

JAMESTOWN PUBLIC SCHOOL DISTRICT #1

DISCIPLINARY POLICY

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POLICY STATEMENT

Learning can best take place in an orderly, safe environment where students exercise responsibility and mature behavior. To promote the existence of an appropriate learning environment, the local board of education has the authority to establish a discipline policy - NDCC 15.1-19-09. The school board and district administration will support district personnel who, in dealing with students on disciplinary matters, act in accordance with state law, school board regulations, and this policy. If a student exerts a disruptive influence on the educational environment of a school, the district will utilize its full right to discipline the student. Such effort may include utilizing special district personnel and/or outside referral agencies. The school district reserves the right to sign criminal complaints and/or refer complaints to law enforcement agencies.

Students and their parents or guardians have a right to know what behaviors are expected of students and the consequences of behaviors which violate district standards or interfere with the rights of others. The following school board policies apply to all students in the district. The principals shall obtain from a parent or guardian of each student a signed acknowledgement that they have received a copy of the school board discipline policies. (APPENDIX B)

THESE POLICIES ARE NOT INTENDED TO BE CONTRACTUAL IN NATURE AND ARE SUBJECT TO CHANGE OR MODIFICATION BY THE SCHOOL BOARD AS MAY BE REQUIRED.

Any notice required to be mailed to the guardian or parent of a student under these policies shall be mailed to the address as found in the Jamestown Public School District's official records. **IT SHALL BE THE RESPONSIBILITY OF THE PARENTS OR GUARDIAN TO INSURE SUCH ADDRESS IS CORRECT.**

SUSPENSION AND EXPULSION

Definitions

This policy defines the following:

1. *Dangerous weapon* means, as defined in 18 USC 930(g)(2), a weapon, device, instrument, material, or substance, animate or inanimate, that is used for, or is readily capable of, causing death or serious bodily injury, except that such term does not include a pocketknife with a blade of less than 2 ½ inches in length.
2. *Expulsion* means the exclusion of a student, including one enrolled in an alternative education program, from school for insubordination, habitual indolence, disorderly conduct, a sexual offense as identified under NDCC Ch. 12.1-20 and NDSBA template policy ACCB, Protection for Student Victims of Sexual Offenses, or any other policy violation or state law violation giving rise to expulsion consideration for up to twelve months. A student who violates the district's weapons policy must be expelled for at least one year, but the Superintendent may modify the expulsion on a case-by-case basis based on criteria in policy FFD, Possessing Weapons. A procedural due process hearing must be provided to the student in accordance with law and district regulation before the determination to expel a student is made.
3. *Firearm* means, as defined in 18 USC 921, (1) any weapon (including a starter gun) which will or is designed to or may readily be converted to expel a projectile by the action of an explosive; (2) the frame or receiver of any such weapon; (3) any firearm muffler or firearm silencer; or (4) any destructive device. The term does not include an antique firearm.
4. *Sexual offense* means an offense under [NDCC Ch. 12.1-20](#) for which "sexual act" or "sexual contact" is an element as defined under the chapter, including sexual imposition and gross sexual imposition, sexual abuse of a child, sexual abuse of wards, sexual act in public, sexual assault and any other acts with the requisite elements; and offenses including corruption or solicitation of minors; luring minors by computer or other electronic means; indecent exposure; surreptitious intrusion; and sexual extortion.
5. *School property* is defined in NDCC § 15.1-19-10(6)(c) as all land within the perimeter of the school site and all school buildings, structures, facilities, and school vehicles, whether owned or leased by a school district, and the site of any school-sponsored event or activity.
6. *Suspension* includes in-school suspension from classes and out-of-school exclusion from classes, school property, and activities.

Suspension/Expulsion Authority

The Board hereby delegates to the Superintendent and each principal the authority to deal with disciplinary problems in their school, including suspension and recommendation for expulsion of a student. Suspension shall not be imposed beyond the maximum duration permitted by law.

The Board designates the Superintendent to serve as the hearing officer for expulsion hearings unless not qualified to serve as defined in board regulations. In such cases, the Board shall appoint an alternative hearing officer.

The hearing officer may expel a student for conduct that violates this policy, after providing notice and a hearing, as set forth in board regulations. When the hearing officer is someone other than the Jamestown Public School District Board, the student may seek a review of the hearing officer's expulsion decision by the Board based on the record of the hearing.

When determining the duration of the expulsion, the District shall consider the severity of the infraction, the student's age, and the student's disciplinary history. If the student satisfies the conditions for reinstatement established by the District, if any, the District may review and reduce the duration of the expulsion. Expulsion shall not be imposed beyond the maximum duration permitted by law.

Conduct Subject to Suspension/Expulsion

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

1. Causing or attempting to cause damage to school property or stealing or attempting to steal school property of value;
2. Causing or attempting to cause damage to private property or stealing or attempting to steal private property;
3. Causing or attempting to cause physical injury to another individual, except in self-defense;
4. Possessing on school property or at a school function, a firearm, dangerous weapon, or any object that is used, attempted to be used, or threatened to be used to intimidate or cause bodily harm;
5. Possessing, using, transmitting, or being under the influence of any narcotic drug, hallucinogenic drug, amphetamine, barbiturate, marijuana, alcoholic beverage, or intoxicant of any kind;
6. Disobedience or defiance of proper authority;
7. Behavior that is detrimental to the welfare, safety, or morals of other students;
8. Truancy;
9. Offensive and vulgar language when it is obscene, defamatory, or inciteful to violence or disruptive of the educational process;
10. Threats of violence, bomb threats, or threats of injury to individuals or property;
11. Student behavior that is detrimental or disruptive to the educational process, as determined by the principal.

12. Being a responsible student adjudicated or convicted of a sexual offense as defined under N.D.C.C. chapter 15.1-19.
13. Being found in violation of policy AAC and/or in violation of Title IX of the Education Amendments, prohibiting sexual harassment.

Information regarding the conduct subject to suspension or expulsion must be posted in a prominent place in each school and must be published in student handbooks.

Suspension or Expulsion of Students with Disabilities

The District shall comply with the provisions of the Individuals with Disabilities Education Act when suspending or expelling a special education student. The District shall not expel any student with a disability when the student's particular act of gross disobedience or misconduct is a manifestation of the student's disability. Education services must continue for IDEA eligible students who are expelled.

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

MEDIA

The names of students receiving disciplinary action will not be revealed to the media.

NORTH DAKOTA'S COMPREHENSIVE MODEL SCHOOL POLICY FOR TOBACCO USE

Definitions

For purposes of this policy:

- *Electronic smoking device* means any product containing or delivering nicotine, or any other substance, whether natural or synthetic, intended for human consumption through the inhalation of aerosol or vapor from the product. Electronic smoking device includes, but is not limited to, devices manufactured, marketed, or sold as e-cigarettes, e-cigars, e-pipes, vape pens, e-hookahs, mods, tank systems, Juul, Suorin, or under any other product name or descriptor. Electronic smoking device also includes any component part of a product, whether or not marketed or sold separately, including, but not limited to, e-liquids, e-juice, cartridges, or pods.
- *Imitation tobacco product* means any edible non-tobacco product designed to resemble a tobacco product, or any non-edible non-tobacco product designed to resemble a tobacco product and intended to be used by children as a toy. Imitation

tobacco product includes, but is not limited to, candy or chocolate cigarettes, bubble gum cigars, shredded bubble gum resembling chewing tobacco, pouches containing flavored substances packaged similar to snus, and shredded beef jerky in containers resembling snuff tins.

- *Lighter* means a mechanical or electrical device typically used for lighting tobacco products.
- *Possession of tobacco products* means:
 - a. Actual physical possession of the tobacco product while on school property;
 - b. Use or consumption of the tobacco product while on school property;
 - c. Tobacco product located in the student's locker, car, handbag, backpack, or other belongings while on school property; or
 - d. Appearance by a student on school property after having consumed or ingested the tobacco product that is noticeable by breath odor.
- *Smoking* means inhaling, exhaling, burning, or carrying any lighted or heated cigar, cigarette, or pipe, or any other lighted or heated tobacco, nicotine, or plant product intended for inhalation, including hookah and marijuana, whether natural or synthetic. "Smoking" also includes the use of an electronic smoking device. This excludes any FDA-approved nicotine replacement therapy.
- *School property* is defined in NDCC 15.1-19-10 (6)(b) as all land within the perimeter of the school site and all school buildings, structures, facilities, and school vehicles, whether owned or leased by a school district, and the site of any school-sponsored event or activity.
- *Tobacco product* means any product containing, made, or derived from tobacco, or that contains nicotine, whether synthetic or natural, that is intended for human consumption or is likely to be consumed, whether smoked, heated, chewed, absorbed, dissolved, inhaled, snorted, sniffed, or ingested by any other means, or any component, part, or accessory of a tobacco product, including, but not limited to: a cigarette; electronic smoking device; cigar; little cigar; cheroot; stogie; perique; granulated, plug cut, crimp cut, ready rubbed, and other smoking tobacco; cavendish; plug and twist tobacco; fine-cut and other chewing tobacco; shorts; snuff; snuff flour; snus; refuse scraps, clippings, cuttings and sweepings of tobacco; and other kinds and forms of tobacco. Tobacco product also includes any electronic smoking device.
- *Tobacco use* means smoking and the heating, inhaling, chewing, absorbing, dissolving or ingesting of any tobacco product.
- *Visitor* means any person subject to this policy that is not a district student or staff member. This includes school volunteers, independent contractors, individuals performing services on behalf of the District, and individuals attending school-sponsored events or activities.

Rationale for Regulating Possession & Use

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

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

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

Prohibitions

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

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

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

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

Exceptions

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

tobacco practices when such use and education experience has been approved by administration.

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

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

Communicating to Students, Staff, & Public

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

Responsibility for Violations

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

Prevention Education

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

Tobacco Cessation Services

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

Evaluation

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

ALCOHOL AND OTHER DRUG USE

This policy pertains to alcohol and other drug use/abuse. Tobacco use is addressed in a separate policy (see policy ABBA).

Philosophy

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

Definitions

This policy defines the following terms:

- *Possession* shall mean:
 - e. Actual physical possession of the prohibited substance while on school property;
 - f. Use or consumption of the prohibited substance while on school property;
 - g. In the student's locker, car, handbag, backpack, or other belongings while on school property; or
 - h. Appearance by a student on school property after having consumed or ingested a prohibited substance that is noticeable by breath odor, speech alterations, unsteadiness of gait or posture, or like symptoms of chemical intoxication.
- *Use* shall mean that a student is reasonably known to have ingested, injected, inhaled or otherwise taken into the body a prohibited substance, or is reasonably found to be under the influence of such a substance.
- *School property* is defined in NDCC 15.1-19-10(6)(c) as all land within the perimeter of the school site and all school buildings, structures, facilities, and school vehicles, whether owned or leased by a school district, and the site of any school-sponsored event or activity.

Prohibited Substances

Prohibited substances include, but are not limited to:

1. Alcohol, powdered alcohol, or any alcoholic beverage as defined in NDCC 5-01-01;
2. Any controlled substance or dangerous drug as defined by NDCC Sections 19-03.1-05 through 19-03.1-13 and 19-03.1-26 (paraphernalia) or as defined by Section 812, Schedules I-V, of Title 21, United States Code, Section 801, et seq., including but not limited to marijuana, any narcotic drug, any hallucinogen, any stimulant or depressant, and all other illicit drugs;
3. Any glue, aerosol paint, or any other chemical substance used for inhalation;
4. Any prescription or non-prescription drug, medicine, vitamin or other chemical including, but not limited to aspirin, other pain relievers, stimulants, diet pills,

multiple or other type vitamins, pep pills, "no-doze" pills, cough medicines and syrups, cold medicines, laxatives, stomach or digestive remedies, depressants, sports or muscle-building supplements, and sleeping pills not administered and/or taken with appropriate consent and authorization from parents, school administration, and, if applicable, a health care provider.

Prohibited Activities

It shall be against school policy for any student to:

1. Sell, deliver, give, or attempt to sell, deliver, or give to any person any prohibited substance or sell, deliver, give, or attempt to sell, deliver, or give to any person substances the student represents or believes to be a prohibited substance.
2. Possess, procure, purchase, receive, or to attempt to possess, procure, purchase, or receive the substances listed in this policy, or what is represented by or to the student to be a prohibited substance, or what the student believes is a prohibited substance.
3. Be under the influence of (legal intoxication not required), use, consume, or attempt to use or consume a prohibited substance or what is represented by or to the student to be a prohibited substance or what the student believes is a prohibited substance.
4. Knowingly or intentionally aiding or abetting in any of the above activities.

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

Reporting Violations

A student or staff member who has reason to believe that a student has violated this policy shall notify a school official (i.e., a teacher or administrator if the reporter is a student; a school administrator if the reporter is a district staff member). Except in limited circumstances under law,¹ a teacher is required to report known or suspected violations of this policy to the school principal.

Violation

When a principal/the Superintendent has reasonable suspicion that a student has violated this policy, they may search the student in accordance with the district's policy on searches of students' person or personal property.

Disciplinary sanctions will be imposed on, and additional actions may be taken (as listed below) in response to, any violation of this policy. These sanctions may include suspension or expulsion, intervention (as described below), and notification of proper

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

authorities for prosecution. Prohibited substances will be confiscated and illegal substances will be turned over to law enforcement authorities.

Intervention

It is acknowledged that the District has neither the authority nor the responsibility to make medical or health determinations regarding chemical dependency; however, when observed behavior indicates that a problem exists that may affect the student's ability to learn or the educational climate of the school, the District may refer the student for a formal chemical dependency diagnosis. The Superintendent shall develop a procedure for chemical dependency identification and referral for treatment.

Referral for treatment shall be a constructive, not punitive action; however, use of the treatment program shall not override or prohibit the District from taking disciplinary action for violations of this policy.

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

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

Confidentiality

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

Education

The District will teach about drugs and alcohol in an age appropriate, developmentally based education and prevention program in every grade in accordance with law. This program will include information about drug and alcohol counseling and rehabilitation programs available to the students.

In addition, the District will conduct staff orientation and training on drug and alcohol prevention, including a periodic overview of this policy and its procedures for implementation. The District will also provide parent and community education on the topic of drug and alcohol prevention.

Policy Implementation

Student handbooks shall contain a statement of sanctions required concerning the possession, use, or distribution of prohibited substances.

The Jamestown Public School District will review this policy and its implementation periodically to ensure that disciplinary sanctions are consistently applied and to determine the effectiveness of the program for the prevention of alcohol and other drug use/abuse.

NONDISCRIMINATION AND ANTI-HARASSMENT POLICY

General Prohibitions

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

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

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

Definitions

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

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

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

Complaint Filing Procedure

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

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

Confidentiality

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

Complaint Recipients

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

Grievance Coordinators

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

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

The Board designates Stacy Jamtgaard as the Title IX Coordinator. They may be contacted at 207 2 Ave SE, Jamestown, ND 58401, 701-252-1950 or Stacy.Jamtgaard@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 Heidi Budeau as the 504/Title II Coordinator. They may be contacted at 207 2 AVE SE, Jamestown, ND 58401, 701-252-3376 or Heidi.Budeau@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 Robert Lech, as the Nondiscrimination Coordinator. They may be contacted at 207 2Ave SE, Jamestown, ND 58401, 701-252-1950 or Robert.Lech@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:

5. The definition of discrimination, harassment, and retaliation;
6. The handling of complaints under the Discrimination and Harassment Grievance Procedure (AAC-BR1); and
7. 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.

PRIORITY OF DISTRICT POLICY

In addition to promulgating its own policy, the board recognizes the uniqueness of each building and intends that there will be individual and classroom procedures to supplement these district policies. However, building or classroom procedures may not conflict with district policy.

NON-SCHOOL ENFORCEMENT AGENCIES

When student action includes a possible violation of North Dakota law, police and juvenile authorities will be contacted by the school officials involved. When student action includes a

possible violation of the North Dakota High School Activities Association regulations, disciplinary action may also include enforcement in accordance with the NDHSAA policy. All students involved in interscholastic activities, such as sports and music, and their parents are directed to the section entitled **NDHSAA** of this policy manual for District policies implementing North Dakota High School Activities Association regulations.

STUDENT DRESS REGULATIONS

Students have a fundamental right to a free public education. They also have a corresponding responsibility to join with other members of the school community in respecting the rights and responsibilities of others and in establishing a climate for learning within the school.

All students are expected to dress and groom themselves neatly in a manner suitable for school. Clothing, accessories and hair worn by the students are not to endanger the health or safety of themselves or other members of the school community or distract from the educational process.

The following guidelines are to be used in determining appropriate school attire and grooming:

1. Most clothing is acceptable for school wear as long as it is neat and clean. All articles of clothing and shoes must fit properly, and personal grooming must not present a danger to the student or anyone else in the school setting.
2. Students' personal grooming, including hair and other personal hygiene, shall reflect their responsibility to themselves and others in the school community to participate in a clean and safe environment and climate for learning.
3. Clothing advertising or promoting the use of drugs, alcohol, tobacco, other drugs,

or violence may not be worn.

4. Clothing which is obscene or vulgar in its design, logos or attachments may not be worn.
5. Administrators or other designated school officials may deny a student the right to wear a hat, hood, scarf, and clothing exhibiting sexually explicit logos or other articles of clothing or accessories, if in their professional judgment the article interferes with the educational process.

School specific dress code regulations refer to student handbook.

POSSESSING WEAPONS

Definitions

This policy defines the following:

- *Dangerous weapon* means, as defined in 18 U.S.C. 930(g)(2), a weapon, device, instrument, material, or substance, animate or inanimate, that is used for, or is readily capable of, causing death or serious bodily injury, except that such term does not include a pocket knife with a blade of less than 2 ½ inches in length.
- *Firearm* means, as defined in 18 U.S.C. 921, (1) any weapon (including a starter gun) which will or is designed to or may readily be converted to expel a projectile by the action of an explosive; (2) the frame or receiver of any such weapon; (3) any firearm muffler or firearm silencer; or (4) any destructive device. The term does not include an antique firearm.
- *School property* is as defined in NDCC 15.1-19-10(6)(c) as all land within the perimeter of the school site and all school buildings, structures, facilities, and school vehicles, whether owned or leased by a school district, and the site of any school-sponsored event or activity.

Prohibitions

Students are prohibited from possessing on school property or at a school function a firearm, dangerous weapon, or any object that is used, attempted to be used, or threatened to be used to intimidate or cause bodily harm.

Disciplinary Consequences

Violation of this policy will result in disciplinary action up to and including suspension or expulsion.

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

8. The totality of the circumstances, including the severity of the incident and the degree of endangerment of other students and staff.
9. The age and grade level of the student.
10. The prior disciplinary history of the student being expelled.
11. Relevant factors that contributed to the student's decision to possess a firearm in violation of this policy.
12. The recency and severity of prior acts resulting in suspension or expulsion.
13. Whether or not the optional provision of educational services in an alternative setting is a viable alternative to modifying the duration of the expulsion.
14. Input, if any, provided by licensed professionals (psychologists, psychiatrists, counselors) as to whether or not the expelled student would place themselves or others at risk by returning to the school prior to the expiration of the expulsion period.

Any modifications of the one calendar year expulsion period must be documented in writing.

Dangerous weapons will be confiscated and may be turned over to the student's parents or to law enforcement officials at the discretion of the administration. Firearms will be confiscated and turned over to law enforcement.

The District must refer any student who possesses a firearm on school property or a school function to the criminal justice or juvenile delinquency system.

Special Education Students

A student who is defined as having a disability under the Individuals with Disabilities Education Act (IDEA) who possesses a firearm or dangerous weapon on school property or at a school function shall be handled in accordance with IDEA regulations. The District shall make manifestation determinations, disciplinary decisions, referral decisions, and placement decisions of such students in accordance with IDEA regulations.

Non-applicable Provisions

This policy does not apply to students enrolled and participating in a school-sponsored shooting sport, provided that the student informs the school principal of the student's participation, and the student complies with all requirements set by the principal regarding the safe handling and storage of the firearm. The principal may allow authorized persons to display dangerous weapons or look-a-likes for educational purposes. Such an approved display will be exempt from this policy.

A student who finds a firearm or dangerous weapon on the way to school, on or in school property or at a school function or discovers that they unknowingly have a firearm or dangerous weapon in their possession may not be considered to possess it if they

immediately turn it over to an administrator, teacher or head coach or notify an administrator, teacher, or head coach of its location.

Reporting

The District shall annually report compliance with all state expulsion requirements to the Department of Public Instruction. Each incident in which a student is found to have possessed a firearm on school property or at a school function must be reported as an infraction, even if the Superintendent elects to modify the required expulsion period or impose no penalty. Any incidents in which a student covered by the provisions of the IDEA possesses a firearm or dangerous weapon on school property or at a school function must also be included, even if it is determined that the incident is a manifestation of the student's disability and that the penalties should be modified or not imposed. Any modification of the one-year expulsion requirement must also be reported.

VIOLENT & THREATENING BEHAVIOR

Threatening Behavior

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

Reporting

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

Threat Assessment

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

1. The detail, specificity, context, and content of the threat;
2. The amount of disruption the threat has caused or may cause to the educational environment;
3. Whether or not the Superintendent can identify the source of the threat; anonymous threats may be turned over to law enforcement;
4. When the source of the threat can be identified, the Superintendent shall consider, to the extent possible, the individual's:

- a. State of mind;
 - b. Relationship with peers;
 - c. Age;
 - d. Domestic life;
 - e. Ability to carry out the threat (e.g., access to weapons);
 - f. Past behavior.
5. If any laws have been violated;
 6. The identity and potential motives of the individual reporting the threat.

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

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

Disciplinary Consequences for Threatening Behavior

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

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

Violent Behavior

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

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