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RECRUITMENT, HIRING, & BACKGROUND CHECKS FOR CLASSIFIED PERSONNEL

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

Definitions

For the purpose of this policy:

Applicant is defined as any individual applying for a non-licensed position.

Crime is defined as a felony offense, misdemeanor, a violation of an ordinance, and charges that result from non-sufficient funds or “no account.”

Immediate family is defined as the employee’s spouse, brother, sister, parents, children, stepchildren, father-in-law, mother-in-law, brother-in-law, sister-in-law, daughter-in-law, son-in-law, and any member of the employee’s household.

Misconduct is defined as any action that caused discharge from previous employment a traffic offense(s), and arrest(s), when the Superintendent verified that the applicant engaged in conduct for which s/he was arrested.

Sexual offender is defined as in accordance with Board policy as an individual meeting the criteria in NDCC 12.1-32-15 and/or is required to register under NDCC 12.1-32-15.

Unsupervised contact is defined in accordance with NDCC 12-60-24 as being in proximity to one or more students, on school grounds, or at school functions.

Recruitment and Hiring Authority

The Board shall recruit and hire instructional staff in accordance with policies DBB, Recruitment and Selection of Instructional Staff; CBB, Recruitment and Selection of the Superintendent; CDB, Recruitment and selection of Administrative Staff.

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

All advertising for classified positions shall include a statement that the District is subject to veterans’ preference laws and is an equal opportunity employer.

Background Checks The Superintendent shall require each applicant to certify in writing that s/he has never been arrested or charged with a crime or shall describe in writing the disposition of the arrest or charge. Each applicant shall verify residency for the past five years and certify that s/he has not been required to register as a sexual offender in any state. Each applicant shall be required to supply a complete work history from the past five years and furnish references. Each applicant applying for positions involving the transportation of students and/or the regular use of District vehicles shall certify, in writing, that s/he has no offenses on his/her driving record or explain, in writing, the nature of these offenses. Each applicant applying for a position involving regular access to district funds must consent to a credit check to be performed when applicable.

Each final applicant seeking a district position that allows the unsupervised contact with students must give authorization and submit to state and federal criminal history record checks. The Superintendent may check all applicable sexual offender registries for all final applicants. The Superintendent shall conduct a driving record check for all final applicants seeking a position involving the transportation of students and/or regular use of district vehicles. The Superintendent may interview the final applicant's former employer(s) and/or supervisor(s) and may check all references supplied by the applicant. The Superintendent shall develop regulations related to applicant notification of and the carrying out of record checks.

Selection Process

It is the intention of the Glen Ullin School Board to maintain an established personnel system. The Superintendent may also employ job specific evaluation tools for selected positions when doing so will improve the potential for hiring competent employees.

The Personnel Committee shall make all hiring decisions on a case-by case basis based on the applicant's compatibility with the District's mission statement; his/her short and, when applicable, long-term ability to perform job requirements, protect the integrity of the District, and promote the efficiency of District operations; and the applicant's potential risk to district operations, students, and staff. The Personnel Committee shall determine risk based on the following factors:

1. The nature and gravity of misconduct and/or offense(s)
2. The time that has passed since misconduct, criminal conviction, and/or completion of a sentence occurred;
3. The nature of the job sought

Final Applicant Rights

Records obtained by the District for background and other record checks will be used solely for purposes that they were requested and will only be disseminated and retained in accordance with school board policy regarding Personnel Records. The Superintendent shall advise applicants that the procedure for obtaining, correcting,

or updating federal records is contained in 28 CFR 16.34. Before making a hiring determination, the Personnel Committee shall give the applicant a reasonable time to correct and/or complete his/her criminal history record or decline to do so. The Superintendent shall follow the requirements under the Fair Credit Reporting Act if using credit reports to make employment decisions.

Disqualifying Factors

Factors that may exclude an applicant from employment include but are not limited to the following: The applicant is a sexual offender or has committed an offense involving a child victim. The employment would create a direct supervisor-subordinate relationship with an immediate family member who is also an employee. Employees who marry or become members of the same household may continue employment; however, a direct supervisor-subordinate relationship between the employees shall be avoided.

The falsification or omission of any information on a job application or in a job interview, including but not limited to information concerning criminal convictions or pending criminal charges.

Orientation

The Superintendent or designee shall provide an orientation program for new classified employees to acquaint them with the District's policies and procedures, the school's rules and regulations, and the responsibilities of their position.

- Cross Ref: BB Recruitment and Selection of Instructional Staff
- CBB Recruitment and Selection of the Superintendent
- CDB Recruitment and Selection of Administrative Staff
- DAE Personnel Records
- FBBH Sexual offenders on School Property /FBEF/IBCAD/FAFE

End of Glen Ullin Policy DAB.....Amended: 10/20/09

BACKGROUND CHECK SCREENING PROCEDURE

1. No later than ten calendar days after the Superintendent or his/her designee has notified a potential employee of his/her status as a final applicant, or as soon thereafter as practicable, the Superintendent or his/her designee will supply the applicant with a packet containing all materials necessary for the applicant to be fingerprinted and a copy of this procedure. Qualified trained personnel shall take fingerprints for all district applicants and employees.
2. No later than ten calendar days after the Superintendent or his/her designee has provided the final applicant with the fingerprinting packet, the applicant must arrange to be fingerprinted. Failure of the applicant to have his/her fingerprints taken within such ten-day period without good cause will be grounds for disqualification from employment.
3. The Superintendent or his/her designee shall arrange for qualified trained personnel to return fingerprinting materials to the school district. Final applicants will not be permitted to return these materials to the district.
4. The Superintendent shall submit the final applicant's background check authorization form, two sets of fingerprints, and payment for screening fees to the North Dakota Bureau of Criminal Investigation (BCI) within five calendar days of receiving the applicant's background check materials or as soon thereafter as practicable.
5. If BCI rejects a final applicant's final fingerprints, the applicant must arrange to be re-fingerprinted within five calendar days of receiving notification of the rejection. Failure of the applicant to have his/her fingerprints taken within such five-day period without good cause will be grounds for disqualification from employment.
6. Should a BCI reject an applicant's fingerprints three times, the District reserves the right to conduct a name-based criminal record check search.

End of Glen Ullin Regulation DAB.....Approved: 10/20/09

EMERGENCY HIRING OF CLASSIFIED PERSONNEL

The Glen Ullin School Board authorizes the Superintendent to hire non-licensed personnel on a provisional basis in emergency situations prior to the completion of a criminal record check provided that the Superintendent has taken the following precautionary measures:

1. The applicant has completed and submitted all required application, authorization, and certification forms and provided references;
2. A criminal history record check has been initiated;
3. The Superintendent has received and reviewed other applicable records, including but not limited to credit history and/or driving records;
4. The Superintendent has reviewed the items listed in #1 and #3 in accordance with policy DAB/DCB, Recruitment, Hiring, and Background Checks for Classified Personnel, and ruled that pending the completion of the criminal history record check, the applicant meets the District's employment criteria;
5. The applicant has been advised that s/he is an at-will employee and employment is subject to successful completion of a background check. Prior to receipt of the federal criminal history record, the new hire will not be permitted to have unsupervised contact with students.

Cross Ref: DAB Recruitment, Hiring, & Background Checks

End of Glen Ullin Policy DABA.....Adopted: 10/20/09

SEXUAL HARASSMENT

A learning and working environment that is free from sexual harassment will be maintained in the Glen Ullin School District. It will be a violation of policy for any member of the district staff to harass another staff member or student, or for students to harass employees or other students, through conduct or communications of a sexual nature as defined by this policy, whether *quid pro quo* or as creation of a hostile environment. Further, this district will not tolerate the harassment of any staff member or student by any third party. This prohibition shall be in effect in any building belonging to or used by the Glen Ullin School District or on the grounds of any such building or on any property or in any vehicle belonging to or used by the Glen Ullin School District or at any school-related activity.

Any person who believes he or she has been the victim of sexual harassment by any employee or student in the school district or any third person with knowledge or belief of conduct which may constitute sexual harassment, should report the alleged acts immediately to any teacher, counselor, or administrator, or directly to the board president. The person receiving the complaint shall refer it to the District Title IX Coordinator for investigation. Filing of a complaint or otherwise reporting sexual harassment will not reflect upon the individual's status or affect future employment, work assignments, or grades.

Administrators and supervisors will make it clear to their staff and students that sexual harassment is prohibited by board policy and is grounds for disciplinary action. Administrators will use staff meetings and in-service sessions and student assemblies to inform employees and students of their rights and remedies under the law.

A substantiated charge against a school district staff member will subject such member to disciplinary action, which may include discharge.

A substantiated charge against a student in the school district will subject that student to disciplinary action, which may include suspension or expulsion, consistent with student disciplinary policies.

Sexual harassment is defined as unwelcome sexual advances, requests for sexual favors, and other verbal, written, or physical conduct or communication of a sexual nature when (1) submission to such conduct or communication is made a term or condition, either explicitly or implicitly, of obtaining or retaining employment, or of obtaining an education, advancement or grade, (2) submission to or rejection of such conduct or communication by an individual is used as a factor in decisions affecting such individual's employment or education, or (3) such conduct or communication has the purpose or effect of substantially or

unreasonably interfering with an individual's employment or education or creating an intimidating, hostile, or offensive employment or education environment.
Sexual harassment, as defined above, may include, but is not limited to:

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, or written materials.
6. Graffiti of 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 students as to sexual activity or performance.
10. Remarks as to a person's sexual orientation.

The right to confidentiality, both of the complainant and of the accused, will be respected consistent with the school district's legal obligations and with the necessity to investigate allegations of misconduct and to take corrective action when this conduct has occurred.

Any person making a knowingly false accusation regarding sexual harassment will likewise be subject to disciplinary action up to and including discharge for employees or suspension and expulsion for students.

Notice of this policy will be circulated to all district schools and departments and incorporated in teacher and student handbooks.

Legal Ref: 1964 Civil Rights Act, Title VII
1972 Educational Amendments, Title IX
45 CFR Part 86, Regulations

End of Policy DABAA.....Amended: 10/20/09

PHYSICAL EXAMINATIONS

Physical examinations may be required as a condition of employment or for other reason, in which case the school district shall assume the cost of the examination. Reimbursement will be made only for those items required for certification or for employment.

Legal Ref: NDCC 15.1-07-20, Schoolbus drivers - Requirements
NDCC 34-01-15, Employer to pay for medical examination -Penalty for violation

End of Policy DABB.....Adopted: 10/20/09

DRUG AND ALCOHOL TESTING FOR EMPLOYEES

The Glen Ullin Public School District #48 is committed to the establishment of a drug and alcohol misuse prevention program that meets all applicable requirements of the Omnibus Transportation Employee Testing Act of 1991. The purpose of the testing program shall be to help prevent accidents and injuries resulting from the misuse of alcohol and controlled substances by employees performing safety-sensitive functions.

All employees subject to this policy shall be prohibited from:

1. The use of any controlled substance on or off duty, unless a written prescription from a licensed doctor or osteopath is provided along with a written statement from the doctor or osteopath that the substance does not adversely affect the employee's ability to safely operate a motor vehicle or perform other safety-sensitive functions.
2. The misuse of alcohol that could affect performance on the job including use on the job, use during the four hours before performing a safety-sensitive function, having prohibited concentrations of alcohol in their systems while performing a safety-sensitive function and use during eight hours following an accident.

"Controlled substance" in this policy refers to those covered by the Omnibus Act, including marijuana, cocaine, opiates, amphetamines and phenocyclidine (PCP).

All covered employees shall be subjected to reasonable suspicion, random, post-accident, return-to-duty and follow-up alcohol and drug testing pursuant to procedures set out in the federal regulations. These procedures use an evidential breath testing device for alcohol testing. For controlled substances testing, urine specimen collection and testing by a laboratory certified by the U.S. Department of Health and Human Services shall be required.

Pre-employment drug testing, using the same procedures as described above, shall be administered to an applicant offered a position in the district prior to the first time the employee performs any safety-sensitive function for the district. An applicant who tests positive will not be hired for any safety-sensitive position.

Random alcohol testing shall be limited to the time period surrounding the performance of safety-related functions which includes just before or just after the employee performs the safety-related function. Controlled substances testing may be performed at anytime while the employee is at work.

An employee covered by the federal regulations may not refuse to take a required test. If the testing confirms prohibited alcohol concentration levels or the presence of a controlled substance, the employee shall be removed immediately from safety-related functions in accordance with the federal regulations. Hemp product consumption is not an acceptable alternate medical explanation for a positive marijuana result. Before an employee is reinstated, if at all, the employee shall undergo an evaluation by a substance abuse professional, comply with any required rehabilitation and undergo a return-to-duty test with verified test results.

The Board retains the authority consistent with state and federal law to discipline or discharge any employee who is an alcoholic or chemically dependent and whose current use of alcohol or drugs affects the employee's qualifications for and performance of the job.

The district is not required under federal law requiring drug and alcohol testing to provide rehabilitation, pay for substance abuse treatment or to reinstate the employee. All employment decisions involving reinstatement, termination or dismissal shall be made in accordance with applicable state law, and District policies.

The district shall maintain records in compliance with the federal regulations in a secure location with controlled access. With the employee's consent, the district may obtain any of the information concerning drug and alcohol testing from the employee's previous employer. 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. Statistical records and reports shall be maintained and made available to the Federal Highway Administration for inspection or audit in accordance with federal regulations.

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.

The district shall take steps to insure that supervisors receive proper training to administer the drug and alcohol testing program and that employees receive the notifications required by federal regulations.

Contracts for transportation approved by this district shall contain assurance that the contractor will establish or join a drug and alcohol testing program that meets the requirements of federal regulations and this policy and will actively enforce the regulations of this policy as well as federal requirements. An independent contractor who drives his/her own bus is subject to the same requirements as the district's own employees.

Legal Ref: 49 U.S.C. §2717 *et seq.*, Omnibus Transportation Employee Testing Act of 1991

49 C.F.R Part 40, Procedures for Transportation Workplace Drug and Alcohol Testing Programs

49 C.F.R. Part 382, Controlled Substance and Alcohol Use and Testing

49 C.F.R. Part 391, Qualification of drivers

NDCC 15.1-07-20, Schoolbus drivers - Requirements

NDCC 15.1-30-06, Transportation - Bids, contracts, bonds

NDCC 15.1-30-07, Transportation contract - Standard form

NDCC 15.1-30-08, Transportation contract - Provisions

NDCC 15.1-30-11, Transportation contract - Direct negotiations

NDCC 15.1-30-12, Contract for transportation - Conditions

NDCC 15.1-30-13, Transportation of students - Control and discipline

NDCC 44-04-18.1, Public employee medical and employee assistance records – Confidentiality

End of Policy DABBA.....Amended: 10/20/09

DRUG AND ALCOHOL TESTING FOR EMPLOYEES

School bus drivers who operate a motor vehicle requiring a commercial driver's license and other employees who perform safety-sensitive functions are subject to a drug and alcohol testing program that fulfills the requirements of the federal regulations.

These district regulations reflect several requirements of the federal drug testing regulations but are not intended in any way to modify or limit the procedures for drug and alcohol testing specifically addressed in federal regulation. District personnel will adhere to the detailed provisions of federal regulation in administering the district's drug and alcohol program.

References to *tests* in these regulations include both drug and alcohol tests unless the context specifies otherwise. The terms *drugs* and *controlled substances* are interchangeable and have the same meaning. *Drugs* refer to marijuana, cocaine, opiates, phencyclidine (PCP) and amphetamines (including methamphetamines.) Hemp product consumption is not an acceptable alternate medical explanation for a positive marijuana result.

Pre-employment tests

Drug tests will be administered before an employee performs any safety-sensitive functions for the district.

The tests will be required of an applicant only after the position has been offered. Employment with the district is conditional upon the applicant receiving a negative drug test result.

An employee may be exempt from the pre-employment drug test if the employee has participated in a drug testing program within 30 days prior to the application for employment and while participating in that program was tested for drugs within the last six months (from the date of application) or participated in a random drug testing program in the previous 12 months, provided that the district has been able to make all verifications required by law.

Post-accident tests

Alcohol and controlled substance tests will be conducted as soon after an accident as practicable on any driver who:

1. Was performing safety-sensitive functions with respect to the vehicle if the accident involved loss of human life

2. Received a citation under state or local law for a moving traffic violation arising from the accident.

No driver involved in an accident may use alcohol for eight hours after the accident or until after the driver undergoes a post-accident alcohol test, whichever occurs first.

If an alcohol test is not administered within two hours or if a drug test is not administered within 32 hours after the accident, the district will prepare and maintain records explaining why the test was not conducted.

Tests conducted by authorized federal, state or local officials will fulfill post-accident testing requirements provided they conform to applicable legal requirements and are obtained by the district. Breath tests will validate only the alcohol test and cannot be used to fulfill controlled substance testing obligations.

Before any driver operates a commercial motor vehicle, the district will provide the driver with post-accident procedures that will make it possible to comply with post-accident testing requirements.

Random tests

Tests will be conducted on a random basis at unannounced times throughout the year. Random tests for alcohol will be conducted just before, during or just after the performance of safety-sensitive functions. Random tests for drugs do not have to be conducted in immediate time proximity to performing safety-sensitive functions. Once notified of selection for drug testing, an employee must proceed to a collection site to provide a urine specimen.

Employees will be selected by a scientifically valid random process, and each employee will have an equal chance of being tested each time selections are made. The number of employees selected for random testing will be in accordance with federal regulations.

Reasonable suspicion tests

Tests must be conducted when a properly-trained supervisor or district official has reasonable suspicion that the employee has violated the district's alcohol and drug prohibitions. This reasonable suspicion must be based on specific, contemporaneous, articulable observations concerning the employee's appearance, behavior, speech or body odors. The observations may include indications of chronic and withdrawal effects of controlled substances.

Alcohol tests will be authorized for reasonable suspicion only if the required observations are made during, just before or just after the period of the work day when the employee must comply with alcohol prohibitions. If an alcohol test is

not administered within two hours of a determination of reasonable suspicion, the district will prepare and maintain a record explaining why this was not done. Attempts to conduct alcohol tests will terminate after eight hours. An alcohol test may not be conducted by the person who determines that reasonable suspicion exists to conduct such a test.

A supervisor or district official who makes a finding of reasonable suspicion also must make a written record of the observations leading to a reasonable suspicion drug test within 24 hours of the observed behavior or before the results of the drug test are released, whichever is earlier.

Return-to-duty tests

A drug or alcohol test will be conducted when an employee who has violated the district's drug or alcohol prohibition returns to performing safety sensitive duties. Employees whose conduct involved misuse of drugs may not return to duty in a safety-sensitive function until the return-to-duty drug test produces a verified negative result.

Employees whose conduct involved alcohol may not return to duty in a safety-sensitive function until the return-to-duty alcohol test produces a verified result that meets federal and district standards.

Follow-up tests

An employee who violates the district's drug or alcohol prohibition and is subsequently identified by a substance abuse professional as needing assistance in resolving a drug or alcohol problem will be subject to unannounced follow-up testing as directed by the substance abuse professional in accordance with law. Follow-up alcohol testing will be conducted just before, during or just after the time when the employee is performing safety-sensitive functions.

Records

Employee drug and alcohol test results and records will be maintained under strict confidentiality and released only in accordance with law. Upon written request, an employee will receive copies of any records pertaining to the employee's drug or alcohol tests. Records will be made available to a subsequent employer or other identified persons or other identified persons only as expressly requested in writing by the employee.

Notifications: Each employee and independent contractor will receive educational materials that explain the requirements of the Code of Federal Regulations, Title 49, Part 382, together with a copy of the district's policy and regulations for meeting these requirements. Representatives of employee organizations will be notified of the availability of this information. The information will identify:

1. The person designated by the district to answer employee questions about the materials.
2. Categories of employees who are subject to the drug and alcohol testing requirements.
3. Sufficient information about the safety-sensitive functions performed by employees to make clear for what period of the work day employee compliance is required.
4. Specific information concerning employee conduct that is prohibited.
5. Circumstances under which an employee will be tested for drugs and/or alcohol.
6. Procedures that will be used to test for the presence of drugs and alcohol, protect the driver and the integrity of the testing processes, safeguard the validity of test results and ensure that test results are attributed to the correct employee.
7. The requirement that a employee submit to drug and alcohol tests administered in accordance with federal regulations.
8. An explanation of what constitutes a refusal to submit to a drug or alcohol test and the attendant consequences.
9. Consequences for employees found to have violated the drug and alcohol prohibitions including the requirement that the employee be removed immediately from safety-sensitive functions and the procedures for referral, evaluation and treatment.
10. Consequences for drivers found to have an alcohol concentration of 0.02 or greater but less than 0.04.
11. Information concerning the effects of drugs and alcohol on an individual's health, work and personal life; external and internal signs and symptoms of a drug or alcohol problem, and available methods of intervening when a drug or alcohol problem is suspected including confrontation, referral to an employee assistance program and/or referral to administrative officials.

Each employee must sign a statement certifying the receipt of a copy of the above materials.

The district will inform employees before drug and alcohol tests are performed. The district will notify an applicant of the results of a pre-employment drug test if the applicant requests such results within 60 calendar days of being notified of the disposition of the employment application. The district will notify an employee of the results of random, reasonable suspicion and post-accident drug tests if the test results are verified positive. The district also will tell the employee which controlled substances were verified as positive.

Employees will inform their supervisors if at any time they are using a controlled substance which their physician has prescribed for therapeutic purposes. Such a substance may be used only if the physician has advised the employee that it will not adversely affect the ability to safely perform safety-sensitive functions.

Enforcement

Any employee who refuses to submit to post-accident, random, reasonable suspicion or follow-up tests will not be allowed to perform or continue to perform safety-sensitive functions.

An employee who in any other way violates district prohibitions related to drugs and alcohol will receive from the district the names, addresses and telephone numbers of substance abuse professionals and counseling and treatment programs available to evaluate and resolve drug and alcohol-related problems. The employee will be evaluated by a substance abuse professional who will determine what help, if any, the employee needs in resolving such a problem.

Any substance abuse professional who determines that an employee needs assistance will not refer the employee to a private practice, person or organization in which the substance abuse professional has a financial interest except under circumstances allowed by law.

Before the employee is returned to safety-sensitive duties, if at all, the district must insure that the employee:

1. Has been evaluated by a substance abuse professional.
2. Has complied with any recommended treatment.
3. Has taken a return-to-duty drug and alcohol test with a result indicating an alcohol concentration level of less than 0.02.
4. Is subject to unannounced follow-up drug and alcohol tests. The number and frequency of such follow-up testing will be as directed by the substance abuse professional and consist of at least six tests in the first 12 months following the employee's return to duty.

DRUG-FREE WORKPLACE

The Glen Ullin Public School District #48 intends to maintain a drug-free workplace. The unlawful manufacture, distribution, dispensing, possession or use of a controlled substance is prohibited in any building belonging to or used by the Glen Ullin Public School District #48 or on the grounds of any such building or on any property or in any vehicle belonging to the Glen Ullin Public School District #48 or at any school-related activity.

Policy DBFD Positive Discipline and its procedures and/or the Employee Assistance Plan may be utilized if the violation is possession or use. Other violations will result in more immediate action, which may include discharge, notification of the federal agencies from which funds are received, and notification of proper authorities for prosecution.

Employees are required to notify the Superintendent of any criminal drug statute conviction for a violation occurring in the workplace no later than 5 days after such conviction. The Superintendent will notify any federal agency indicated above of any conviction resulting from a violation occurring in the workplace.

This policy shall be distributed to each employee and to each new employee at the time of employment. Agreement to this policy shall become a condition of employment. The Superintendent shall maintain documentation of employee receipt of this information.

The Glen Ullin Public School District #48 will review this policy and its implementation annually to ensure that disciplinary sanctions are consistently applied, to assess the effectiveness of the program for the prevention of alcohol and other drug use/abuse, and to determine whether the learning environment is safe, drug free, and conducive to learning. Minutes of the school board meeting at which this review takes place shall document the review.

Cross Ref: Policy DADE, Alcohol & Drug Use Policy - Employee
Policy DAHc, Employee Assistance Plan
Policy DBFD/DCDA, Positive Discipline
Legal Ref: PL 100-690, Title V, Subtitle D, Drug-Free Workplace Act
34 CFR Part 85, Regulations
PL 101-647, Drug-Free Schools and Communities Act of 1986 as amended
34 CFR Part 86 Regulations
PL 107-110, No Child Left Behind Act of 2001

BACKGROUND CHECK SCREENING PROCEDURE

1. No later than ten calendar days after the Superintendent or his/her designee has notified a potential employee of his/her status as a final applicant, or as soon thereafter as practicable, the Superintendent or his/her designee will supply the applicant with a packet containing all materials necessary for the applicant to be fingerprinted and a copy of this procedure. Qualified trained personnel shall take fingerprints for all district applicants and employees.
2. No later than ten calendar days after the Superintendent or his/her designee has provided the final applicant with the fingerprinting packet, the applicant must arrange to be fingerprinted. Failure of the applicant to have his/her fingerprints taken within such ten-day period without good cause will be grounds for disqualification from employment.
3. The Superintendent or his/her designee shall arrange for qualified trained personnel to return fingerprinting materials to the school district. Final applicants will not be permitted to return these materials to the district.
4. The Superintendent shall submit the final applicant's background check authorization form, two sets of fingerprints, and payment for screening fees to the North Dakota Bureau of Criminal Investigation (BCI) within five calendar days of receiving the applicant's background check materials or as soon thereafter as practicable.
5. If BCI rejects a final applicant's final fingerprints, the applicant must arrange to be refingerprinted within five calendar days of receiving notification of the rejection. Failure of the applicant to have his/her fingerprints taken within such five-day period without good cause will be grounds for disqualification from employment.
6. Should a BCI reject an applicant's fingerprints three times, the District reserves the right to conduct a name-based criminal record check search.

End of Glen Ullin Regulation DAB.....Approved: 10/20/09

STAFF CONDUCT

All staff members have a responsibility to make themselves familiar with, and abide by, the laws of the state as these affect their work, the policies of the Board, and the regulations designed to implement them.

Teachers have an enviable position as to leadership. The teacher can through conduct and standards, have a tremendous influence on the students under his/her direction. A teacher is an official representative of the school at school functions and community affairs. The school expects the teachers to be ladies and gentlemen at all times and to set examples of wholesome living, good citizenship, sportsmanship and fair play.

Since the realization of district goals is dependent upon the professional behavior of all staff, the following specific responsibilities will be required:

1. Faithfulness and promptness in attendance at work.
2. Support and enforcement of policies of the Board and regulations of the school administration.
3. Diligence in submitting required reports at the time specified.
4. Care and protection of school property.
5. Concern and attention for their own and the school system's legal responsibility for the safety and welfare of students, including the need to ensure that students are under proper supervision at all times.

End of Policy DAD.....Adopted: 10/20/09

POLITICAL ACTIVITIES

The Board recognizes and encourages the right of its employees to engage in political governmental affairs in a manner afforded any other citizen, including the right to vote, the right to be an active member of a political party of his/her choice, the right to campaign for candidates for election to public office, and the right to seek, campaign for, and serve in public office.

The Board also recognizes that school property and school time, paid for by all of the people, shall not be used for political purposes.

No employee shall engage in political activities upon property under the jurisdiction of the school district, nor shall any employee use on-duty hours to pursue political activities. It is expected that employees engaged in political activities such as seeking or holding office will use outside stenographic help, duplication and mailing services, and toll calls.

Use of the school delivery systems for distributing campaign literature for or against any candidate is prohibited.

An employee will refrain from exploiting the privilege of his or her position. Neither shall a classroom teacher or administrator exploit students in any way for political purposes for himself/herself or for any party or candidate.

An employee may be granted a leave of absence, without pay, of not less than a semester, unless mutually agreed upon for a lesser period of time, for the purpose of campaigning or for serving in a public office. No request for leave will be necessary when such activity does not interfere with a teaching or administrative contract agreement. The employee shall have requested and secured a leave of absence prior to his/her announcement to campaign or to serve in a public office in which he/she would be required to be absent from his/her assigned position. Failure to do so will disqualify the employee from consideration for a leave of absence.

Nothing in this policy shall prevent:

- 1. The dissemination of information concerning school tax and/or bond election.
- 2. The discussion and study of politics and political issues, when such discussion and study are appropriate to classroom studies.
- 3. The conducting of student and employee organization elections, and campaigning connected therewith.

USE OF SCHOOL OWNED MATERIALS, EQUIPMENT, AND FACILITY

The use of school owned equipment, materials, and the use of the facility at Glen Ullin Public School are intended for educational purposes. School personnel, school district patrons, and non-profit organizations of Glen Ullin Public School District shall not use Glen Ullin Public School District owned property for personal financial gain. School district property may be used by school personnel, school district patrons, and non-profit organizations if administrative permission is granted and a Building Usage Form or Equipment Sign Out form has been appropriately completed and the usage is determined not to be for personal financial gain. The school administration is in charge of the necessary record keeping of school district property. Organization and individuals that use school district property accept the responsibility of reasonable care and are responsible for all damages.

End of Policy DADDA.....Adopted: 10/20/09

TOBACCO USE IN THE SCHOOLS

Smoking and use of tobacco product is prohibited on all school property and in school-owned vehicles 24 hours per day, 365 days per year. The use of tobacco and/or tobacco products by students, all school personnel, patrons and visitors is strictly prohibited at all times. This also includes other organizations that use the school property for events/activities.

Students:

Smoking or possession of tobacco products by students, regardless of age, is prohibited on school property and at all school functions. The principals/Superintendent are responsible for administering appropriate discipline that may include suspension and/or recommendation for expulsion from school. All individuals on school premises share in the responsibility for adhering to and enforcing this policy. Any individual who observes a violation on school property may report this violation to a supervisor, principal, or Superintendent. The principals/Superintendent shall develop regulations for the enforcement and implementation of this policy including educational and informational programs to assist students, school personnel, and the public to understand, accept, and cooperate with this policy.

Tobacco Policy—Definitions:

For purposes of this policy, “tobacco” is defined to include any lit or unlit cigarette, cigar, pipe, blunt, bidi, clove cigarette, and any other tobacco product, and spit tobacco, also known as smokeless tobacco, dip, chew, and snuff, in any form. For purposes of this policy, “tobacco use” includes smoking, which means carrying or having in one’s possession a lighted cigarette, cigar, pipe or other object giving off or containing any substance giving off smoke, and chewing spit tobacco, also known as smokeless tobacco, dip, chew, and snuff in any form. The term use means the chewing, lighting, smoking and any other usage of any tobacco product.

Legal Ref: 20 U.S.C. 6081 et seq., Pro-Children Act of 1994
PL 103-227, Goals 2000: Educate America Act (Pro-Children Act of 1994)
NDCC 12.1-31-03, Sale of tobacco to minors and use by minors prohibited
NDCC 23-12-09, Smoking in places of public assembly - Definitions
NDCC 23-12-10, Designation of smoking areas
NDCC 23-12-10.1, Responsibility of proprietors
NDCC 23-12-10.2, Complaints and enforcement
NDCC 23-12-11, Penalty

End of Glen Ullin Policy DADE.....Amended: 10/20/09

TOBACCO USE IN THE SCHOOLS

All School Personnel: Individuals may not display or use tobacco products on school property, school vehicles, or at any school-sponsored event, both indoor and outdoor at any time, 24 hours per day, 365 days per year. Those staff members violating this policy will be subject to the following procedures:

1st Offense: A verbal warning to the school employee and referral to cessation services will be offered.

2nd Offense: A written warning will be issued to the staff member with a copy placed in his or her employee file and referral to cessation services will be offered.

3rd Offense: Shall be considered insubordination and shall be dealt with accordingly based on established policies and procedures for suspension and dismissal of staff.

All Patrons/Visitors:

Patrons/visitors who are observed smoking or using tobacco products on school district property or at school-sponsored events shall be asked to extinguish smoking materials after being informed of the school district's tobacco-free policy. If the individual fails to comply with the request, his or her violation of policy may be referred to a principal of the Superintendent.

The Superintendent/administrator shall make a decision on further action that may include a directive to leave school property. Repeated violations may result in a recommendation to prohibit the individual from entering school district property for a specified period of time. If they refuse to leave, the police may be called.

End of Glen Ullin Regulations DADE-R.....Adopted: 10/20/09

ALCOHOL AND DRUG ABUSE POLICY EMPLOYEE

The school has a clear responsibility to maintain an atmosphere which will promote a quality learning environment. The misuse of alcohol and other drugs by one employee may endanger the safety and well being of all other employees and all students. It is necessary that our employees be made aware of the danger inherent in making unwise choices about chemical use. Further it is the responsibility of the school to intervene when the school's learning environment or the employee's ability to perform assigned duties is threatened.

Therefore, the School Board of the Glen Ullin School District supports the strict enforcement of the following alcohol and drug policy:

1. The use, possession, distribution, dispensing or manufacture of alcohol or any illegal drug is prohibited in any building belonging to Glen Ullin School District (or on the grounds of any such building) or on any property or in any vehicle belonging to the district or at any school-related activity.
2. The district will form a Community Chemical Health Committee of school staff, students and parents, appointed by the Superintendent, to create and oversee long range programs to bring about student and employee awareness and understanding of the dangers inherent in the use of alcohol, tobacco, and controlled drugs and provide information about drugs and alcohol counseling and rehabilitation programs available to students and staff.
3. Glen Ullin Public School will utilize positive discipline procedures as outlined in Policy DBFD if the violation is possession or use. Other violations will result in more immediate action, which may include discharge, notification of the federal agencies from which funds are received, and notification of proper authorities for prosecution. Due process procedures will be followed in any such termination of employment.
4. The district will provide an employee assistance plan as a service to employees of the school in overcoming problems that may jeopardize continued employment and health. This service will provide information for counseling and treatment referral so that employees may seek and get counseling on alcohol and drug matters at any time without fear of reprisal and with assurance of the confidentiality of the counseling. Providing information for referral or treatment when needed should be a constructive and not a punitive action.

We recognize that chemical addiction is a treatable disease. Employees shall be allowed to use sick leave, to the extent accumulated, for chemical addiction treatment if undertaken at a facility approved by the Division of Alcohol and Drug Abuse of the North Dakota Department of Health.

However, no employee shall be granted sick leave for inpatient treatment of alcoholism/chemical dependency more than twice.

5. The district will attempt to provide a supportive school environment for students and staff who have been harmfully involved with drugs and alcohol, including those whose families are disrupted by chemical abuse.

6. This policy shall be distributed to each employee and to each new employee at the time of employment. Agreement to this policy shall become a condition of employment. The Superintendent shall maintain documentation of employee receipt of this information.

7. A Biennial review of the Employee Drug Prevention Program by the School District will occur to:

a. Determine the program's effectiveness and implement changes to the program if they are needed.

b. Ensure that disciplinary actions are consistently enforced.

8. Disciplinary sanctions will be imposed on any employee as outlined in Descriptor Code: DADF-R.

Cross Ref: Policy DABBA/DCBAA/JCBCB, Drug and Alcohol Testing for Employees

Policy DABD, Drug-Free Workplace

Policy DAHc, Employee Assistance Plan

Policy DBFD/DCDA, Positive Discipline

Legal Ref: PL 101-647, Drug-Free Schools and Communities Act of 1986 as amended

PL 103-227, Goals 2000: Educate America Act (Pro-Children Act of 1994)

34 CFR Part 86, Regulations

NDCC 15.1-14, Administrators

NDCC 15.1-15, Contracts of Teachers and Administrators

NDCC 44-04-18.1, Public employee personal, medical, and employee assistance records - Confidentiality - Personal information maintained by professional boards

49 U.S.C. §2717 et.seq , Omnibus Transportation Employee Testing Act of 1991

End of Policy DADF.....Amended: 10/20/09

PROCEDURE IF HARMFUL CHEMICAL USE IS SUSPECTED

- 1. When behavior that may indicate misuse of alcohol or drugs is observed a "Record of Behavioral Data" will be completed by the supervisor. The supervisor will not attempt to make allegations or diagnose behavior beyond observed and reported behavior.
- 2. If accumulated information appears to indicate a high probability that the employee's job performance is endangered the supervisor will either conduct an interview with the employee or turn the information over to the Superintendent who will conduct the interview. At the interview the employee will be asked to comment on their use of alcohol or drugs.
- 3. A formal chemical dependency diagnostic interview (and treatment, if the report of the diagnostician indicates a need for treatment) may be made a condition of continued employment.
- 4. The school will make every effort to provide supportive assistance to those employees who return after completing a therapeutic regimen, realizing that behavior change in an unchanged environment is especially difficult.

End of Regulation DADF-R.....Approved: 10/20/09

PERSONNEL RECORDS

Personnel records shall be kept on all current employees and shall include information usually expected in good personnel administration.

A file shall be kept for all resigned, terminated, or retired employees, including such essential information as shall seem appropriate to the administration.

Personnel records shall be maintained in two areas. Those records required for payroll purposes and for record keeping under the Fair Labor Standards Act and other laws pertaining to payroll record keeping will be maintained by the Business Manager. All personal information as defined by law will be maintained in this file. Only employees who have a need to know in order to perform their duties will have access to this information. All other personnel records will be maintained in the administrative office.

The Superintendent shall keep a personnel folder for each employee, licensed and classified. The Superintendent's file shall be kept by the Business Manager. The folder shall contain such information as is required by law and shall include performance evaluations, the business manager's record of the license held for all licensed personnel, an itemized list of all documents in the file, and a record of access including the date of review and identity of persons reviewing the file. This file must be open and accessible during reasonable office hours of the district. Confidential pre-employment references will be destroyed. Transcripts used in the process of hiring will be returned to the employee. Licensed staff will be required to have them available for accreditation purposes as needed.

In accordance with federal law, the district shall provide information regarding the professional qualifications and degrees of teachers and the qualifications of paraprofessional to parents/guardians for any teacher or paraprofessional who is employed at a school receiving Title I funds and who provides instruction to their child at that school.

With the exception of the superintendent's folder, the folder shall be maintained in the district administrative office and shall be available during school hours for review by members of the public under the following procedures:

1. The request to view an employee's record may be made in writing, in person, or by phone. Written requests shall become a part of the file.
2. The employee file will be viewed in the administrative office. A school district employee other than the employee whose file is being reviewed

shall be present during the review of the file to maintain the security of the file's contents.

3. A copy may be mailed to the person requesting to view the file if that person so chooses.

4. An attempt will be made to notify the employee that his/her file will be reviewed the employee will have an opportunity to be present at this review if access is not unreasonably delayed.

5. Copies of any documents in the file will be made upon request and at reasonable charge to the person requesting them. Reasonable cost may include the cost of materials, use of equipment, and labor for making the copies, but not time spent in locating the file. The cost of mailing may also be included in the charge if the copy is to be mailed. This charge shall be applied uniformly and without discrimination.

6. The Superintendent or Business Manager or Board President may seek legal advice on matters pertaining to the review, but access may not be unreasonably delayed.

Records of medical treatment or use of employee assistance programs and personnel information are not a part of the personnel record and shall not be released without the written consent of the employee.

The superintendent's folder will be maintained by the Business Manager and review of the superintendent's folder shall follow the same procedures. The Board President or other board member may serve as the school employee who is present during the viewing of the file.

Cross Ref: Policy DBFB, Removal of Material from Personnel Files of Teachers

Legal Ref: PL 107-110, No Child Left Behind Act of 2001

NDCC Ch. 15.1-17, Teacher Personnel Files

NDCC 44-04-18, Access to public records

NDCC 44-04-18.1, Confidentiality of medical and employee assistance records

End of Policy DAE.....Amended: 10/20/09

REMOVAL OF MATERIAL FROM PERSONNEL FILES

The administration shall periodically review the material in the personnel files. When an employee is no longer employed in the school system for a period of more than six years, data will be reduced to card/single sheet form and all other information will be destroyed or returned to the employee upon prior request. In the event of nonrenewal, all information contained in the personnel file will be kept for a period of six years.

Personnel records in card/single sheet form will become a permanent employment record of the school district.

Cross Ref: Policy DBFB, Removal of Material from Personnel Files - Teachers
Legal Ref: NDCC Ch. 15.1-17, Teacher Personnel Files

End of Policy DAEB.....Amended: 10/20/09

PERSONNEL RECORDS

The Superintendent shall develop and implement a comprehensive system of personnel records to include:

1. A personnel folder for each employee, licensed and classified, to be maintained in the district administrative office. Each folder shall contain all pertinent data gathered after initial employment, including but not limited to: evaluations, courses taken, teaching credentials and licenses, and awards earned. Confidential pre-employment references shall be destroyed after the individual has been employed by this district.

2. Each employee shall have the right, upon request, to review his/her own personnel file, and to request an administrative review of the material in the file. (NDCC 15.1-17-01 and 03)

3. When an employee is no longer employed in the school system for a period of more than six years, data will be reduced to card/single sheet form and all other information will be destroyed or returned to the employee upon prior request. If data is requested to be returned to the employee, on the date of exit from employment, a request note will be placed in the employee file regarding this request. An attempt to locate this employee and honor this request will be made.

4. Records of medical treatment or use of employee assistance programs is not a part of the personnel record and shall not be released without written consent of the employee.

5. Personnel records in card/single sheet form will be become a permanent employment record of the school district.

WORK-RELATED INJURY CLAIM

If an employee is injured at work during regular working hours, the following procedure will be followed:

1. Injured employee must report to the Risk Manager immediately and complete the necessary injury forms. Employee must complete forms within seven (7) days of the incident.
2. If medical attention is needed, Glen Ullin Public School's designated medical provider is Glen Ullin Community Clinic if no other medical provider is designated by the employee.
3. The time period before a ruling is made by Worker's Compensation Bureau, the employee will be placed on sick leave to the extent of sick leave hours available.
4. After Worker's Compensation approval, the employee has the option of receiving either school sick leave or Worker's Compensation benefits, not both.
5. Upon approved medical documentation, employee will be asked to return to work as soon as advised by medical personnel, fulfilling employment duties as restrictions are noted. Employee may be asked to fulfill a modified temporary position that the employee can safely perform during recovery time.

End of Policy DAFCA.....Adopted: 10/20/09

VACATIONS

Any twelve-month employee designated by the Board as full time shall be eligible for paid vacation benefits as defined by the Superintendent and approved by the Board. Any twelve-month employee specifically granted vacation time and who shall resign or be relieved of his/her position shall be entitled to prorated monetary reimbursement for unused vacation days as required by law.

End of Policy DAFE.....Adopted: 10/20/09

LEAVES AND ABSENCES

Good staff attendance is necessary in order to achieve an efficient school system. Every reasonable effort will be made to obtain and examine pre-employment job attendance data of potential employees. Attendance data will be considered in the evaluation, promotion, and upgrading of employees.

The Board recognizes, however, that certain absences are unavoidable. At such times, it desires employees to return to work at the earliest time commensurate with good health, safety, and reasonable personal consideration. Employees will strive to attain attendance records with no absences as defined below:

Absence - Any failure to report for or remain at work as scheduled regardless of reason, including illness, when the absence or leave has not been approved in advance. Leaves and absences approved in advance must be in accordance with Board policies or negotiated agreements: "advance approval" for absence for illness or other emergency means that proper notification has been given.

The Superintendent will be responsible for implementing a program of attendance improvement. It will be consistent with the philosophy of the school district, proper motivational techniques, what is known about improving staff attendance, and positive approaches for dealing with human behavior.

End of Policy DAG.....Amended: 10/20/09

JURY DUTY

The School Board recognizes the importance of the jury system in a democracy and the obligation of all citizens to serve as jurors under appropriate circumstances. Employees subpoenaed as witnesses, in legal actions other than those in which the school district and an employee or employee association are opposing parties, and employees called for jury duty shall be responsible for the organization and coordination of their regular school responsibilities and shall receive regular salary payment during the time of their service; any witness fees or compensation for jury duty shall be reimbursed to the school district.

Employees subpoenaed by the school district in any legal action shall be subject to the same conditions and entitled to the same compensation as employees subpoenaed in matters where the school district and an employee or an employee association are not opposing parties.

The Superintendent shall have the authority to request that an employee be excused from service or the service delayed, provided the special nature of the employee's qualifications would make it difficult to secure an adequate substitute, or if the timing of the proposed jury service might be detrimental to the welfare of the school or the children concerned.

End of Policy DAGA.....Adopted: 10/20/09

MILITARY LEAVE

Military leave shall be granted pursuant to current state and federal laws.
Legal Ref. 38 U.S.C. §§ 4301 *et. seq.*, Uniformed Services Employment and Re-employment Rights Act

NDCC 37-01-25, Officers and employees of state or political subdivisions in national guard or federal service to retain status for period of active service
NDCC 37-01-25.1, Reinstatement to former position - Appeals - Penalty

End of Policy DAGC.....Amended: 10/20/09

HEALTH RESTORATION LEAVE

An employee may apply for unpaid health restoration leave when accumulated sick leave has been used up. Upon application for leave the employee shall present a written statement by a medical doctor to the effect that such leave is necessary for health purposes, stating the length of time such leave of absence is necessary. Leaves under this policy may be granted for a period of time consistent with the medical doctor's statement but not to exceed twelve (12) months. The duration of this leave shall be specified in the grant of leave and the School Board shall not, in any event, be required to permit the employee to return to his or her employment prior to the date designated in the grant of health restoration leave.

A person granted a health restoration leave shall not be entitled to receive any salary or fringe benefits during the entire term of the leave.

Leave for health restoration as granted above may be continued, upon request of the employee and in accordance with a written statement from a medical doctor to the effect that such extension is necessary for health purposes, for a designated period of time not to exceed one (1) year. Such extension, if granted, shall be upon the same conditions as the original leave and shall be granted at the sole discretion of the School Board.

At the conclusion of the leave of absence, a statement must be submitted from a medical doctor showing that the health of the employee concerned is such that he or she is able to return as a full-time employee.

Employees on leave will be assured of a position in the school system at the conclusion of the leave, provided that written notice of intent to return is received in the office of the Superintendent/Business Manager no later than March 7 of the calendar year in which said leave is to be completed, but reassignment to the same school or, in the case of teachers, grade or teaching area is not guaranteed. Failure to submit the written notice of intent to return on or before March 7 shall be deemed to be a voluntary resignation and waiver of the right to reemployment.

End of Policy DAGDC.....Adopted: 10/20/09

CHILD CARE LEAVE

A child care leave may be granted by the School Board subject to the following provisions and for the purpose of preparing and providing parental care for a natural or adopted child or foster children of the employee for an extended period of time. A person granted child care leave shall not be entitled to receive any salary or fringe benefits during the entire duration of the leave of absence. Any leave that the employee is entitled to under the Family and Medical Leave Act shall be considered a part of the child care leave and shall not be in addition to this leave.

A. An employee making application for child care leave shall inform the superintendent of schools in writing of intention to take the leave at least three (3) calendar months before the commencement of the intended leave subject to the board's right to waive the three-month provision in emergency situations.

B. If the reason for child care leave is occasioned by pregnancy, an employee may elect to utilize sick leave pursuant to the sick leave policy in addition to seeking a child care leave. At the time of the leave application a pregnant employee will provide a statement from her physician indicating the expected date of delivery.

C. If the reason for child care leave is occasioned by adoption, an adopting employee will provide at the time of the leave application a statement as to the expected date of placement.

D. Classroom teachers may be required to wait to return to work until the next semester in certain situations as provided by law.

E. In making a determination concerning the commencement and duration of a child care leave, the School Board shall not in any event be required to:

1. Grant any leave more than twelve (12) months in duration.
2. Permit the employee to return to his or her employment prior to the date designated in the request for child care leave.

F. An employee returning from child care leave shall be reemployed in the school system, provided that written notice of intent to return is received in the office of the Superintendent no later than March 7 in the calendar year in which said leave is to terminate, if that leave is to terminate as of the first day of the next school year, or no later than sixty (60) days prior to the termination date of any leave which is scheduled to terminate during the course of a school year then in progress. Said reemployment is not guaranteed to be at the same school or teaching area or grade.

Failure to submit written notice of intent to return on or before the date set forth herein shall be deemed to be a voluntary resignation and a waiver of the right of reemployment.

End of Policy DAGFA.....Amended: 10/20/09

POLITICAL LEAVE

A. LEGISLATIVE LEAVE

A full-time employee seeking election to the North Dakota Legislature may be granted a leave of absence for the purpose of serving during any regular or special session of the legislative assembly if the leave has been requested and acted upon prior to the candidate filing for election. The leave would be subject to the employee being elected. A person granted such leave shall not be entitled to receive any salary or fringe benefits during the entire term of the leave. If the leave is not granted, the board may grant a request for release from contract, if requested, without imposing liquidated damages otherwise provided.

Any person who has been granted a legislative leave may take unpaid leave for legislative duties in the succeeding year, in which case the district will provide the substitute. The employee is responsible for the organization and coordination of their regular school responsibilities. No request for leave will be necessary when such activity does not interfere with the performance of the employee's duties.

B. OTHER ELECTIVE OFFICE

A full-time employee who has been elected to office other than the North Dakota Legislature may be granted an unpaid leave of absence if such a leave is necessary to fulfill the duties of the office. Such leave will be at the sole discretion of the board and may be for an extended period or for parts of days as necessary. Pay and benefits will be pro-rated according to the duration of the leave. At the sole discretion of the board, employees who request periodic short-term leaves under this policy may receive their regular pay and benefits minus the cost of the substitute teacher. In either case, the employee is responsible for the organization and coordination of their regular school responsibilities.

Cross Ref: Policy DADB, Political Activities

Legal Ref: NDCC 54-03-27, Service in the legislative assembly - Leave of absence from public employment

End of Policy DAGFB.....Amended: 10/20/09

EMERGENCY DUTIES

The Board recognizes the importance of its school personnel to serve as members of the Glen Ullin Fire Department and Glen Ullin Ambulance Service. The Board also recognizes the importance and need of these individuals to assist children and adults during critical situations.

School personnel will be released to assist with Ambulance and Fire Calls when other members of their teams are not available to assist. These releases will pertain to emergency situations only. Prior to leaving the building, arrangements will need to be made with the administration so that classes are not left unsupervised. School personnel should be limited to one individual per call, or in the event of requested additional assistance, the number of school personnel assisting may be increased. School personnel will not be deducted in salary for this emergency assistance when personnel are used sparingly.

End of Policy DAGFE.....Adopted: 10/20/09

PROFESSIONAL LEAVE

Professional leave for attendance at conferences, workshops, and conventions and to visit other classrooms and schools may be granted at the sole discretion of the Superintendent. It will be the policy of the Glen Ullin School District that when an employee requests to be absent for workshops, conventions, or professional meetings, an attempt should be made to have this scheduled one week in advance. If the policy is not adhered to, salary will be deducted or leave will be denied.

When such leave is approved, the Board shall provide and pay for a substitute if necessary.

If the principal or Superintendent requests a staff member to attend a workshop, convention, or other meeting, his/her total expenditures may be reimbursed by the School.

The Board may allow more than one person to attend a workshop or conference upon the recommendation of the Superintendent.

An employee who is absent beyond the amount of time authorized will have the appropriate fraction signifying one day of work year of his/her annual salary deducted for each day that he/she is absent. Annual salary does not include extra-curricular salary.

Employees who choose not to attend North Dakota Education Association Convention will not be paid for the days of convention unless they perform alternate approved service. This may include inservice provided in the district or special projects approved by the board such as curriculum writing or development of assessment standards.

Immediately upon returning to work, an employee must fill out a certificate of attendance, which is to be filed with the Superintendent. A file will be kept for each employee and will be available for examination at any time.

End of Policy DAGG.....Amended: 10/20/09

SAFETY POLICY STATEMENT

The policy of the Glen Ullin School District is to protect the safety and health of our students, employees, visitors, and those present on district property or at school-sponsored events.

The Superintendent is responsible for developing a district-wide program that emphasizes safety on school property during the normal school day, at school district sponsored extracurricular activities on school property, and at school functions scheduled away from school property. This will include a safety plan that includes policies on supervision, accidents, weapons, traffic, and other safety precautions. In developing the safety plan, the Superintendent shall pro-actively address the implementation of corrective actions that would be necessary to meet the requirements of the Department of Public Instruction when a school is designated a persistently dangerous school. The Superintendent shall consult with local and state officials when determining procedures to respond to the various levels of national alert.

Each principal shall be responsible for the supervision of a safety program for his/her school. The Superintendent shall see that appropriate staff members are kept informed of current state and local requirements relating to fire prevention, civil defense, sanitation, public health, and occupational safety. This shall include in-service in the location and use of fire extinguishers and location of shutoff valves in science classrooms and laboratories.

EMPLOYEES

The district expects each employee, regardless of his/her position within the organization, to cooperate in every respect with the district's safety program. Some of the major points of our safety program require that:

- * All injuries and accidents be reported immediately to your supervisor and you obtain medical aid without delay.
- * Personal protection equipment, where required, must be worn by all employees. There will be no exceptions to this requirement.
- * Machine guards will be used and maintained in good condition. Machines without adequate guards or guards in questionable condition will not be used (for example: mowers, disposal units, shop equipment, etc.).

Teachers of laboratory sciences and all custodians shall receive training in laboratory safety. This will require attendance at a workshop approved by the Department of Public Instruction if not included in pre-service training. Substitute teachers in chemistry shall not be permitted to conduct experiments

The practice of safety shall also be considered an aspect of the instructional program of the district schools, and instruction in accident prevention as well as fire prevention, emergency procedures, traffic, bicycle, and pedestrian safety; and driver education shall be provided in the appropriate classes.

Teachers shall be assigned hall, lunchroom, and recess duty as well as playground duty for the supervision and safety of students.

Cross Ref: Policy DAHD/IBDE, Employee Right-To-Know

Policy FFH, Crisis/Disaster Preparedness

Policy FHCG, Carrying Weapons

Policy GBEE, Mathematics and Science

Policy IH, Risk Management

Legal Ref: P.L. 107-110, No Child Left Behind Act of 2001

NDCC 15.1-19-09, Students - Suspension and expulsion - Rules

NDCC 15.1-19-10, Possession of a weapon - Policy - Expulsion from school

End of Policy DAH.....Amended: 10/20/09

SIGNIFICANT CONTAGIOUS DISEASES

STUDENTS

The intent of the instructional program on significant contagious diseases is to provide information about the diseases, methods of transmission, the means of protecting against contracting the diseases in an institutional setting, the use of universal precautions, and prevention appropriate to specified grade levels. Instruction will begin in Grade K and continue through Grade 12.

Appropriate curriculum will be designed including a scope and sequence to assure that all students receive age-appropriate education integrated in the health curriculum. The Superintendent is charged with recommending revisions in the program to the School Board to update and modify the curriculum as new information about significant contagious diseases is made available. Any curriculum and materials developed for use in this program will be approved for medical accuracy by the Department of Public Instruction and/or the State Department of Health according to the guidelines furnished by the Center for Disease Control.

Prior to the start of the student instructional program, and at any time thereafter, parents and guardians of students who will be involved with the curriculum and materials will have an opportunity to preview the curriculum and materials in a specific program being presented. Thereafter, any parent or guardian may review the curriculum and materials at any time including any revisions in the program to update and modify the curriculum as new information about significant contagious diseases is made public.

EMPLOYEES

On an annual basis, all employees of the school district will receive appropriate training which addresses significant contagious disease prevention. The training will be presented by a health professional or someone specifically qualified in education for the prevention of significant contagious diseases. Training will include the proper use of universal precautions.

Those employees designated to teach significant contagious disease prevention to students will receive additional in-service from qualified health education professionals.

INDEPENDENT CONTRACTORS All independent contractors performing services for the district will receive a brochure concerning significant contagious diseases upon entering into a contract with the district. The brochure shall contain information regarding the transmission of significant contagious diseases in an institutional setting, the means of protecting against contracting the diseases in an institutional setting, and the use of universal precautions.

CONFIDENTIALITY

No employee or official of the Glen Ullin School District may inform any individual of an affected individual's infection. No employee or official may release any information to the public either confirming or denying the presence within the institution setting of a person who has contracted a significant contagious disease. All information given to employees or officials of the district by an affected person, their parent or guardian, or their personal physician shall remain confidential.

ATTENDANCE, EMPLOYMENT AND CONTRACTS

No person may be denied admission as a student, a contract as an independent contractor, or employment solely because they have, or they are perceived to have, a significant contagious disease. The personal physician of the affected individual shall be the sole decisionmaker as to whether the individual constitutes a public health threat or the ability of the individual to continue in school (except as provided below) or perform their duties.

When a student's personal physician or, in the case of a student who is defined as having a disability under the Individuals with Disabilities Education Act or NDCC Chapter 15.1-32, the multidisciplinary team determines that the student is unable to participate in regular classroom instruction, either reasonable accommodations, special provisions, or an individualized education program will be provided. The Superintendent shall establish procedures for the development of special provisions.

UNIVERSAL PRECAUTIONS

The Glen Ullin School District will use universal precautions as standard procedure in the care and maintenance of school property and in administering first aid or otherwise handling emergencies.

DESIGNATION OF SPOKESPERSON

The Superintendent is designated as the person to receive information concerning the status of students, employees, and independent contractors from their physicians. The Superintendent shall be the official spokesperson for the

institution when information concerning an affected individual becomes public and may not delegate this duty. The Superintendent shall develop procedures that protect against possible breaches of confidentiality. The Superintendent may request assistance from the Department of Public Instruction or State Department of Health in developing a plan for conflict resolution.

DISCRIMINATION

It shall be a violation of school policy for any student, employee or official to harass or discriminate against any affected individual within the institutional setting on the basis of having been diagnosed as having a significant contagious disease(s). No harassment or discrimination will be tolerated in any school building, at any school function, or on any school property.

DEFINITIONS

1. "Affected person," "affected individual," or "affected student" means an individual who has been diagnosed by a physician as having contracted a significant contagious disease.
2. "Decisionmaker" is the affected person's personal physician. However, whenever an affected student is also defined as having a disability under the Individuals with Disabilities Education Act, 20 U.S.C. 1401(a)(1) or the North Dakota Century Code Chapter 15.1-32, the decisionmaker is the multidisciplinary team provided for under subsection 4 of North Dakota Century Code section 15.1-20-02
3. "Employee" means all persons employed by the institution including faculty, maintenance, and administrative personnel.
4. "Governing body" means the school board.
5. "Independent contractor" means any person or entity who is free of control or direction over performance of the service provided both under the contract and in fact, who renders service outside the ordinary course of business or outside of the place of business of the contractor and who is engaged in an independently established trade, organization, profession, or business.
6. "Individualized education program" denotes a specialized education plan created in compliance with 20 U.S.C. 1401(a)(19).
7. "Institution" means this school district.
8. "Reasonable accommodations" is as defined by subsection 16 of North Dakota Century Code section 14-02.4-02 or U.S.C. 794.
9. "Significant contagious disease" includes cytomegalovirus (CMV), hepatitis B (HBV) and human immunodeficiency (HIV) infection. The local board of health or the

state health officer may determine that other diseases are significant contagious diseases.

10. "Special provisions" are individually tailored education decisions designed to meet the needs of students requiring unique accommodations to ensure an educational opportunity. Special provisions are directed to students not covered by an individualized education program.

11. "Universal precautions" means protecting one's self from exposure to blood or body fluids, through the use of latex gloves, masks, or eye goggles, cleaning blood and body fluid spills with soap and water and then disinfecting and incinerating or decontaminating infective waste before disposing in a sanitary landfill.

Cross Ref: Policy DAI/K, General Public Relations

Policy DBB, Recruitment and Selection of Instructional Staff

Policy DCB, Recruitment and Hiring

Policy FBBB/GBEI, Education of Exceptional Students

Policy GBEBD, Teaching about Aids

Policy HFAA, Selecting Provider of Professional Services

Policy IC, Transportation

Policy LEE, Relations with Health Department

Legal Ref: 20 U.S.C. 1413, Individual with Disabilities Education Act

USC 29, Section 794, Americans with Disabilities Act

USC 29, Section 504, Rehabilitation Act of 1973

NDCC 14-02.4, Discrimination

NDCC Ch. 15.1-15, Contract of Teachers and Administrators

NDCC 15.1-20-02, Compulsory attendance - Exemptions

NDCC Ch. 15.1-32, Special Education

NDCC 23-07-16, Child having contagious or infectious disease prohibited from attending school - Exception

NDCC 23-07-16.1, School district to adopt policy relating to significant contagious diseases

End of Policy DAHB.....Amended: 10/20/09

SANITARY CLEANUP AND DISPOSAL

Hygienic procedures should be practiced by all school personnel when disposing of human secretions and excretions including blood, feces, semen, urine and vomit since they may contain infectious agents capable of spreading disease.

The steps listed below should be followed in all such cleanup situations since carriers of infectious or contagious diseases are often undetected. The procedures are not intended to replace basic common sense principles of health and hygiene.

1. Wear disposable gloves when cleaning up blood. Gloves may be used for aesthetic reasons when cleaning up other spills. Individuals should use gloves when handling all body fluids.
2. Sprinkle the spill with absorbent chlorine powder as soon as possible.
3. Wipe up the spill with disposable paper towels or rags or with a scoop and brush.
4. Clean the surface with a cleaning agent appropriate for the surface to be cleaned.
5. Spray the surface with a hospital grade disinfectant labeled "tuberculocidal."
6. If assisting a person with a bloody nose or wound, have him/her apply the barrier if possible. If direct assistance is necessary, disposable gloves should be worn and the blood should be removed with disposable paper towels, gauze or rags. The exposed skin should be cleaned with an appropriate antiseptic and a leakproof dressing applied if appropriate.
7. Scoops or implements to be reused should be washed and sprayed with disinfectant. After use, the cleansing materials, gloves, and soiled diapers should be secured in plastic bags and disposed of in a specifically designated sanitary disposal site.
8. When changing diapers, disposable gloves will be used. After use, the cleansing materials, gloves, and soiled diapers will be secured in plastic bags, tied and disposed of in a sanitary disposal site.
9. Soiled clothing or personal items will be bagged and sent home with the child, not cleaned or rinsed at the school.
10. Using the following procedures, wash hands immediately after completing the cleaning and disinfecting process.
 - a. Wet hands and apply antiseptic soap.
 - b. Rub hands together vigorously for at least 15-30 seconds, paying particular attention to finger tips, nails and jewelry.

EMPLOYEE ASSISTANCE PROGRAM

The Glen Ullin School District will provide an Employee Assistance Program for employees who are experiencing personal difficulties that are affecting the employee's job performance. The purpose of the program is to assist employees in obtaining help to resolve such problems in an effective and confidential manner. This program recognizes that the primary obligation to seek assistance and to resolve the problem rests with the employee.

The Board recognizes that a wide range of problems that are not directly associated with an employee's job function may have an effect on an employee's job performance. The problems may involve physical illness, mental or emotional illness, alcohol abuse or alcoholism, drug abuse or dependency, or personal problems such as those of a marital, family, or financial nature.

The Employee Assistance Program assures employees that if such personal problems are the cause of unsatisfactory job performance they will receive careful consideration and an offer of assistance in an effective and confidential manner. This service will provide information for counseling and treatment referral so that employees may seek and get counseling on chemical dependency, financial, marital or other personal problems at any time without fear of reprisal and with assurance of the confidentiality of the counseling. Providing information for referral or treatment when needed should be a constructive and not a punitive action.

Program Goal

1. To assist employees and their immediate family (household members) who have problems that may affect the employee's job performance by providing confidential, prompt, and diversified assistance to help resolve individual and/or family problems.
2. To motivate employees and/or their families to seek help at an early stage and get confidential assistance through qualified professional referrals. The goal, then, is to restore productivity through early identification of problems and retention of valued employees.

Program Objectives

1. To provide a confidential, flexible, competent, and sensitive program of assistance to meet the needs of troubled employees and their families (household members) on an individual basis.
2. To provide employees with accurate information regarding known referral sources.
3. To provide inservice training for supervisors that will focus on the supervisor's role in relation to troubled employees.

The Superintendent will assist the employee with the above listed program objectives.

Supervisors and/or colleagues will implement this policy in such a manner that no employee will have his or her job security or promotional opportunity affected by the use of the Employee Assistance Program. This policy, and any related procedures, will not alter or supersede the normal employment rules, policies, regulations, corrective disciplinary procedures, performance evaluation, guidelines, and/or provisions of collective bargaining agreements. The employee's right to confidentiality will be protected.

District sponsored insurance may be used to cover any referrals or treatment that would normally be covered under such insurance.

Cross Ref: Policy DABD, Drug-Free Workplace

Policy DADF, Alcohol and Drug Abuse Policy - Employees

Legal Ref: NDCC 44-04-18.1, Public employee medical and employee assistance records – Confidentiality

End of Policy DAHC.....Adopted: 10/20/09

EMPLOYEE ASSISTANCE PROGRAM PROCEDURES

When a troubled employee is identified, the supervisor should arrange for a meeting with the employee. The focus of this meeting should be to relate to the employee the supervisor's concerns regarding their job performance. At this point, the supervisor may suggest that the employee consider utilizing the Employee Assistance Program as an approach to eliminate any stress that may be affecting job performance.

The employee may choose to accept or reject the suggestion to use the Employee Assistance Program. If the employee accepts the suggestion, the supervisor will refer the employee to the proper medical or other qualified counseling or diagnostic center. If the employee rejects the suggestion and the job performance improves, the matter is closed. Whether or not the employee takes advantage of the Employee Assistance Program, continued feedback should be given to the employee regarding job performance. If the poor job performance continues, then the supervisor should institute steps of positive discipline. Use of the Employee Assistance Program may be required as a condition of continued employment. In the case of licensed staff, the employee will be told that refusal to participate in the Employee Assistance Program will lead to a recommendation of non-renewal or discharge, depending on the situation. Use of the Employee Assistance Program will in no way jeopardize the employee's continued employment or promotion opportunities.

It is expected that through this policy employees who suspect they may have an alcohol, drug or behavioral problem--even in early stages--will be encouraged to seek assessment and, when indicated, follow through the prescribed treatment. The confidential nature of the medical treatment of the employee with alcoholism will be maintained in the same manner as all other medical treatment records. When the employee seeking treatment and assistance has third party reimbursement through the District, payment may be made in accordance with the contract. Problems that require medical or psychiatric treatment shall be considered as a disability and the employee shall be granted the same rights as any other employee on medical disability leave.

Implementation of this policy will not require or result in any special regulations, privileges, or exemptions from the standard administrative practice applicable to job performance requirements. However, if work related problems reoccur after treatment, the employee may be requested to sign a release of information allowing the Superintendent to seek information concerning treatment progress. Information relating to the recommendation or use of the Employee Assistance Program will remain confidential and will be kept in a sealed file in the Superintendent's office.

EMPLOYEE RIGHT-TO-KNOW HAZARDOUS SUBSTANCES

The Glen Ullin School District hereby establishes an employee information program which is designed to provide hazard evaluation, appropriate work practices, protective measures, and emergency procedures.

The Superintendent shall develop storage and use procedures that ensure that only those individuals trained in the proper handling of specific hazardous substances have access to them.

The district acknowledges the right of every employee to information regarding any potential health or safety hazard to which they may be exposed within their district employment. Further, when there is an employee question regarding health and safety of a product or procedure, the employee will not be required to work with that product or procedure until appropriate public health and safety information has been provided. The primary source of information shall be the Material Safety Data Sheets provided by the supplier of the chemical substance if such is available.

The training of supervisors and their subordinates will be the responsibility of the Superintendent, who shall require documentation of such training procedures including the signatures of individuals receiving the training.

It is not the intent of the Board to expand or modify the district's potential liability exposure through the adoption of this policy. The district's voluntary compliance with any statute or regulation to which it is not otherwise subject shall not be construed to create or assume any potential liability under any local, state or federal law or regulation.

Legal Ref: NDCC Ch. 65-14, The Right to Know Act
29 CFR 1910.1200, OSHA Hazard Communication Standard

End of Policy DAHD.....Amended: 10/20/09

VIOLENT AND AGGRESSIVE BEHAVIOR

It is the intention of the Glen Ullin School Board that the learning environment shall be safe, drug free, and conducive to learning. The School Board recognizes that there are certain behaviors that, if tolerated, would quickly destroy the type of learning environment to which the students and staff are entitled within this school system. These behaviors, categorized as violent and aggressive, will not be tolerated and shall result in immediate action by the school administration.

Physical violence, including assault, will not be tolerated on school premises or at school activities, nor will disruptive behavior that is characterized by verbal or physical violence, even though not directed toward another person. Neither will the district tolerate threats of harm to self or others or other threatening behaviors, including threats to damage school property. Students shall inform a teacher, guidance counselor, or principal when they are in possession of knowledge of such threats. Staff shall immediately notify the principal of any threat or threatening behavior that they have knowledge of, have witnessed, or received. All such threats shall be promptly reported to the appropriate law enforcement agency.

All acts of violence and aggression, including, but not limited to, possession of a weapon or dangerous instrument, physical assault, verbal abuse, intimidation, extortion, bullying, gang activity, stalking, defiance, sexual harassment, terroristic acts and/or threats, shall result in specific consequences, determined by the seriousness of the act, including suspension from school and consideration of expulsion from school for students, disciplinary actions up to and including discharge for employees, and exclusion from school premises and possible legal action against other individuals.

Legal Ref: P.L. 107-110 No Child Left Behind Act of 2001

End of Policy DAHE.....Amended: 10/20/09

GRIEVANCE PROCEDURE

The purpose of a grievance procedure is to provide a written step-by-step procedure that guarantees the right of the employees to administrative "due process," to assure fairness and equity. Employees are to feel free to use these procedures. Therefore, no employee or administrator shall discriminate against, coerce, or interfere with any employee, administrator, witness, or representative, for their involvement in the presentation or adjudication of any grievance.

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

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

Definitions:

Grievance: A grievance is a claim based upon an event or condition about which an employee feels dissatisfaction and must be directly related to the terms of the employee's individual contract with the school district, or the terms of the negotiated agreement(s) between the School Board and the official recognized representative organization or, in the case of nonlicensed employees, must be directly related to the terms and conditions of employment.

Written Grievance: The written grievance shall give a clear and concise statement of the alleged grievance including the signature of the grievant, the facts upon which the grievance is based, the issues involved, the contract provision involved, and the relief being sought.

Day: A day as used herein shall be considered a school day and the time limits set shall be considered a maximum.

Unresolved Grievance--Time Limits: If a grievance is unresolved at the end of the school term, the time limits will be applied as if school were in session. (Monday through Friday excluding Legal School Holidays.)

Administrator or supervisor named in this policy (such as superintendent of schools) it is assumed that his/her designate or deputy may serve in his/her place.

Representative of the employee's choosing shall include but not be limited to legal counsel or a representative of the Glen Ullin Education Association or North Dakota Education Association.

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.

Each step in this procedure is intended to give bona fide, fresh 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 independent of the persons who have issued previous decisions or who may issue latter decisions regarding the grievance. It is usually desirable for an employee and his or her immediate supervisor to resolve problems through free and open communication. It is the intention of the School Board to encourage the resolution of grievances as near the point of origin as possible. Therefore, an employee with a grievance shall first discuss it with the principal or immediate supervisor. When requested by the employee, a representative of the employee's choosing may assist in this resolution. However, should such informal process fail to satisfy the employee, then a grievance may be processed as follows:

Formal Process--The formal process begins with the employee who is filing the grievance preparing a written statement containing his/her name, address, name of immediate supervisor or principal, the condition, situation grieved and why, and the requested remedy. The written grievance must be signed and dated by the aggrieved. The employee may be represented and accompanied by a representative of his/her choosing at any step in this process. The employee filing the grievance must be present at each step in this procedure.

Step 1: An employee may present a grievance in writing at any time to his or her immediate supervisor provided that the term or condition of employment giving rise to the grievance still exists at the time the grievance is presented or did exist no more than fifteen (15) days prior to the time the grievance is presented. The supervisor shall make every effort to resolve the grievance, and shall within ten (10) days of the filing of the grievance, render a written answer on the grievance.

Step 2: If no agreement is reached or the time limit elapses without answer as outlined in Step One, the aggrieved employee may present the written grievance to the Superintendent. This step must be initiated within four (4) days of the supervisor's written decision, or within fourteen (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 (10) days. A written response shall be made to the grievant within the same ten (10) days.

Step 3: If the grievance is not settled in Step 2, the employee may request a hearing by the School Board. The School Board, on the date of its next regularly scheduled meeting shall review the grievance. An allegation submitted less than five (5) working days prior to a regular school board meeting will be initially considered on the date of the following regular monthly meeting. The School Board may affirm or reverse the Superintendent's decision. Within ten (10) days after the school board meets, the School Board shall notify the grievant in writing concerning the school board decision. The school board decision is final, subject to court review if the employee files suit.

End of Policy DAIA.....Adopted: 10/20/09

RECRUITMENT AND SELECTION OF INSTRUCTIONAL STAFF

The School Board of the Glen Ullin School District is committed to securing the services of the best personnel available. The district can secure the kind of teachers and other personnel it wants by an effective recruitment program based upon alertness to good candidates, initiative that results in prompt action, and good personnel practices in dealing with applicants. Only professionally qualified individuals who meet the North Dakota license requirements and the definition of highly qualified teacher under federal law will be considered for employment in instructional positions.

It is the responsibility of the Superintendent, School Board, or other persons that the Superintendent designates, to determine the personnel needs of the school district and to locate suitable candidates to recommend to the Board for employment. The appointment of all instructional staff shall be made by the Board upon the recommendation of the Superintendent. It shall be the duty of the Superintendent to see that persons nominated for employment shall meet all qualifications established by law and by the Board for the type of position for which nomination is made.

All recruitment and hiring shall conform to Policy AAC--Equal Employment and Education Opportunities.

Legal Ref: PL 107-110, No Child Left Behind Act of 2001
NDCC 15.1-13-17, Teaching license - Requirements - Exemptions
NDCC 15.1-13-18, Teaching license - Presentation to business manager
NDCC 15.1-13-19, Teaching license - Expiration
DPI Regulations, Accreditation Standards, Criteria, and Procedures for Classification of Elementary, Junior High/Middle, and High schools

End of Policy DBB.....Amended: 10/20/09

LICENSURE

Every licensed employee shall hold a valid credential, issued by the director of licensure, of the Education Standards and Practices Board, or a valid temporary license. No employee can be paid for services prior to the date of issuance of the credential or license.

It is the responsibility of the employee to have the license recorded in the County Superintendent's office. After recording the license at the County Superintendent's office, the teacher must exhibit the license to the Business Manager who will record the number and kind of license and date of expiration in the teacher's individual file. Failure to properly register the teaching license as outlined in the above paragraph will result in withholding the paycheck until this requirement is fulfilled.

It shall be the responsibility of the licensed employee to acquire the necessary college courses and inservice training required for renewal, see that his/her credential is renewed before the date of expiration, and to file the renewal with the district. A credential may be renewed during the year in which it expires; however, this should be done at least six weeks prior to the date of expiration.

Cross Ref: Policy AAB, Goals and Objectives
Policy DBG, Professional Development
Policy DBGD/LACC, Inservice
Legal Ref: NDCC Ch. 15.1-13, Teacher's Licensing
Department of Public Instruction Regulations

End of Policy DBBA.....Adopted: 10/20/09

EVALUATION

The professional staff shall be evaluated by their immediate supervisors by use of instruments adopted by the School Board. These evaluations shall be conducted in conformance with North Dakota law, including the dates specified in the law. The evaluation shall become a part of the employee's personnel file. The employee shall have the right to review the evaluation and may attach a statement of disagreement if he/she so wishes.

Legal Ref: NDCC 15.1-15-01, Performance reviews - Written reports
NDCC Ch. 15.1-17, Teacher Personnel Files

End of Policy DBFA.....Adopted: 10/20/09

EVALUATION PROCEDURE

The basis of sound evaluation is the observation of teachers both within and outside the classroom settings in which the total teaching climate contributes to the teacher's effectiveness. Evaluators, primarily building principals, must be well acquainted with all of the factors which relate to the teacher's assignment, class composition, environmental elements, and other contributing ingredients. A teacher's performance should be observed and evaluated under as widely varying circumstances as may prevail in the assignment. A goal of evaluation is to document and strengthen teaching performance and instructional programs. The evaluator's reports are to be designed to support these purposes.

Observations of teaching performance are of various sorts in a regular school atmosphere. For the purposes of good procedures and as defined in these regulations, periodic classroom observations are to be made by principals of the teachers in each school. Following every formal classroom observation, there shall be a personal discussion between the evaluator and the teacher. In instances where additional follow up observations are indicated, these shall be noted so that every teacher has opportunities to develop a strong professional standard of teaching competence.

Activities of teachers which benefit the school in addition to classroom work may be included in the evaluation report. Evaluation shall be analytic and it shall seek to establish the degree to which a teacher is meeting established criteria for professional performance.

Each school principal shall be primarily responsible for the evaluation of the teachers in the school. It is the evaluator's responsibility to maintain a written report and record of formal classroom observations and such other relevant observations about the teacher as are appropriate. Two copies of the evaluation instrument are to be made following each classroom observation. One copy of the report is to be placed in the teacher's personnel file and one is to be given to the teacher. Following each evaluation conference, both the teacher and the principal shall sign the reports and certify any alterations according to the format of the report itself. The signature of a teacher on a report does not necessarily indicate that the teacher agrees with the report, only that it has been read and a copy received. When a teacher does not agree with the judgment or the substance of an evaluation by the principal or other evaluators, the teacher may include or attach a statement or comment to that effect to the evaluation report.

REMOVAL OF MATERIAL FROM PERSONNEL FILES OF TEACHERS

Teachers have the right to request an administrative review of the material in their files and to request the removal of any material that they consider to be inaccurate or inappropriate, with the exception of the formal evaluations required by law.

If the teacher is not satisfied with the administrator's decision, the teacher may request, and must receive, a formal review of the placement of the material by the School Board. This review shall be at an open public meeting of the Board.

When an employee is no longer employed in the school system for a period of more than six years, data will be reduced to card/single sheet form and all other information will be destroyed or returned to the employee upon prior request. If data is requested to be returned to the employee, on the date of exit from employment, a request note will be placed in the employee file regarding this request. An attempt to locate this employee and honor this request will be made.

In the event of non-renewal, all information contained in the personnel file will be kept for a period of six (6) years.

Cross Ref: Policy DAEB, Removal of Materials from Personnel Files
Legal Ref: NDCC 15.1-17-03, Personnel file - Objection to documents
NDCC 44-04-19, Open governmental meetings

End of Policy DBFB.....Amended: 10/20/09

POSITIVE DISCIPLINE

It is the intention of the Glen Ullin School Board to provide fair and equitable policies to assure an effective, efficient working environment in which to provide its services. The primary responsibility for communicating and administering work rules, job standards, and policies lies with the supervisor, who is expected not only to know and understand the rules and policies and the reasons for their existence, but also the need for developing and conducting orientation and re-orientation with employees.

Work rules and job standards are to be reasonable and fair to all employees. All employees must be informed of the existence of work rules and job standards, which are pertinent to their respective areas of responsibility, by their immediate supervisor at the time of hire and periodically throughout their term of employment. Work rules and job standards must be administered consistently and uniformly for all employees.

In the event that an employee does not adhere to established company work rules or demonstrates continued poor performance, the manner of discipline, when necessary, shall be of a positive nature, unless gross misconduct occurs. Positive discipline provides a method for bringing problems to an employee's attention in a way that does not undermine the employee's self-respect, but rather reinforces the employee's ability to work toward self-resolution of the problem. The ultimate objective for applying positive discipline is to correct any employee performance problems through education in the interest of retaining the employee within the organization at increased productivity.

In cases where the employee is at risk of termination of employment and the supervisor suspects or has reason to suspect that the problem is related to chemical dependencies, marital or financial problems, parenting concerns, depression or any other external problem, the supervisor may require the employee to use the Employee Assistance Program as a condition of continued employment. If the employee rejects the suggestion to use the Employee Assistance Program the supervisor may recommend termination after all the steps in the Positive Discipline procedure have been followed.

End of Policy DBFD.....Adopted: 11/15/94

POSITIVE DISCIPLINE PROCEDURES

STEP I: ORAL REMINDER

When an employee commits an infraction of a work rule or demonstrates inadequate performance, the immediate supervisor shall meet with the employee and discuss the problem. After the employee confirms their understanding of the problem the supervisor may write a memorandum of the discussion and ask the employee to sign it if the supervisor considers it appropriate. The supervisor will, in any event, record the time and date of the meeting and the subject matter discussed and place the memo in the personnel file.

STEP II: WRITTEN REMINDER

If a second infraction occurs or if the employee continues to demonstrate inadequate performance, the supervisor shall meet with the employee and outline in writing the corrective action the employee must take. After the employee confirms their understanding of the problem and the corrective action they must take, the employee and the supervisor should both sign the memorandum. The employee should be given a copy and a copy will be placed in the employee's personnel file.

STEP III: DECISION-MAKING LEAVE

If the employee demonstrates a repeated inability to follow prescribed work rules, or if performance continues to be inadequate, the supervisor may meet with the employee and recommend a decision-making leave, outlining the reasons for the recommendation. The supervisor may instruct the employee to leave the work place for a period of time not to exceed one (1) regular shift. The employee shall receive regular pay for the hours of scheduled absence.

STEP IV: TERMINATION

If another work rules violation occurs or if the employee continues to demonstrate inadequate performance of job duties, the supervisor shall inform the employee that the supervisor intends to terminate employment or, in the case of an employee subject to NDCC Chapter 15.1-15, recommend the employee for non-renewal or discharge. The supervisor must document the reason for termination or recommendation of termination and allow the employee to give an explanation or otherwise respond to the supervisor's intention. After allowing the employee's response the supervisor shall submit the documentation and decision to the Superintendent for further implementation. The employee should be given a copy of the documentation to be submitted.

In most cases, the steps of positive discipline shall be followed in order. If in the supervisor's judgement circumstances warrant repeating steps, this may be done.

Legal Ref: NDCC Ch. 15.1-15, Contracts of Teachers and Administrators

End of Regulation DBFD-R.....Amended: 10/20/09

PROFESSIONAL DEVELOPMENT

It is the policy of the Glen Ullin School Board and the administration to require advanced professional study by all licensed personnel. The purpose of this policy is to maintain a high quality professional staff and to seek to ensure that every teacher is highly qualified.

Teachers not meeting the in-service requirements established by the Department of Public Instruction may be recommended for non-renewal.

College credit may be substituted for inservice training only as approved by the Superintendent and at the ratio of 1 semester hour for 16 clock hours. College credits and inservice hours with verification shall be reported to the Superintendent who shall keep a record of each teacher's hours earned.

In addition, all instructors must adhere to the salary schedule and meet standards of the Education Standards and Practice Board Licensure for holding a valid teacher license.

Cross Ref: Policy AAB, Goals and Objectives

Policy DBBA, Licensure

Policy DBGD, Inservice

Legal Ref: PL 107-110, No Child Left Behind Act of 2001

NDCC 15.1-13-10, Criteria for teacher license

DPI Rules Accreditation Standards, Criteria and Procedures for the classification of Elementary, Junior High/Middle, and High Schools

End of Policy DBG.....Amended: 10/20/09

INSERVICE

The Board encourages professional growth and self-improvement through further study, publication and other means of self-improvement.

The Board recognizes its responsibilities to provide opportunity for the continual professional development of its staff. Such opportunities may include special inservice workshops, a professional library, assistance from supervisors and consultants, and within budgetary limitations, released time for visits to other classrooms and attendance at conferences and other professional meetings.

The Board realizes the limitation of resources when one district attempts to provide all of the inservice for its staff. It is the intention of the Board to enter into cooperative arrangements with other districts and to use the services of the Department of Public Instruction, the state's institutions of higher learning and of such groups as North Dakota School Boards Association, North Dakota Council of Educational Leaders, North Dakota Education Association, and their national associations.

The most effective inservice programs are those which respond to the stated needs of the teachers. The administration shall continually survey the teachers as to areas of need and make the inservice programs responsive to those needs. The administration is also expected to suggest and/or require specific inservice programs for the specific needs of individual teachers.

It is impossible to provide for all staff development through direct training. Therefore, such other aids as are available to assist in staff development may be utilized by the district. Self-instructional materials (materials specifically designed for use by individuals or small groups without the benefit of an instructor) can make considerable contributions when properly utilized.

The district shall determine which staff development objectives lend themselves particularly to this kind of learning. The best available expertise should be utilized in designing learning modules to meet those objectives. These modules, together with all necessary instructional materials, may be made available on request by individual staff members, incorporated into individual staff development programs, and/or the comprehensive staff development program. Additional modules should be developed each year to complete the catalog of available topics, as well as to update staff members on new programs, skills, or knowledge.

Individualization is as important in staff development as in student development, since there is great variation both in individual learning styles and in the specific requirements of each staff member's responsibilities. One of the most effective

and valuable methods for achieving staff development, therefore, is individual assistance on site in the actual working situation. Inservice training is best coordinated directly with operational programs and, for individual staff members, directly with their specific assignments and their immediate and long-range goals. Supervisors may incorporate consultative assistance into the individual growth programs designed during the evaluation process.* This might include the use of specialists and instructors who can travel to the schools and provide such on-site assistance as needed. It might also include the use of veteran teachers within the system or within the school or teachers with a particular skill that would be useful to the teacher desiring to improve his/her professional abilities.

* See Policy DBFA Evaluation Procedures

Cross Ref: Policy DBG, Professional Development

Legal Ref: PL 107-110, No Child Left Behind Act of 2001

End of Policy DBGD.....Amended: 10/20/09

REDUCTION-IN-FORCE POLICY

The School Board shall have the sole right to determine the necessity for and scope of a reduction-in-force for reasons including, but not limited to, lack of funds, uncertainty of funds, declining enrollment, or other reasons of necessity. This determination shall not be arbitrary or capricious.

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

The selection of the teacher(s) to be non-renewed because of reduction-in-force shall be made in accordance with the following criteria:

1. Attrition, including retirements and resignations, shall be relied on to the extent possible.
2. When attrition is not sufficient to alleviate the necessity for reduction-in-force, then the policy of this district shall be to retain those teachers with the greatest adaptability to meet the present and future staffing and educational needs of the District.
3. When two teachers within the same area of licensure are deemed to be of equal adaptability to meet the present and future staffing needs of the district, then the teacher with the superior academic and professional preparation, beyond minimum licensure requirements in his or her teaching field, shall be retained.
4. When two teachers are deemed to be of equal adaptability and have equal academic and professional preparation within their teaching fields, then the teacher who has taught in this district for the greater period of time shall be retained.

Any teacher who is non-renewed under the provisions of this policy may request and may be given consideration for teaching vacancies for which said teacher is qualified and which occur within nine (9) months after receipt of written notice of the nonrenewal decision. It shall be the sole responsibility of said teacher to provide the district with a current address. Any teacher who is offered re-employment hereunder and fails to accept the same within fifteen (15) days after it is offered shall be deemed to have rejected said offer.

Legal Ref: NDCC Ch. 15.1-14, Administrators
NDCC Ch. 15.1-15, Contracts of Teachers and Administrators

End of Policy DBH.....Adopted: 10/20/09

EARLY RETIREMENT PROGRAM

Early retirement is for the mutual benefit of the employee and the school district: the employee will be able to plan his/her retirement with increased options and less fear of the unknown. The school district may use early retirement as a cost saving tool, more importantly, also as a means to infuse new ideas and new skills into the school system. In no way should early retirement be confused with, or substituted for the School Board's policy Reduction in Force or the circumvention of evaluation procedures.

Early retirement is not a right. It must be of mutual benefit to both the employee and the Glen Ullin School District. Consent must be granted by both the employee and the School Board.

Definitions:

1. "Employee" means a teacher but excluding a principal or administrator.
2. "Retirement Plan" is the formal document (contract) describing the retirement agreement between the employee and the Glen Ullin School District.
3. "Current salary" means the salary an employee receives during his/her last year of service to the Glen Ullin School District. It does not include payment for extra duty assignments, extra days, extra classes, extra curricular assignments, summer work, TFFR contributions, FICA contributions, travel contributions, or any other compensation except salary schedule compensation. Career increments are considered to be salary schedule compensations.

ELIGIBILITY CRITERIA

The plan is available to full-time employees who have met the following criteria for eligibility:

1. The employee has completed a total of 15 years of full-time continuous service to the Glen Ullin School District. Full-time is defined as service in a qualified position designated as full-time by the district and which provides a full-time rate of compensation per the district's salary plan for the position. Full-time service must also meet the criteria for a full year of service as defined by the district and the North Dakota Teachers' Fund For Retirement (TFFR).

2. The employee has a combined age and years of service of 85 for a normal (unreduced) service retirement.
 - a. The employee must submit written verification of the years of creditable service, from TFFR, effective on the date of retirement from the Glen Ullin Public School District to document that the employee meets the eligibility standards of normal service retirement.
3. Where valid, all eligibility provisions to participate in the Early Retirement Plan must be met on or before the effective date of retirement from the Glen Ullin School District.

YEAR OF RETIREMENT	REDUCTION FACTOR
Year of Eligibility	65% of Incentive
Year of Eligibility +1	45% of Incentive
Year of Eligibility +2	25% of Incentive

Example: If the applicant is in their first year of eligibility for TFFR before August 15th and their current contract is for \$40,000, the benefit would be computed as follows: (\$40,000 X 65% = \$26,000).

4. Early retirement is a plan whereby teachers receive a payment if they choose to retire early. The payment is a proportion of the teacher's current annual salary at the time application is made, calculated according to the table in section 3 and the reimbursement of unused sick leave according to section 14.
Teachers are eligible based upon the annual salary equivalent to a maximum of 180 days or a normal school term (extended contracts will be reduced to a normal school term).
5. Early retirement is fully voluntary and no teacher shall be required or coerced to retire early under the provisions of this policy. All teachers who desire early retirement and who are eligible may make application. The Board of Education may not be able to approve all requests because of the availability of funds, excessive numbers of request, or other factors, and therefore reserves the right of refusal.
6. Teachers who have retired early under the provisions of this policy shall not be eligible for employment in the Glen Ullin School District, except that such teachers may be hired as substitutes at the same daily wage rate paid any substitute.

7. Teachers terminating employment due to a disability are not eligible for early retirement payment under the provisions of this policy, unless the payment was contracted prior to incurring the disability.
8. Teacher who elect this policy are personally responsible for determining what effect early retirement will have on their coverage under TFFR, Social Security and other programs for which they may be eligible for benefits.
9. A complete application and subsequent approval by the Board of Education of an early retirement request shall constitute a legally binding resignation and waiver of person's continuing contract and non-renewal rights when all terms and conditions are agreed to.
10. On the effective date of the early retirement, a teacher electing early retirement is no longer considered an employee of the Glen Ullin School District, and therefore is entitled to none of the benefits or privileges provided employees except as provided by this policy.
11. All fringe benefits provided by the Glen Ullin School District to teachers are discontinued at the conclusion of full-time employment.
12. Early retirees may be allowed to convert group fringe benefit programs to individual plans if the district's insurance carriers writing such coverage approve of such participation for retirees, provided there is no expense to the district. However, no insurance carrier will be required to provide conversion programs for retirees unless this is already a condition of the contract with such carrier.
13. The Superintendent or his designate will provide information to interested teachers on the various aspects of early retirement upon request.
14. The approved applications will receive compensation for unused accumulated sick leave based on the following formula: The number of accumulated sick leave days (up to 75 days) times \$40/day.

EARLY RETIREMENT PAYMENT

1. All early retirement payments will be made in accordance with Internal Revenue Service Regulations.
2. A one-time payment will be made in the month of July of the year of retirement; however, the retiree may elect to defer a portion or all of the payment to a payment schedule ending no later than 60 months

from the date of the first payment schedule (limited to a maximum of 4 payments per year).

3. The applicant's age as of August 15 in the calendar year of retirement will be used in determining the age of qualification and payment due.

APPLICATION PROCEDURE

1. Teachers choosing early retirement may make application at any time during a given school year, but the application form must be received in the Superintendent's office no later than March 1 of the calendar year in which the teacher plans to retire. The Board of Education will consider early retirement requests no later than April 14 of that same year, except for unusual circumstances.
2. Any official acceptance of an early retirement application shall specify the following:
 - a. Acceptance of the individual's resignation
 - b. Effective date of early retirement
 - c. Total dollar amount of early retirement payment

Upon approval of an early retirement request, both parties shall enter into a contractually binding, written agreement, including but not limited to the amount of payment, the payment date(s), and a waiver of all continuing contract and non-renewal rights

DEATH OF RETIREE

In the event of the retiree's death:

The designated beneficiary may continue the retiree's early retirement payment schedule or may choose one lump sum final payment.

APPLICATION FOR EARLY RETIREMENT
GLEN ULLIN SCHOOL DISTRICT #48

Name _____ Social Security _____

Home Address _____

Telephone _____ Date of Birth _____

Effective Date of Resignation and Early Retirement _____

Age as of _____, 20_____, will be _____.

Position _____

Location _____

Calculation of Early Retirement Payment: _____(Current Annual Salary) X
_____ (Percent Factor) = _____(Payment)

Payment Plan: (Complete either A or B)

_____ A. Full Amount of \$_____ in July, 20_____.

_____ B. Installment schedule as follows:

I have read and am willing to comply with the provisions of the School Board Policy on "Early Retirement". Further, upon approval by the School Board of this early retirement request, I agree that both parties shall enter into a contractually binding, written agreement which shall set forth all terms and conditions of my early retirement.

Signature

Date

Note: All information in this application must be verified from the personnel records prior to action by the School Board.

EARLY RETIREMENT CONTRACT

GLEN ULLIN SCHOOL DISTRICT #48

This contract between _____, a full time teacher in the Glen Ullin School District #48, and the Glen Ullin School District #48 is made and entered into this _____ day of _____ 20____. WHEREAS _____ has made application for early retirement and has met all of the conditions of the early retirement policy and is desirous to retire and terminate his/her position with District, and NOW THEREFORE, in consideration of the monetary remuneration paid to the employee as more fully set forth below, the parties hereto mutually covenant and agree as follows:

- 1. That the employee hereby terminates his/her employment with the District on the _____ day of _____, 20____, and hereby tenders his/her resignation and retirement of that employment and position.
- 2. That the employee acknowledges that he/she is entitled to work beyond the age of _____ years of age but, notwithstanding that knowledge, desires to voluntarily and freely terminate employment with the District commencing on the foregoing date.
- 3. That in consideration of the termination of employment, as set forth above, the District agrees to pay the employee the sum of _____.

Calculation of Early Retirement Payment:
_____ (Current Annual Salary) X _____ (Percentage Factor) = _____
(Payment).

- A. Full Payment of \$ _____ to be paid in the month of July, 20_____.
- B. Amount will be paid in the following installments of \$ _____ on _____ day of _____ 20____, \$ _____ on _____ day of _____, 20_____ or etc.

Calculation for unused Sick Leave (Maximum of 75 days).
_____ (Accumulated Sick Leave) X \$40/day.

The foregoing is agreed in consideration of the employee choosing early retirement.

That in consideration of the foregoing, the employee hereby waives all of his/her rights, if any, under and pursuant to 15-47-38 of the century code, as amended, or other related sections of the code and acknowledged and agrees that his/her resignation made in consideration of the covenants and provisions of this agreement.

It is further agreed that said retiree has determined the effect this early retirement will have on his/her coverage under the Teachers Fund for Retirement, Social Security, and any other programs for which he/she may be eligible and that the School District assumes no responsibility for any of these retirement programs.

_____ (Employee Signature)

_____ (School Board President)

_____ (School Board Clerk)



SUPPORT PERSONNEL JOB DESCRIPTION

The duties and responsibilities of all classified employees with varying degrees of responsibility will be defined within each of their respective categories. All classified personnel are directly responsible to the Superintendent/principal.

End of Policy DCA.....Adopted: 10/20/09

RECRUITMENT AND HIRING

Classified employees are appointed by the School Board upon recommendation of the administration. So long as the positions have been established and the hiring is within budget limitations, no specific action by the Board shall be necessary. All classified employees shall be hired on an hourly rate and not on a contract. Employment may be terminated at any time for lack of work, poor performance, or other good cause.

Cross Ref: Policy DCBB, Overtime and Compensatory Time
Policy DCBC, Teachers' Aides
Policy DCE, Separation

End of Policy DCB.....Amended: 10/20/09

OVERTIME AND COMPENSATORY TIME

The School Board shall determine whether it is necessary for employees to work overtime hours. Employees shall be required to perform all overtime hours assigned to them by their supervisor.

Overtime hours shall be compensated in accordance with Section 7 of the Fair Labor Standards Act for all overtime hours worked.

Legal Ref: 29 U.S.C. 201 *et.seq.*, The Fair Labor Standards Act of 1938, as amended
NDCC Ch. 34-06, Minimum Wages and Hours

End of Policy DCBB.....Adopted: 10/20/09

TEACHERS' AIDES

The Superintendent may employ teachers' aides for supplementary instructional and non-instructional duties in the education program in positions authorized by the Board. Teachers' aide means an adult school employee who works under the direction of the licensed administrative and teaching staff in performing, within the limitations of training and competency, certain instructional and non-instructional functions in the school program. Teachers' aide will also assist teachers in such duties as:

- Managing and maintaining records, materials, and equipment.
- Attending to the physical needs of children.
- Performing other limited services to support teaching duties when such duties are determined and directed by a teacher or administrator.

In compliance with applicable legal requirements, the Board shall require all teachers' aides with instructional duties that are newly hired in a Title I school wide program to have a secondary school diploma or its recognized equivalent and to have:

- Completed at least two years of study at an institution of higher education;
- Obtained an Associate's or higher degree; or
- Met a rigorous standard of quality through a formal state or local academic assessment.

Teachers' aides hired before January 8, 2002, have until January 1, 2006, to meet these standards. The district will not hire instructional teachers' aides who do not meet these standards.

Exception to these requirements may be made with regard to aides whose sole duties are to act as translators, coordinate parent involvement activities, perform clerical tasks, physically assist a special needs child, or act as playground or lunchroom supervisors.

Teachers' aides shall be under the direct supervision of licensed teachers. Each teachers' aide shall have a job description which limits assigned duties to the scope of the individual's competencies.

The Superintendent shall develop and implement procedures for an annual evaluation of teachers' aides. Evaluation results shall be a factor in future employment decisions.

Legal Ref: P.L. 107-110, No Child Left Behind Act of 2001

End of Policy DCBC.....Adopted: 10/20/09

SEPARATION

Whenever possible, support personnel are expected to give notice of intention to terminate employment two weeks prior to resignation. Written notice of resignation should be addressed to the School Board and presented to the Superintendent.

Employment may be terminated by the district at any time lack of work, poor performance, or other good cause. The Board, on the recommendation of the Superintendent and personnel committee, will have the authority to discharge non-licensed employee.

All full-time employees shall receive vacation pay to which they are entitled as provided by law.

Employees are subject to immediate dismissal for good cause including, without limitation, the following causes:

1. Unauthorized absence.
2. Commitment or conviction of any criminal act.
3. Conduct unbecoming any employee in the public service.
4. Disorderly or immoral conduct.
5. Incompetency or inefficiency.
6. Insubordination.
7. Intoxication while on duty.
8. Neglect of duty.
9. Negligence or willful damage to public property or waste of public supplies or equipment.
10. Violation of any lawful order given by the Superintendent.

Legal Ref: Cleveland Board of Education vs Lauderhill; 470 US ____, 84 LEd 2d 494, 5 Ct. _____

End of Policy DCE.....Amended: 10/20/09