Horse Creek School Board Approved 8.11.25



Employee Handbook

THE PURPOSE AND USE OF THE HANDBOOK

This handbook serves as your guide to employment practices with the Horse Creek School District. However, it is not all inclusive of the district’s policies as set forth by the Horse Creek School Board.

This handbook is not considered a contract with any employees. The Horse Creek School District considers all employees vital to the smooth functioning of the school system. All employees of the district should work together as partners to provide the best possible learning environment for the children and youth of the district.

**HORSE CREEK PUBLIC SCHOOL MISSION STATEMENT**

Our mission at Horse Creek School is to educate all students to the highest levels of academic achievement, to enable them to reach and expand their potential, and to prepare them to become productive, responsible, ethical, creative and compassionate members of society.

**Code of Ethics of the Horse Creek Community**

Only to the extent that individuals know and practice an acceptable code of behavior, both among themselves and each other, can the Community exhibit a positive attitude. Various codes of ethics have been set down for each member of the Horse Creek Community, including:

1. To receive respect from others; be respectable;
2. If you cannot speak well of another, say nothing;
3. Do not criticize without a suggestion for improving;
4. When two people argue, both are in the wrong;
5. The person is more important than the subject matter;
6. Be helpful if you expect help from others;
7. Try to understand the other’s point of view – he/she may be right;
8. Genuine praise of another raises you in his/her esteem;
9. Appraise yourself only by the best in others;
10. Accept yourself as you are, but do not be content to remain that way;
11. Ask yourself- Am I giving 100% each and every day?

State of North Dakota, ESPB Code of Professional Conduct for Educators Article 67.1-03; NDCC: Section 67.1-03-01-01

**Board of Education**A five-person board governs Horse Creek School District. Current board members are as follows: Nikki Winter, President; Ian Pennington; Dave Winter, Dustin Horsburgh, and Amber Severson. Joanna Horsburgh is the Horse Creek Business Manager.

**BOARD RECOGNITION:**

The School Board hereby recognizes and delegates to the County Superintendent the authority to govern day-to-day operations of the District. A chain of command should be followed starting with the Superintendent and then the Board President.

PHILOSOPHY OF PUBLIC SCHOOLS

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

We Believe:

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

STAFF CODE OF CONDUCT

# Purpose

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

# Application of Policy

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

# Code of Conduct

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

The Board has adopted the following policies on staff conduct, which are considered part of this code of conduct and to which all district staff are required to adhere[[1]](#footnote-1):

* Acceptable Use
* Accident Reporting
* Bullying
* Complaints about Personnel
* Confidentiality
* Drug and Alcohol-Free Workplace
* Nondiscrimination and Anti-harassment
* Electronic Communications with Students
* Political Activities
* Prohibition on Aiding Sexual Abuse
* Records Retention
* Restraint or Seclusion
* Sportsmanship
* Staff Attendance
* Student Conduct and Discipline (Prohibition on Corporal Punishment)
* Student Education Records and Data Privacy
* Student-Staff Relations
* Tobacco Use
* Unauthorized Purchases
* Vandalism
* Violent and Threatening Behavior
* Weapons Prohibitions on District Property—Employees
* Whistleblower Protections

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

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

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

# Dissemination of Staff Conduct Standards

The Superintendent or designee shall develop a procedure to ensure that this code of conduct and other policies governing staff conduct are provided to all staff annually. The Board further directs the Superintendent or designee to compile a list of state laws related to staff conduct and disseminate this information to staff annually. Administration shall review the standards with staff, at least annually, to ensure their understanding of all documents provided to them under this policy.

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

# Reporting and Investigation

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

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

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

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

# Alleged Violations by the Superintendent or Business Manager

If the Superintendent or Business Manager is believed to have violated this policy, the alleged violation shall be reported to the Board President who is responsible for conducting the investigation and making a recommendation based on the outcome of the investigation to the Board for determination and final action. The Boardmay retain an attorney or consultant to assist with the investigation process.

# Violations

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

# Retaliation and Providing False Information Prohibited

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

NONDISCRIMINATION AND ANTI-HARASSMENT POLICY

# General Prohibitions

The Horse Creek 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:
1. 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.
2. 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 14-02.4)* provides protection from discrimination in the workplace on the basis of race, color, religion, sex, national origin, age, the presence of any mental or physical disability, status with regarding to marriage or public assistance, or participation in lawful activity off the employer’s premises during nonworking hours which is not in direct conflict with the essential business-related interests of the employer.
* *Section 504 (Section 504 of the Rehabilitation Act of 1973, as amended, 29 U.S.C. § 794)* is a federal law designed to protect the rights of individuals with disabilities in programs and activities that receive federal financial assistance from the U.S. Department of Education.
* *Sexual harassment* is a form of harassment based on sex. It is defined under Title IX as unwelcome sexual advances, requests for sexual favors, and/or other verbal, written, or physical conduct or communication of a sexual nature, that:
1. 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);
2. Is so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the District’s education program or activity; or
3. 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:
1. Sexual or "dirty" jokes;
2. Sexual advances;
3. Pressure for sexual favors;
4. Unwelcome touching, such as patting, pinching, or constant brushing against another's body;
5. Displaying or distributing of sexually explicit drawings, pictures, and written materials;
6. Graffiti of a sexual nature;
7. Sexual gestures;
8. Touching oneself sexually or talking about one's sexual activity in front of others;
9. Spreading rumors about or rating other’s sexual activity or performance;
10. Remarks about an individual’s sexual orientation; and
11. 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 McKenzie County Superintendent of Schools as the Title IX Coordinator. They may be contacted at 1812 Horse Creek Road, Cartwright ND, (701) 444-3456 or Nikki.johnsrud@k12.nd.us. 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 McKenzie County Superintendent of Schools as the 504/Title II Coordinator. They may be contacted at 1812 Horse Creek Road, Cartwright ND, (701) 444-3456 or Nikki.johnsrud@k12.nd.us.

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 McKenzie County Superintendent of Schools, as the Nondiscrimination Coordinator. They may be contacted at 1812 Horse Creek Road, Cartwright ND, (701) 444-3456 or Nikki.johnsrud@k12.nd.us.

# 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.

DRUG AND ALCOHOL-FREE WORKPLACE

# Definitions

For purposes of this policy:

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

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

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

# Awareness Program

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

# Policy Dissemination

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

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

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

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

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

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

# Violation Reporting

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

# Violations

Violations of this policy may result in the following:

1. Unpaid leave or suspension;
2. Termination of employment; due process procedures shall be followed prior to termination, if required; or
3. Notification of proper law enforcement authorities.

# Assistance

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

# Confidentiality

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

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

DRUG AND ALCOHOL TESTING PROGRAM FOR EMPLOYEES

# Definitions

For the purpose of this policy:

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

# Statement of Philosophy

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

# Prohibitions and Hours of Compliance

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

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

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

# Notice of Medication Use

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

# Participation in Drug and Alcohol Testing Program Required

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

# Circumstances for Testing

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

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

An independent contractor who drives their own bus/vehicle is subject to the same requirements as the district’s own employees.

# Testing Procedures

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

# Refusal to Submit

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

# Violations

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

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

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

# Confidentiality of Records

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

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

# Records from Former Employers

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

# Training

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

# Identity of Contact Person

The Board designates the McKenzie County Superintendent of Schoolsto serve as the contact person for questions concerning the drug and alcohol testing program and this policy. This designee may be reached at 201 5th St NW, Watford City, ND,
(701) 444-3456 or Nikki.johnsrud@k12.nd.us.

# Policy Dissemination

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

# Effects of Alcohol and Controlled Substances

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

# Conflict between Regulations and Federal Law and Regulations

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

NORTH DAKOTA’S COMPREHENSIVE MODEL SCHOOL POLICY

FOR TOBACCO USE

# Definitions

For purposes of this policy:

* *Electronic smoking device* means any product containing or delivering nicotine, or any other substance, whether natural or synthetic, intended for human consumption through the inhalation of aerosol or vapor from the product. Electronic smoking devices include, 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 devices also include 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:
1. Actual physical possession of the tobacco product while on school property;
2. Use or consumption of the tobacco product while on school property;
3. Tobacco product located in the student’s locker, car, handbag, backpack, or other belongings while on school property; or
4. 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 products also include 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 Horse Creek 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. The signage shall indicate that the Horse Creek 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 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.

WEAPONS PROHIBITION ON SCHOOL PROPERTY—EMPLOYEES

# Definitions

This policy defines the following:

* *Armed first responder* as defined by NDCC 62.1-02.
* *Dangerous weapon* as defined by NDCC 62.1-01-01(1).
* *Firearm* as defined by 18 U.S.C. 921 and NDCC 62.1-01-01(3).
* *School property* is defined in NDCC 15.1-19-10 (6)(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 the District, and the site of any school-sponsored event or activity.

# Prohibitions

District employees, district contractors and/or their employees, and district volunteers are prohibited from possessing on school property a firearm, dangerous weapon, or any object that is used, attempted to be used, or threatened to be used, to intimidate or cause bodily harm, including those individuals who may otherwise be permitted by law to carry such weapons.

This prohibition does not apply to armed first responders and law enforcement personnel including the school resource officer,or authorized ambulance and firefighter crew while on duty. Firearms and dangerous weapons under the control of the armed first responder, law enforcement personnel including the school resource officer or authorized ambulance and firefighter crew while on duty are permitted on school property in accordance with law.

# Firearms and/or Dangerous Weapons Stored in Vehicles

Employees are prohibited from possessing firearms and/or dangerous weapons in their vehicles while on school property, except as permitted by law. Permitted employees must ensure that all firearms are secured in or on their vehicle while on school property.

# Exceptions

The prohibitions in this policy do not apply when the Superintendent has authorized the following:

1. Use of a blank firearm cartridge, or any object that can reasonably be considered a dangerous weapon in a sporting, memorial, or theatrical event;
2. Participation in educational, training, cultural, or competitive events that requires use of a firearm or dangerous weapon;
3. For purposes of a hunter’s safety course; or
4. Firearms or dangerous weapons stored in residences of employees living in district-owned housing as authorized by the District.

# Notice

The Superintendent shall ensure notice of this policy is provided to district employees, district contractors, and district volunteers.

# Violations

Employees in violation of this policy shall be subject to discipline up to and including dismissal in accordance with any applicable law. Individuals contracting with the District and volunteers shall be subject to appropriate sanctions. A referral to law enforcement may be made by appropriate school officials.

**PERSONAL ELECTRONIC COMMUNICATION DEVICES
PROHIBITION DURING INSTRUCTIONAL TIME - FFI**

The Horse Creek School District is committed to providing the necessary support for academics and student well-being in a positive educational environment that is free from unnecessary, non-educational distractions. Personal electronic communication devices can be a distraction during instructional time and counterproductive to student focus and engagement. By prohibiting and limiting the use of personal electronic devices during the school day, this policy aims to provide students with more opportunities to engage in meaningful interactions, collaborate with peers, and cultivate the essential skills necessary for academic and life-long success. Therefore, it is the position of the State of North Dakota and the District that students and school employees shall abide by this policy, which prohibits the use of personal electronic communication devices as outlined herein.

# Definitions

For the purposes of this policy and in accordance with North Dakota law, the following terms are defined as follows:

1. *Instructional time* means the time from the start of the school day until dismissal at the end of the school day on school premises, for which the signal may be the ringing of a bell, including a structured or unstructured learning experience, recess, a lunch period, and time in between classes. The term does not include private student travel time to and from an area career and technology center or other offsite learning experience or instructional time occurring in virtual environments off school premises.
2. *Parent* means a parent or guardian of a student who is authorized to make decisions regarding education for the student.
3. *Personal electronic communication device* means a portable electronic device capable of communication by voice, text, or other data with one or more other parties or devices, or capable of connection to a smartphone, the internet, or a cellular or wireless fidelity network, including a smartphone, cell phone, bluetooth-enabled device, tablet, smartwatch or other wearable device, and gaming device. The term does not include:
	* School-owned devices provided to a student and school-approved devices used by a student in accordance with this section.
	* Portable devices that meet the definition of a medical device under the federal Food, Drug and Cosmetic Act [21 U.S.C. 9 et seq.].
4. *School* means a public school providing prekindergarten, elementary, or secondary education, including area career and technology centers. The term does not include virtual schools, virtual instruction, the North Dakota center for distance education, or education occurring in a home-school environment.
5. *School-related activity* means a school sanctioned activity, event, or function, occurring outside of instructional time, at which students are under supervision of the school, whether on or off school premises, including a bus ride, field trip, sporting event, and school dance.
6. *Student* means an individual currently enrolled or registered at a public school as defined under this policy.
7. *Inappropriate content* is defined as content that:
	* Violates a district student conduct policy;
	* Attacks race, color, national origin, ancestry, religion, sex, disability, or other status protected by law;
	* Promotes violence, terrorism, or other illegal activities including, but not limited to, tobacco, drug, and/or alcohol use by minors;
	* Is obscene or pornographic as defined by community standards.
	* Is reasonably forecasted to materially or substantially disrupt the educational environment;
	* Poses a direct threat to the physical safety of the school population; and
	* Infringes on the rights of others, such as (but not limited to) material that is potentially libelous or invades an individual's privacy.

# Prohibitions

In compliance with N.D.C.C. § 15.1-07-41, the Horse Creek School District prohibits students from using personal electronic communications devices during instructional time. Prohibited devices include the following:

1. Smartphones
2. Cell phones
3. Bluetooth-enabled devices
4. Tablets
5. Smartwatches or other wearable devices
6. Gaming devices
7. Any other devices as defined under N.D.C.C. § 15.1-07-41

All personal electronic communication devices identified above must be:

1. Silenced or turned off, *and*
2. Securely stowed away*, and*
3. Inaccessible to students during instructional time.

The District may develop additional administrative regulations or rules, which outline the specific procedures each school building will follow to ensure all three legal requirements are met during instructional time.

Exceptions from this policy's prohibitions may be made only as outlined below.

# Device Exceptions

The District provides specific device exceptions and will not prohibit a student from possessing or using a personal electronic communication device under this policy in each of the following circumstances:

1. *School-owned devices provided to a student, including school-issued laptops, tablets, or any other electronic device capable of communication as defined under this policy.*
2. *School-approved devices used by a student, including personal electronic communication devices that have been approved by the classroom teacher to be used during instructional time for an educational-related purpose. Such approval shall be limited in scope and time according to the specific educational-related use of the approved device. Students using a school-approved device shall only use that device for the educational-related purpose for which the device received approval. Any violation of this provision by the student or employee may result in approval being rescinded, and the student and/or employee being subject to discipline as identified in this policy.*
3. *Medical-provider recommendation*, which includes a medical provider licensed under [N.D.C.C. Title 43](https://ndlegis.gov/cencode/t43.html) (Occupations and Professions) who determines the possession or use of a personal electronic communication device is necessary for the health or well-being of the student.
4. *Required accommodation*, which authorizes the possession or use of a personal electronic communication device when required by the student's individual education program under the:
	* The Individuals with Disabilities Education Act [[20 U.S.C. 1400](https://www.law.cornell.edu/uscode/text/20/1400)];
	* Section 504 of the Rehabilitation Act of 1973 [[29 U.S.C. 794](https://www.law.cornell.edu/uscode/text/29/794)]; or
	* A plan developed in accordance with state or federal law requiring accommodation.

# Limitations/ Allowances for School-Related Activities

The District may limit or allow student access to personal electronic communication devices outside of instructional time, during a "school-related activity" as defined in this policy. Such approval may be provided to a student(s) by a teacher.

School-related activities where students may be allowed limited or full access to personal electronic communication devices include:

1. Bus rides
2. Field trips
3. Sporting events
4. School dances
5. Other activities where students are under the supervision of the school, whether on or off school premises

The District may develop and enforce specific limitations and allowances under administrative regulations or rules. Any time a student is using a school owned or approved device, a personal device on a limited or allowed basis, or a personal device that falls under another exception in this policy, the following prohibitions apply:

1. Students are prohibited from using any devices or technology to violate a student conduct policy including, but not limited to, policies on cheating and bullying while on school property or at a school-sponsored event;
2. Students are prohibited from using any devices or technology to photograph or video record any person during the school day. Students are furthermore prohibited from transmitting any photo or video using personal technology during the school day. Building principals are authorized to make exceptions to this rule for bona fide classroom activities and in accordance with the "exceptions" section of this policy;
3. Students are prohibited from using any devices or technology to photograph or video record inappropriate content and/or transmit inappropriate content while on school property and/or participating in school-sponsored events;
4. Students are prohibited from displaying and/or using any devices or technology in areas where there is a reasonable expectation of privacy by others on school property and at school-sponsored events. Students are also strongly discouraged from possessing personal technology in areas where there is a reasonable expectation of privacy by others on school property and at school-sponsored events;
5. Students are prohibited from using any devices or technology to compromise district networks or access confidential material on district networks. The District may also take disciplinary action against a student who has used personal technology to engage in hacking, trolling, accessing or transmitting inappropriate material, spamming, sending viruses, and/or engaging in illegal or other inappropriate activity while on school property or participating in school-sponsored event; and
6. Students are prohibited from using any devices or technology disruptively or in a manner that potentially compromises the safety of others on school property and during school sponsored events.

# Student Contact with Parents/ Caregivers

A student may contact the student's parent or authorized caregiver during the school day if needed by using a school telephone made available to the student in a manner and location designated by the building administration. Student contact with parents/ caregivers will not be unreasonably withheld, but the Superintendent may develop administrative policies and rules to ensure the orderly operation of the District and the educational process is not unnecessarily disrupted.

Parents and staff should refer to other District policies and regulations which may apply in the event of District-wide emergencies, student emergencies, and other health and safety events that may occur.

# Enforcement Provisions

The District enacts the following enforcement provisions to ensure strict compliance with the law and this policy by students and school employees:

1. **Employee Expectations and Disciplinary Measures.** The District requires strict compliance with state law and this policy by school employees. Any employee who knowingly allows students to access and use personal electronic communication devices (that do not fall under a policy exception) during instructional time in violation of this policy while under the employee's supervision may be subject to discipline, up to and including termination.

In complying with this policy, the following school employee expectations apply:

1. *School Staff Reporting Requirements.* School staff must direct students under their supervision and/or instruction to comply with this policy and shall require students' personal devices to be silenced or turned off, securely stowed away, and inaccessible during instructional time. Staff shall report to administration alleged student infractions of this policy (as defined in the next section: "Student Expectations and Disciplinary Measures").
2. Any alleged school staff violations of this policy should be addressed by the administration.
3. *Administration Investigation and Response.* Upon receipt of a report of an alleged policy violation/ infraction, administration must investigate and make a determination as to whether the student has committed an infraction (as defined in the next section: "Student Expectations and Disciplinary Measures").
4. Any alleged administrator violations of this policy should be addressed by the school board.
5. *Identification of Policy Exceptions.* All school employees who instruct or who are entitled to information regarding a student who has an Individual Education Program ("IEP"), Section 504 plan, medical accommodation, or other plan requiring accommodation must identify and review any exceptions under this policy that are listed in the student's program or plan.
6. *Compliance with Policy Exceptions.* The District requires strict compliance with policy exceptions, including those exceptions made for school-owned and school-approved devices; medical devices; and possession or use of a device required under the IDEA, Section 504, or a plan developed in accordance with state or federal law requiring accommodation. To that extent, the District expressly prohibits school employees from confronting, disciplining, or removing a student's approved electronic device when that device may fall under an exception under this policy.
School employees are expressly prohibited from openly/ publicly discussing students' medical conditions, accommodations, or other legally-protected confidential information. Inquiries or concerns may be directed to administration, particularly when a staff member observes a student with a personal electronic device (that may fall under an exception), and the staff member does not directly instruct or supervise that student and may not be entitled to the student's confidential information protected under state or federal law.
7. *Employee Use of Personal Electronic Communication Devices.* Employees are also expected to follow acceptable use of technology and professional code of conduct policies when using their own personal electronic communication devices during instructional time.

1. **Student Expectations and Disciplinary Measures**. The District requires strict compliance with state law and this policy by students. Students who administration has found to have violated this policy may be subject to disciplinary consequences and/or corrective measures. When determining the appropriate response to violations of this policy, administration shall take into account the totality of circumstances surrounding the violation and determine the consequence. Infractions of policy occur when a student knowingly and willfully violates this policy as determined by administration.

In administering the disciplinary measures above, administrators and school staff must adhere to the following guidelines:

1. Staff members shall direct students to comply with policy and should address alleged infractions with administration.
2. Only administration may determine an actual infraction of this policy and administer discipline.
3. If administration determines that a student is in violation of this policy and the student refuses to turn over the device to administration, the infraction may move to the next level.
4. At no time should a District administrator or staff member attempt to physically or forcibly take an electronic device from a student.
5. Administration may also respond under other conduct and disciplinary policies and regulations when a student's conduct implicates additional policies, including violence, threats of violence, harassment, bullying, or any other unlawful conduct or student code of conduct violations.
6. Administration is required to identify students with disabilities (including those covered under the IDEA, Section 504, the ADA, and any child-find obligations) and must address any alleged student infractions in compliance with special education policies, regulations, and applicable laws.

# Searches of Personal Technology

If a student is using a school owned or approved device, a personal device on a limited or allowed basis, or a personal device that falls under another exception under this policy, then administration is authorized to search the device when there is reasonable suspicion of the following:

1. The device contains evidence of conduct or activity that may constitute a violation of policy or the law; or
2. There is a threat of danger or potential harm to self or others.

Only areas of the device reasonably related in scope to the purpose of the search will be subject to a search (e.g., if a student is texting inappropriate photos, only the device's text messages will be searched). Administration is authorized to contact legal counsel to help determine the appropriate scope of the search.

If administration suspects or finds that a device contains content that violates N.D.C.C. § 12.1-27.1-03.3 or other laws, they shall contact law enforcement. Under no circumstances shall school officials download or transfer sexually explicit content from a student's personal technology. Law enforcement, including school resource officers, may communicate the need for probable cause to search a device and may provide a student or the District with a search warrant or subpoena for information or records.

# Dissemination and Education

Upon the adoption and implementation of this policy, the District shall:

1. Ensure the policy is communicated to students, parents, and authorized caregivers; and
2. Publish the policy in student and personnel handbooks.

The District shall review and revise this policy as it determines necessary. The District shall also develop and implement electronic communication device education programs for students and staff professional development activities. School administration may develop guidelines to assist students and staff with complying with this policy.

# Annual Data Collection & Documentation

In accordance with state law, the District must collect data annually with the goal of measuring the impact of this policy on student behavior, mental health, disciplinary incidents, school attendance, and academic performance.

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**End of Horse Creek School District Policy FFI**...........................**Adopted: 8.11.25**

BULLYING POLICY

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

**Definitions**
For the purposes of this policy:

* *Bullying* is defined in NDCC 15.1-19-17 as:
1. 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:
2. Is so severe, pervasive, or objectively offensive that it substantially interferes with the student's educational opportunities;
3. Places the student in actual and reasonable fear of harm;
4. Places the student in actual and reasonable fear of damage to property of the student; or
5. Substantially disrupts the orderly operation of the public school; or
6. 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:
7. Is so severe, pervasive, or objectively offensive that it substantially interferes with the student's educational opportunities;
8. Places the student in actual and reasonable fear of harm;
9. Places the student in actual and reasonable fear of damage to property of the student; or
10. Substantially disrupts the orderly operation of the public school.
11. 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:
12. Places the student in actual and reasonable fear of:
13. Harm; or
14. Damage to property of the student; and
15. Is so severe, pervasive, or objectively so offensive the conduct substantially interferes with the student's educational opportunities or substantially disrupts the orderly operation of the public school.

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

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

# Prohibitions

A student or school staff member may not:

* + 1. Engage in bullying.
		2. Engage in reprisal or retaliation against:
1. A victim of bullying;
2. An individual who witnesses an alleged act of bullying;
3. An individual who reports an alleged act of bullying; or
4. An individual who provides information/participates in an investigation about an alleged act of bullying.
	* 1. 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.

1. **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:
	1. Completing a written complaint form (ACEA-E4). The District will place the form in a variety of locations throughout the school and should inform students and staff of these locations. A complainant will have the option of including their name on this form or filing it anonymously. The form may be returned to any school staff member, filed in a school building’s main office, or placed in a designated drop box located in each school.
	2. Complete and submit an online complaint form. A complainant will have the option of including their name on the form or submitting it anonymously.
	3. File an oral report with any school staff member.

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

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

# Documentation and Retention

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

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

2.Receive an oral report of an alleged violation of this policy.

The form should be completed by an administrator when they:

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

2.Receive an oral report of an alleged violation of this policy.

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

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

# Investigation Procedures

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

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

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

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

Investigations shall be completed within 30 days unless the administrator documents good cause for extending this deadline. Such documentation should be sent to the victim and alleged perpetrator during the investigation.

# Reporting to Law Enforcement and Others Forms of Redress

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

# Disciplinary and Corrective Measures

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

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

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

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

# Victim Protection Strategies

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

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

# Dissemination and Education

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

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

STAFF ATTENDANCE

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

CONFIDENTIALITY

Any person working for or providing services to the District has a responsibility to protect the privacy of students and their parents. This responsibility applies to time spent at school as well as away from school. Questions from the general public concerning students or staff should be referred to an administrator.

# Federal Requirements

District employees and service providers must follow confidentiality requirements under the Family Education Rights and Privacy Act (FERPA), Pupil Protection and Rights Amendment (PPRA), Children’s Online Privacy Protection Act (COPPA), and the Individuals with Disabilities Education Act (IDEA).

# Information Release

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

# Violations

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

**STAFF EXPECTATIONS**

A. Code of Ethics: We chose our profession and with that comes definite responsibilities. Various codes of ethics have been set down for staff, generally including such items as:

 1. Treat others as you would like others to treat you.

 2. Do not criticize without a suggestion for improving.

 3. The child is more important than the subject matter.

B. Teaching Certificates: A copy of the certificate must be given to the Business Manager.

 C. Staff Meetings: Staff meetings will be held as needed.

 D. In-Service Training: There will professional development in-service days scheduled throughout the school year. These dates are part of the yearly school calendar.

 E. Student Illness: If any student comes to school ill, or becomes ill while in school, call the parent to come and get them.

 F. Injuries: Be sure injuries and accidents are reported immediately to the supervisor. An employee injured or involved in an accident on the job shall report the injury/accident as soon as practical to his/her immediate supervisor and no later than the deadline in state law unless good cause for a delay in reporting exists. Failure to notify a supervisor about an injury/accident may result in denial of Workforce Safety and Insurance Benefits.

G. Dress Code: Staff may wear jeans when appropriate. For meetings with administration personnel or a parent/guardian, Teachers will want to appear as professional as possible so dressing appropriately is encouraged.

**SCHOOL RULES**

 A. Staff are expected to supervise the playground during recess, before and after school.

B. Completed lesson plans will not be collected. The Administrator may require lesson plans to be turned in, as needed.

C. The Teacher must clear all field trips with the administration.

D. Personal religious or political beliefs are not to be discussed in the classroom.

**GRADING & REPORT CARDS**

Teachers are responsible for the professional evaluation of students under their charge and in accordance with District standards.

Progress/Report Cards are sent home each grading period. Reports will be made to the parents at other times when the student is experiencing difficulties.

The final progress report card is sent home the last day of school. The final report cards will be handed out by the last day of school.

**NON-CONTRACTED/ANCILLARY PERSONNEL INFORMATION**

This ancillary portion of the handbook is not considered to be a contract with ancillary employees.

**PAYROLL PERIODS**

All ancillary employees shall be paid on the last day of the month. If the last day falls on a weekend or school holiday, payday will be on the previous working day.

**In-District Meetings and In-Service**

All hourly employees who attend a mandatory meeting shall be paid for their time in attendance. Employees will not be paid for attending optional meetings.

**Evaluation Policy**

A newly hired employee will be evaluated twice the first year. The first evaluation will be done after completion of the probationary period. All other employees will be evaluated once each year by their immediate supervisor/superintendent. Each employee will be given a copy of their evaluation with a copy being placed in their file in the Business Manager’s Office. This file will be subject to the Open Records Law.

**SEPARATION OF AT-WILL EMPLOYEES**

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

The Superintendent is authorized to discharge ancillary employees. The employee may be suspended during any investigation of which the employee is the subject. The Board shall be notified of any suspension and/or discharge. The Superintendent may terminate at-will employees at any time, with or without cause.

**ANCILLARY LEAVE**

**Personal Leave:** All employees who work more than 20 hour/week will be eligible for personal leave. Personal Leave shall not be carried over from one year to the next. The Board shall not pay down accumulated vacation days while an individual is employed with the District.

|  |  |  |
| --- | --- | --- |
| 9 Month Employee |  | 3 days/year |

**Ancillary Professional Training**:

When Ancillary Professionals are required to take classes proposed by the school principal or supervisor, outside the school day, they will be reimbursed at their current rate of pay for the time of the course.

**CONTRACTED PERSONNEL INFORMATION**

1. The base salary is figured on a 9-month calendar year.
2. All teachers new to Horse Creek Public Schools will be placed on the salary schedule in accordance with their years of licensed teaching experience and degree of education.
3. Medical Leave days: Medical leave days are days either the teacher or immediate family member is ill.
	1. 10 days of medical leave for each teacher for each year. Unused days can accumulate up to a maximum of 30 days.
4. Additional Leave: Each contract shall provide Emergency and Personal Leave.
5. A teacher planning to use personal will notify administration no less than five (5) days prior to the requested leave or at administrator’s discretion. Emergency Leave and immediate family are defined in board policy.
6. Emergency Leave: 5 days of noncumulative leave.
7. Personal Leave: 5 days of noncumulative leave. Personal Leave cannot be used during the first or last week of school without administration approval.

**DFAA - TEACHER EVALUATION**

Administration should engage in ongoing monitoring and evaluation of teacher performance and must comply with statutory required formal, written performance reviews. The purpose of ongoing and formal performance evaluation is to ensure teachers hold the requisite ability, competence, and qualifications to perform teaching duties; to identify areas of deficiency and establish expectations for improvement; to identify effective teaching strategies and potential teaching mentors; and to increase the overall quality of educational services provided to students.
Immediate supervisors shall evaluate certified teaching staff through ongoing monitoring of teacher performance, informal and/or formal classroom observations, as well as through the use of any other evaluation instruments or rubrics adopted by the Board. Administration should complete formal performance reviews and evaluations with honesty, accuracy, and with specific comments supporting the ratings identified in the document. When applicable, performance deficiencies identified in an informal or formal performance evaluation instrument should be considered by administration for the drafting of a performance improvement plan or referral to a teacher mentoring program.
Formal, written performance reviews shall be conducted in compliance with North Dakota Century Code § 15.1-15-01, as follows:

* + 1. The District shall conduct two performance reviews per year, for the first three years and individual is employed as a teacher. The District shall prepare written reports of the teacher's performance. The District shall make the first yearly report available to the teacher on or before December fifteenth. The school district shall make the second yearly report available to the teacher on or before April fifteenth.
1. If an individual begins employment as a teacher after January first, the District shall conduct one review of the teacher's performance. The school district shall make the written report available to the individual on or before April fifteenth.
2. Beginning with the fourth year of a teacher's employment as a teacher, the District shall conduct at least one review of the teacher's performance each year. The District shall prepare a written report of the teacher's performance and make the report available to the teacher on or before April fifteenth.

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

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

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

**End of Horse Creek School District #32Policy DFAA**......................**Adopted: 8.11.25**

TEACHER GRIEVANCE PROCEDURE

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

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

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

# Definitions

* *Grievance* is an allegation by a teacher that s/he has been subject to a personal loss, injury, or inconvenience because of a violation, misinterpretation, or misapplication of a specific article, section, or paragraph of the negotiated agreement or teacher’s individual contract.
* *Day* as used herein shall be considered a school day and the time limits set shall be considered a maximum.
* *Administrator* or *supervisor* named in this policy (e.g., Superintendent) assumes that his/her designate or deputy may serve in his/her place.

# Time Limit

A grievance must be initiated within 30 days after the teacher knew or should have known the term or condition giving rise to the grievance existed. Failure to timely present the grievance in writing shall be deemed a waiver of the grievance.

# Conditions

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

# Procedure

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

Each step in this procedure is intended to give bona fide consideration to the grievance and is to be a separate review of the facts. Each official to whom the grievance is presented shall issue a decision.

1. **Informal Process**: The Board encourages the resolution of grievances as near the point of origin as possible. Therefore, a teacher with a grievance shall first discuss it with his/her immediate supervisor. However, should such informal process fail to satisfy the teacher, then a grievance may be processed as follows.
2. **Formal Process**: A teacher may be represented and accompanied by a representative of his/her choosing at any step in this process. The teacher filing the grievance must be present at each step in this procedure.
	1. The teacher who is filing the grievance shall prepare a written statement containing his/her name, address, and telephone number; school building, address, telephone number, and name of principal; the specific contract provision being grieved and why; and the requested remedy. The written grievance must be signed and dated by the grievant.
	2. A teacher may present the written grievance to his/her immediate supervisor by the deadline contained in the “Time Limit” section of this procedure. The supervisor shall make every effort to resolve the grievance and shall, within 10 days of the filing of the grievance, render a written answer on the grievance.
	3. If no agreement is reached or the time limit outlined above elapses without answer, the aggrieved teacher may present the written grievance to the Superintendent. This step must be initiated within 4 days of the supervisor's written decision or within 14 days of the filing of the grievance in the event the supervisor fails to provide a written answer. The Superintendent shall either refer the grievance to a designated representative or shall personally work with the aggrieved to seek an equitable solution within ten days. A written response shall be made to the grievant within the same ten days. The superintendent's decision is final, subject to court review if the teacher files suit.

CONTRACTED STAFF RESIGNATIONS & REQUEST FOR RELEASE FROM CONTRACT

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

After the Teacher notifies the Board of Education or the Superintendent of his/her desire to resign, the Horse Creek School Board will determine if replacement costs will be imposed.

Employee Handbook Acknowledgement

I acknowledge that I have received a copy of the Horse Creek School District Employee Handbook and understand that violations of the policies contained in the Handbook could result in disciplinary action, up to and including termination of employment.

I understand that this Employee Handbook describes important information about Horse Creek School District and that if I have questions or concerns at any time about the handbook or the Standards of Conduct, I will consult my immediate supervisor. I agree to act in accordance with these policies and procedures as a condition of my employment with Horse Creek School District.

I further agree and consent to all policies contained herein and understand that the information contained in the Handbook represents guidelines for Horse Creek School District and that Horse Creek School District reserves the right to modify the Handbook or amend or terminate any policy, procedure, or employee benefit program at any time.

Employee Printed Name Employee Signature Date

1. [↑](#footnote-ref-1)