District. To accomplish this, the 504/Title II Coordinator must be informed of any report or complaint raising Section 504/Title II issues, even if the report or complaint was initially filed with another individual or office or if the investigation will be conducted by another individual or office. The Board designates the principal as the 504/Title II Coordinator. They may be contacted at Sterling School, PO Box 68, Sterling, ND 58572-0068, 701-387-4413.

The Nondiscrimination Coordinator's core responsibilities include overseeing the district's response to discrimination and harassment reports and complaints that do not include sex or disability under applicable federal laws, but instead the other protected statuses or sex or disability- based discrimination under state law. The Board designates the principal as the Nondiscrimination Coordinator. They may be contacted at Sterling School, PO Box 68, Sterling, ND 58572-0068, 701-387-4413.

## **Policy Dissemination**

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

## **Training**

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

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

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

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

**End of Sterling School District #35 Policy AAC ..... Adopted: 9/20**

## **SUSPENSION AND EXPULSION**

Students are expected to conduct themselves in a manner suitable to their age and grade. Students disobedient or disruptive of the educational process are subject to corrective discipline.

The Sterling School Board delegates to the Principal the authority to deal with disciplinary problems in the Sterling School. The Principal may suspend a student for up to ten consecutive days or recommend expulsion of a student and shall allow the student's parent or guardian an opportunity to be heard prior to the commencement of the suspension.

The Principal may expel a student for the remainder of the current school year after providing notice and a hearing as set forth in FHDA-R. When the conduct violates the School's policy on carrying a weapon and the weapon is a firearm as defined by that policy, the expulsion may be for up to one calendar year. The Principal shall determine the length of the expulsion on a case by case basis.

Conduct, including but not limited to the following, exhibited while on the school grounds, during a school-sponsored activity, or during a school-related activity is subject to suspension or expulsion;

1. Causing or attempting to cause damage to school property or stealing or attempting to steal school property of value.
2. Causing or attempting to cause damage to private property or stealing or attempting to steal private property.
3. Causing or attempting to cause physical injury to another person except in self defense
4. Possessing or transmitting any firearms, knives, explosives or other dangerous objects or weapons.
5. Possessing, using, transmitting, or being under the influence of any narcotic drug, hallucinogenic drug, amphetamine, barbiturate, marijuana, alcoholic beverage or intoxicant of any kind.
6. Disobedience or defiance of proper authority.
7. Behavior which is detrimental to the welfare, safety or morals of other students.
8. Truancy.
9. Offensive and vulgar language, whether or not it is obscene, defamatory or to incite violence, where it is disruptive to the educational process.
10. Threats of violence, bomb threats, or injury to individuals or property.
11. A student's behavior which is detrimental or disruptive to the educational process as determined by the Principal.

## **ENROLLMENT OF SUSPENDED STUDENTS**

A student who has been suspended from another district shall not be permitted to enroll in the Sterling School until eligible to re-enroll in the student's former district or until the Board or Principal has reviewed the prior suspension and determines that the suspension was illegal or improperly imposed.

## **SUSPENSION/EXPULSION OF A STUDENT WITH DISABILITIES**

Suspension or expulsion of a student with disabilities must comply with the provisions of the Individuals with Disabilities Education Act.

The Sterling School is not required to refer for special education assessment and evaluation a regular education student who has been suspended for violation of school rules and district policy to determine if such a student might have a disability. A suspended regular education student is not entitled to reinstatement to classroom privileges pending any assessment and evaluation which is to be made during the term of the student's suspension.

Legal Ref: 20 U.S.C. 1400 et Seq. Individual with Disabilities Education Act

## **GUIDELINES FOR SUSPENSION AND EXPULSION**

### **SUSPENSION**

Suspension involves either in-school suspension or the dismissal of a student from school classes, buildings, and grounds. Suspension is indicated only in grave situations and shall not be for more than ten days. The parent or guardian of the student is to be notified promptly by the Principal that the suspension has been issued. The authority to initially determine whether a student shall be suspended for a period not to exceed ten days, rests with the Principal and can be exercised AFTER the student is given:

1. Oral or written notice of the charges against him/her.

2. An explanation of the evidence against him/her.
3. An opportunity to present his/her side of the story.

There need be no delay between the time notice is given and the conduct of the above procedure. In those cases where a student's presence poses a continuing danger to persons or property or any ongoing threat of disrupting the educational process, the student may be immediately removed.

For expulsions, see the guidelines for hearings. FHDEI

## **EXPULSION**

Expulsion of a student from school is appealable to the School Board, except when the behavior is bringing a firearm or other weapon to school, may not extend beyond the end of the termination of the current school year. Such action would follow only after suspension and following a conference with the parent or guardian and the administration. If the pupil involved has a disability, see the section entitled Students with Disabilities.

The responsibility of the School Board does not end with expulsion. The guidance department shall notify other appropriate agencies when a student has been expelled. A file shall be kept, and an effort made to help the student.

## **EXPULSION PRE-HEARING NOTICE TO STUDENT**

The student and student's parent or guardian shall be provided with the following notices, prior to the hearing outlined below.

1. Notice of Charges the specific charges against a student shall be stated clearly enough for the student and the parent or guardian to understand the grounds of the charge and to be able to prepare a defense.
2. Notice of Nature of Testimony and Witness the nature of the evidence against a student and the names of any witnesses whose testimony may be used against the student shall be provided.
3. Notice of Hearing the date of a hearing, which shall be within a reasonable time not to exceed ten days shall be provided, is a student is currently under suspension, unless a postponement is requested or agreed to by the parent or guardian.
4. Notice of Right to Present Evidence The right to present witnesses or documentary evidence to rebut the charges against a student shall be explained.
5. Notice of Right to Adult Representation the right to be represented and assisted at a hearing by a lawyer or other adult shall be explained. A parent or guardian who is unable attend the hearing may provide written designation of another adult to assist the student in the parent's absence.

## **STUDENTS WITH DISABILITIES**

1. Suspension of a Student with Disabilities a student with disabilities may be suspended for a period not to exceed ten school days for any conduct which would warrant suspension for a student who does not have a disability. The suspension may be affected immediately upon the decision of the Principal who will review the file to ascertain if the Individual Education Plan (IEP) addresses the behavior in question. If the IEP does address the behavior, the specified procedure shall be followed. The Principal must make and document efforts to contact and notify the parent or guardian prior to the suspension. A student with disabilities may be suspended for additional periods of up to ten school days for separate acts of misconduct as long as such removals do not constitute a pattern or change in placement. Educational services must be provided in cases of removal or suspension in excess of ten days in a school year. The services are to be provided to the extent determined necessary to enable the student to appropriately progress in the general curriculum and appropriately advance toward achieving the goals of IEP. The Principal in consultation with the student's special education teacher shall make the service determination. Beginning with the eleventh day of suspension in a school year, the School must also comply with the provisions of Regulation 300.520 of the Individuals with Disabilities Education Act (IDEA). If suspension more than ten days in a school year constitute a change of placement as defined in IDEA Regulation 300.519(b), then a manifestation determination review (Regulation 300.523(2)) must be conducted before a suspension is implemented. In any suspension of a student with a disability, the student's parent, guardian or representative shall be given

oral or written notice of the charges, an explanation of the evidence supporting the charges, and an informal opportunity to respond to and rebut the charges.

2. **Expulsion of Students with Disabilities** an expulsion may be affected for a student with a disability for any conduct which would warrant expulsion for a student without a disability. Prior to expulsion, the Individual Education Plan Team will meet to determine whether the misbehavior is manifestation of the disability based on the criteria of Regulation 300.5230 of IDEA. If the IEP Team determines that the misbehavior is a manifestation of the disability, the student may NOT be expelled. The Sterling School has an obligation to provide educational services during the time of expulsion. The manner in which the services are provided will be determined by the IEP Team. A student with a disability must continue to receive a free appropriate public education whether they are expelled. As student with a disability for whom expulsion has been recommended is entitled to all the due process rights available to a student without a disability for which expulsion has been recommended. In addition, the student with a disability is entitled to all the due process procedures available to a student with a disability under the Individual Disabilities Education Act and applicable state policies and procedures. A special education student who is a danger to self and others or who has carried a weapon as defined by IDEA regulations to school or to a school function may be removed from his or her current placement. The student shall be placed in an appropriate interim alternative placement in accordance with IDEA Regulation 300.521-529.

## **CONDUCTING HEARINGS FOR EXPULSION**

1. **Nature of Hearing** The hearing is not a court proceeding and should not be referred to or conducted as such. The administrative hearing should be conducted without the rigidity of court hearings and there are no specific rules of evidence or procedure that must be followed. The thrust of the entire hearing is directed toward a determination of whether the reasons offered for the proposed suspension or expulsions are supported by substantial evidence. The evidence offered at the hearing shall be directed toward attaining the truth, and each situation may call for a slightly different approach. The key to conducting a successful hearing is to search for the truth through reasonableness and fairness.
2. **The Hearing Official** A student is entitled to an impartial hearing officer of facts. The Principal may conduct the hearing unless the Principal is biased against the student and the student can subsequently establish that this bias or prejudice deprived him or her of a fair hearing. The Principal may conduct the hearings if the Principal's acts, judgments or decisions are not an issue. That is, the confrontation or the incident at issue did not involve the Principal directly. If the Principal is not qualified under this Rule, the immediate Assistant Principal, or some other administrative official shall then be called upon to conduct the hearing. If in doubt about whether the Principal's acts, judgments or decisions are at issue or if the Principal cannot conduct a fair and impartial hearing, the Principal should not conduct the hearing. The entire thrust of having a person conduct a hearing is to have someone conduct the hearing who is impartial and can render a fair decision. Consideration might be given to setting up hearing committees of faculty members to conduct the hearing.
3. **Representation of a Student** There is no definite requirement that a student must have representation at a hearing. However, if a student or the student's parent or guardian request the student be represented by an attorney, the student's parent or guardian, or another adult, the request should be granted. The School Board should attempt to involve the parent or guardian in the disciplinary proceeding from the beginning. The School Board may refrain from making its presentation through an attorney if counsel does not represent the student.
4. **A Recording of the Hearing** shall be made to substantiate that the required elements of procedural due process were afforded the student. This can be accomplished by several methods.
  - a. **Tape Recorder**-The preferred method at the building level is to tape record the entire proceeding. The presence of a tape recorder has a constructive effect on the decorum of the hearing. However, its presence can also create an atmosphere so formal that the participants may be reluctant to discuss the issues in terms that will result in a resolution of the problem.



- b. Secretary-A second method is to have a secretary or other member of the staff keeps, as nearly as possible, an accurate record of the proceedings.
- c. Court Reporter-If an expulsion should reach the level of the School Board, consideration may be given to utilizing a court reporter.

When any of these methods are used, the student and the student's parent or guardian, or another representative, should be so advised. All evidence that is introduced in the form of written documents should be marked so as to identify the origin and order of introduction. Examples of this would be, "School Exhibits 1, 2, 3" etc, and "Student Exhibit 1, 2, 3," etc. The tape recordings or notes need not be transcribed until an appeal has been perfected to the next level or a suit is filed. When the appeal is to the School Board, it is generally not necessary to transcribe the recordings because the School Board can simply listen to the tapes. All records of a hearing should be kept for several years or until the threat of a lawsuit has passed.

5. Open or Closed Hearing Since the North Dakota Open Meetings Law is not applicable to hearings before school administrators, such hearings will be closed to the public. Any appeal heard by the School Board is subject to the Family Education Rights and Privacy Act (FERPA) and shall be closed unless the parent or guardians waive their rights under FERPA in writing.
6. Witnesses in the room At the request of the school representative, the student or the student's parent, guardian or witnesses may be excluded from the room while the others are offering testimony. The hearing officer should suggest at the beginning of the hearing, before any evidence is presented, that if either side wishes to have witnesses excluded from the room, it may do so. At no time may the student or the student's parent, guardian or representative be excluded from the room.
7. Cross-examination The hearing officer should permit cross-examination if any circumstances indicate that it is necessary in order to reach the truth or to otherwise conduct a hearing which is fundamentally fair. If ever in doubt as to whether cross-examination is necessary, permit it. To do otherwise, is to invite litigation. If one side is permitted to cross-examine the witnesses of the other, the opposing side must have the same privilege.
8. Sworn Witnesses If notary public or other officer capable of taking oaths is available witnesses should be sworn in before offering testimony.
9. Substantial Evidence If, at the conclusion of the hearing, the reasons given for the proposed expulsion are supported by the evidence offered at the hearing, the student may be expelled. After a full and fair hearing has been conducted, it may not be necessary to expel the student because the problem has been worked out. Frequently, agreement between the administrator, the student and the student's parent or guardian can be reached as to the student's future conduct at school, or as an alternative, the student may be transferred to a special program or special school. The action of the student does not have to be proven beyond a reasonable doubt as in a criminal trial, but the action must be supported by substantial evidence. There must be evidence presented upon which the hearing officer can establish that the student did do the alleged acts. In determining whether there is substantial evidence to support a finding of misconduct, the hearing officer may take into consideration only that evidence presented at the hearing. The hearing officer should not consider any rumor or other suggestion heard outside the room prior to or after the hearing.
10. Making a Decision and Giving Notice to the Parties After the hearing officer decides whether to expel a student. The hearing officer has the responsibility of promptly informing the student, the student's parent or guardian, the student's counsel or representative, both orally and in writing, of the decision. If the student is found guilty of misconduct, the decision should specify the misconduct in sufficient detail to inform the student of what he or she was found to have done. The decision must be specific enough so that a reasonable person can be advised of the finding and know what to appeal to the next level. In informing the student of the decision, the hearing officer should also inform the parties of the right to appeal the decision to the next level and how to do so.
11. Appeal to School Board An appeal of the hearing officer's decision may be made to the School Board and should be reviewed at the next regular meeting of the Board, except when good cause is shown for calling a special meeting for that purpose. Since the expulsion will affect or become a part of the student's educational record, the appeal hearing before the Board will be in executive session unless the

parent or guardian signs as written notice of their rights under the Family Educational Rights and Privacy Act.

Legal Ref: 20 U.S.C. 1232(e)(f) Family Educational Rights and Privacy Act 45 CFR U99 3099.31 Regulations Goss v. Lopez 419 U.S.565 (1975) Approved by the Sterling School Board on June 11, 2002

## **PLACEMENT, PROMOTION, RETENTION, AND ACCELERATION OF A STUDENT**

The Sterling School District is committed to fostering the continuous educational and personal growth of its students. Student progress shall be continually evaluated based on state and local achievement standards, course content standards, and education goals and objectives as established by administration and the teaching staff.

The Board recognizes that at every grade level there are differences among students in their intellectual and personal development and that individual students may be more proficient in some content areas than in others. Therefore, assignment of a student to a grade level shall be based on the best educational interest of the student, which shall be determined by using the criteria established below.

### **Criteria for Determining Promotion & Retention**

The decision to promote or retain a student shall be based on at least the following criteria:

1. Whether the student completed course requirements at the presently assigned grade.
2. Whether the student demonstrated proficiency in enough course content areas to warrant promotion.
3. Whether the student sufficiently met achievement standards and other educational goals/objectives established for the student's current grade level.
4. Whether the student demonstrated the degree of social, emotional, and physical maturation necessary for successful learning experiences in the next grade level.
5. The decision to promote or retain a special education student shall be made by the Individual Education Program (IEP) team in accordance with applicable law.

Under no circumstances shall a student be retained for the sole purpose of improving the student's ability to participate in the district's athletic program.

Procedures for promoting and retaining students shall be developed by the Principal and delineated in administrative regulations.

### **Acceleration**

The Principal shall develop grade acceleration criteria and approval/denial procedures, which shall be delineated in administrative regulations.

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

**End of Sterling School District #35 Policy GCAA ..... Adopted:3/10**

## **ENGLISH LEARNERS**

It is the policy of the Sterling School District to provide the appropriate educational services as required by law. Students are guaranteed equal educational opportunities regardless of race, color, religion, gender, national origin, ancestry, disability, age, or other status protected by law. Students identified as lacking the necessary language proficiency to learn and interact in the classroom shall be provided necessary services.

The District provides appropriate educational services and parity in programs/services/ resources provided to students who are Limited English Proficient (LEP) and/or English Language Learners (ELL). The District has developed a plan that describes the process of identifying and assessing students who are LEP or ELL. The plan is consistent with state and federal requirements.

The plan also includes a procedure for ensuring participation by identified students in state mandated assessments and a description of methods used to assist with language proficiency and academic achievement, including a description of the instructional model chosen, method of developing individual student instructional plans, teacher assessment, instructional planning, parental involvement, and program exit criteria. The plan assures that a trained ESL or bilingual education teacher shall oversee the LEP and ELL program. The plan will be monitored to ensure that portions that fail to meet the needs of LEP and ELL students are revised or discontinued.

Parents or guardians of ELL and LEP student shall be notified upon identification and be informed of student's needs, services available, and annual progress in English and academic achievement. Parents or guardians shall be communicated with, to the extent practicable, in their native language or a language that they can understand.  
**End of Sterling School District #35 Policy GABAA ..... Adopted:3/10**

## **BULLYING POLICY**

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

### **Definitions**

For the purposes of this policy:

1. *Bullying* is defined in NDCC 15.1-19-17 as:
  - a. Conduct that occurs in a public school, on school district premises, in a district owned or leased school bus or school vehicle, or at any public school or school district sanctioned or sponsored activity or event and which:
    - i. Is so severe, pervasive, or objectively offensive that it substantially interferes with the student's educational opportunities;
    - ii. Places the student in actual and reasonable fear of harm;
    - iii. Places the student in actual and reasonable fear of damage to property of the student; or
    - iv. Substantially disrupts the orderly operation of the public school; or
  - b. Conduct received by a student while the student is in a public school, on school district premises, in a district owned or leased school bus or school vehicle, or at any public school or school district sanctioned or sponsored activity or event and which:
    - i. Is so severe, pervasive, or objectively offensive that it substantially interferes with the student's educational opportunities;
    - ii. Places the student in actual and reasonable fear of harm;
    - iii. Places the student in actual and reasonable fear of damage to property of the student; or
    - iv. Substantially disrupts the orderly operation of the public school.
  - c. Conduct received or sent by a student through the use of an electronic device while the student is outside a public school, off school district premises, and off school district owned or leased property and which:
    - i. Places the student in actual and reasonable fear of:
      1. Harm; or
      2. Damage to property of the student; and
    - ii. Is so severe, pervasive, or objectively offensive the conduct substantially interferes with the student's educational opportunities or substantially disrupts the orderly operation of the public school.
  - d. Conduct includes the use of technology or other electronic media (e.g. cyberbullying).
2. *Electronic communication* is defined in NDCC 12.1-17-07(5) as a transfer of signs, signals, writing, images, sounds, data, or intelligence of any nature transmitted in whole or in part by a wire, radio, electromagnetic, photo-electronic, or photo-optical system.
3. *Protected status* are classifications/characteristics protected from discrimination by NDCC 14-02.4-01 and federal law. The following statuses are protected: race, color, religion, sex, national origin, age, disability (physical or mental), and status with regard to marriage or public assistance.
4. *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.
5. *School-sanctioned activity* is defined as an activity that:

- a. Is not part of the district's curricular or extracurricular program; and
  - b. Is established by a sponsor to serve in the absence of a district program; and
  - c. Receives district support in multiple ways (i.e., not school facility use alone); and
  - d. Sponsors of the activity have agreed to comply with this policy; and
  - e. The District has officially recognized through board action as a school-sanctioned activity.
6. *School-sponsored activity* is an activity that the District has approved through policy or other board action for inclusion in the district's extracurricular program and is controlled and funded primarily by the District.
7. *School staff* include all employees of the Sterling School District, school volunteers, and sponsors of school-sanctioned activities.
8. *True threat* is a statement that, in light of the circumstances, a reasonable person would perceive as a serious expression of an intent to inflict harm.

### **Prohibitions**

A student or school staff member may not:

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

### **Reporting Procedures for Alleged Policy Violations**

- 1. **Reporting requirements for school staff:** Any school staff member with knowledge or suspicion of a violation of this policy or who has received an oral or written report of a violation of this policy from a student, community member, or anonymously shall contact the building principal to inform them as soon as possible. If the alleged violation implicates the building principal, the school staff member shall report it to the Superintendent. If the alleged violation implicates the Superintendent, the school staff member shall report it to the Board President.  
Should school administration determine that a school staff member knew of or suspected a violation of this policy and failed to report it in accordance with the procedure above, the staff member may be subject to disciplinary consequences or, for sponsors of school-sanctioned activities, other corrective measures.
- 2. **Reporting options for students and community members:** Students and community members (including parents) may report known or suspected violations of this policy using any of the following methods:
  - a. Completing a written complaint form (ACEA-E4). A complainant will have the option of including their name on this form or filing it anonymously. The District will place the form in a variety of locations throughout the school and should inform students and staff of these locations. The form may be returned to any school staff member, filed in a school building's main office, or placed in a designated drop box located in each school.
  - b. Complete and submit an online complaint form. A complainant will have the option of including their name on the form or submitting it anonymously.
  - c. File an oral report with any school staff member.

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

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

### **Documentation and Retention**

The District shall develop a form to report alleged violations of this policy (ACEA-E3). The form should be completed by school staff when they:

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

The form should be completed by an administrator when they:

3. Initiate a report of an alleged violation of this policy; or
4. Receive an oral report of an alleged violation of this policy.

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

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

### **Investigation Procedures**

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

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

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

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

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

### **Reporting to Law Enforcement and Others Forms of Redress**

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

### **Disciplinary and Corrective Measures**

Students who the District has found to have violated this policy shall be subject to disciplinary consequences and/or corrective measures. When determining the appropriate response to violations of this policy,

administration shall take into account the totality of circumstances surrounding the violation. Measures that may be imposed include, but are not limited to:

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

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

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

### **Victim Protection Strategies**

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

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

### **Dissemination and Education**

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

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

**End of Sterling School District #35 Policy ACEA..... Adopted: 11/19**

## **STERLING SCHOOL POLICY FOR TOBACCO USE (Policy ABBA)**

### **Definitions**

For purposes of this policy:

- *Electronic smoking device* means any product containing or delivering nicotine, or any other substance, whether natural or synthetic, intended for human consumption through the inhalation of aerosol or vapor from the product. Electronic smoking device includes, but is not limited to, devices manufactured, marketed, or sold as e-cigarettes, e-cigars, e-pipes, vape pens, e-hookahs, mods, tank systems, Juul, Suorin, or under any other product name or descriptor. Electronic smoking device also includes any component part of a product, whether or not marketed or sold separately, including, but not limited to, e-liquids, e-juice, cartridges, or pods.
- *Imitation tobacco product* means any edible non-tobacco product designed to resemble a tobacco product, or any non-edible non-tobacco product designed to resemble a tobacco product and intended to be used by children as a toy. Imitation tobacco product includes, but is not limited to, candy or chocolate cigarettes, bubble gum cigars, shredded bubble gum resembling chewing tobacco, pouches containing flavored substances packaged similar to snus, and shredded beef jerky in containers resembling snuff tins.
- *Lighter* means a mechanical or electrical device typically used for lighting tobacco products.
- *Possession of tobacco products* means:
  - l. Actual physical possession of the tobacco product while on school property;
  - m. Use or consumption of the tobacco product while on school property;
  - n. Tobacco product located in the student's locker, car, handbag, backpack, or other belongings while on school property; or
  - o. Appearance by a student on school property after having consumed or ingested the tobacco product that is noticeable by breath odor.
- *Smoking* means inhaling, exhaling, burning, or carrying any lighted or heated cigar, cigarette, or pipe, or any other lighted or heated tobacco, nicotine, or plant product intended for inhalation, including hookah and marijuana, whether natural or synthetic. "Smoking" also includes the use of an electronic smoking device. This excludes any FDA-approved nicotine replacement therapy.
- *School property* is defined in NDCC 15.1-19-10 (6)(b) as all land within the perimeter of the school site and all school buildings, structures, facilities, and school vehicles, whether owned or leased by a school district, and the site of any school-sponsored event or activity.
- *Tobacco product* means any product containing, made, or derived from tobacco, or that contains nicotine, whether synthetic or natural, that is intended for human consumption or is likely to be consumed, whether smoked, heated, chewed, absorbed, dissolved, inhaled, snorted, sniffed, or ingested by any other means, or any component, part, or accessory of a tobacco product, including, but not limited to: a cigarette; electronic smoking device; cigar; little cigar; cheroot; stogie; perique; granulated, plug cut, crimp cut, ready rubbed, and other smoking tobacco; cavendish; plug and twist tobacco; fine-cut and other chewing tobacco; shorts; snuff; snuff flour; snus; refuse scraps, clippings, cuttings and sweepings of tobacco; and other kinds and forms of tobacco. Tobacco product also includes any electronic smoking device.
- *Tobacco use* means smoking and the heating, inhaling, chewing, absorbing, dissolving or ingesting of any tobacco product.
- *Visitor* means any person subject to this policy that is not a district student or staff member. This includes school volunteers, independent contractors, individuals performing services on behalf of the District, and individuals attending school-sponsored events or activities.

### **Rationale for Regulating Possession & Use**

The health hazards of tobacco use have been well established. This policy is established to:

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

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

### **Prohibitions**

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

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

The District shall not promote or allow promotion of tobacco products, electronic smoking devices, imitation tobacco products, or lighters on school property, at any school sponsored event or activity, or in any school publications. This includes promotion of these products via gear, technology accessories, bags, clothing, any personal articles, signs, structures, vehicles, flyers or any other materials.

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

### **Exceptions**

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

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

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

### **Communicating to Students, Staff, & Public**

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

### **Responsibility for Violations**

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

### **Prevention Education**

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



## **Tobacco Cessation Services**

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

## **Evaluation**

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

**End of Sterling School District #35 Policy ABBA..... Adopted: 5/22**

## **STUDENT ALCOHOL & OTHER DRUG USE/ABUSE (Policy FFA)**

### **Philosophy**

The Sterling School District shall strive to provide a learning environment that is safe, drug free, and conducive to learning. This policy is designed to help eradicate the influence of drugs and alcohol within the school environment, promote awareness and health, and protect students in the school environment by imposing consequences for drug and alcohol related violations.

### **Prohibited Substances**

Prohibited substances include, but are not limited to:

1. Alcohol or any alcoholic beverage;
2. Any controlled substance or dangerous drug as defined by NDCC Sections 19-03.1-05 through 19-03.1-13 and 19-03.1-26 (paraphernalia) or as defined by Section 812, Schedules I-V, of Title 21, United States Code, Section 801, et seq., including but not limited to marijuana, any narcotic drug, any hallucinogen, any stimulant or depressant, and all other illicit drugs;
3. Any glue, aerosol paint, or any other chemical substance used for inhalation;
4. Any prescription or non-prescription drug, medicine, vitamin or other chemical including, but not limited to aspirin, other pain relievers, stimulants, diet pills, multiple or other type vitamins, pep pills, "no-doze" pills, cough medicines and syrups, cold medicines, laxatives, stomach or digestive remedies, depressants, sports or muscle-building supplements, and sleeping pills not administered and/or taken in accordance with the medication administration policy;

The District has a separate policy dealing with tobacco use.

### **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. A student will be determined to be "in possession" when the substance is on the student's person or in the student's locker, car, handbag, or when s/he owns it completely or partially.
3. Be under the influence of (legal intoxication not required), use, consume, or attempt to use or consume the substances listed in this policy or what is represented by or to the student to be any of the substances listed in this policy or what the student believes is any of the substances listed in this policy.

This policy applies to any student who is on school property, who is in attendance at school or at a school-sponsored activity or whose off-campus conduct is reasonably predicted to substantially disrupt the operations of the school district, district safety, or welfare of students or employees.

### **Violation**

Disciplinary sanctions will be imposed on any student violating this policy. These sanctions may include suspension or expulsion, intervention (as described below), and notification of proper authorities for prosecution. Prohibited substances will be confiscated and illegal substances will be turned over to law enforcement authorities.

Any student who is observed to be under the influence of a prohibited substance will be taken immediately to the principal's office. The student's parents will be notified and asked to pick up the student. If there appears to be imminent danger to other students, school personnel, and/or the student involved, the principal may have the student removed from the school by school, medical, or law enforcement personnel.

### **Intervention**

It is acknowledged that the public school has neither the authority nor the responsibility to make medical or health determinations regarding chemical dependency; however, when observed behavior indicates that a problem exists that may affect the student's ability to learn or the educational climate of the school, the school has a right and a responsibility to refer the student for a formal chemical dependency diagnosis. The Superintendent shall develop a procedure for chemical dependency identification and referral for treatment. Referral for treatment shall be a constructive not punitive action; however, use of the treatment program shall not override or prohibit the District from taking disciplinary action for violations of this policy.

The school will make a reasonable effort to cooperate with a therapy program if one is recommended for the student. The Board believes that if a student is involved in a chemical dependency program and is successfully addressing their harmful involvement with chemicals, they may be allowed to continue in the regular school setting and continue to participate in any extracurricular program unless participation is in conflict with rules and regulations set forth by the Board, the [North Dakota High School Activities Association](#).

The school may, through the use of available resources, provide follow-up counseling and supportive assistance to those students who return after successfully completing a therapeutic regimen, realizing that the student may need assistance in dealing with other environmental factors beyond the school's control which may remain unchanged.

### **Confidentiality**

The District shall maintain the confidentiality of students referred for counseling and chemical dependency treatment in accordance with the district's policy on counseling records.

#### **Education**

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 Sterling 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.

End of Sterling School District #35 Policy FFA .....Adopted:3/10

Elastic Clause: A handbook is a guide. If a student commits an act not covered in this guide that threatens the safety or health of other students and teachers, administration reserves the right to act accordingly. The student will be given the right of due process guaranteed by law to all citizens.