

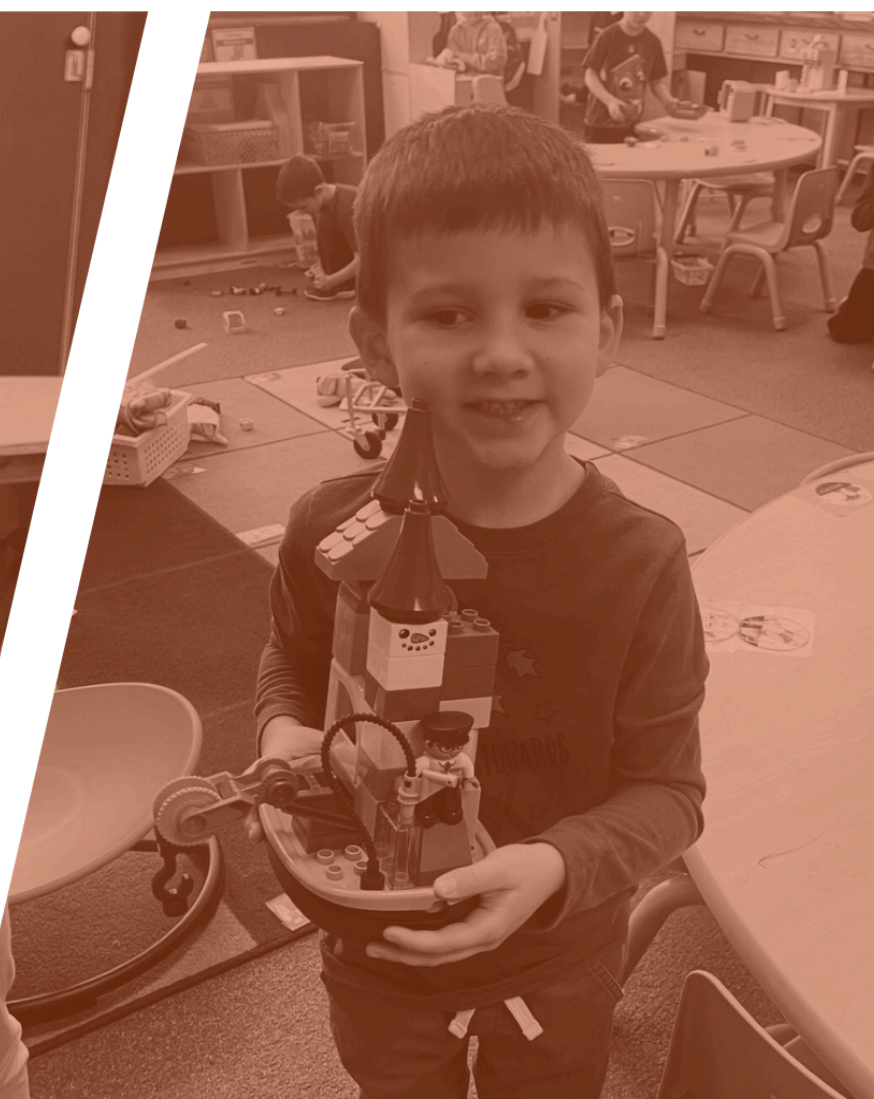


Early Childhood Program

# 2025-2026

## STUDENT HANDBOOK

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# EARLY CHILDHOOD PROGRAM HANDBOOK

402 4th Street West | Dickinson ND 58601  
(701) 456-3860 | [www.dickinson.k12.nd.us](http://www.dickinson.k12.nd.us)

## WELCOME

It is a pleasure to welcome you to our school for the upcoming year. We hope your child will find this year enjoyable and rewarding.

For those children attending school for the first time, this is a great adventure away from home. It is here that your child develops lasting attitudes about school, teachers, and classmates. It is also here that the student learns to accept other children and to be accepted by them.

While this adjustment appears to be a rather natural one for us adults, it is not necessarily true for children. It takes place best when the ingredients of love, patience, and understanding are present in the home and at school. This is one of the reasons close cooperation between the teacher and parent(s) or guardian(s) is so very important. It is our wish that your child may come happily and willingly to school and make a comfortable transition to our school.

We feel extremely proud to be able to serve the patrons of the Dickinson School District, who have traditionally been very supportive in their role as concerned parent(s) or guardian(s). We welcome each of our parent(s) or guardian(s) to visit the school at any time. Please call us if you have a concern regarding anything school related. We will be happy to help you at any time, and our door is always open to you.

### VISION

Success for All!

### MISSION

Prepare all learners for life-long success through a safe, collaborative, and innovative learning community.

At Dickinson Public Schools, We Believe:

- We are collectively responsible for the success of all students.
- All decisions will be based on what is best for students.
- Safe, supportive, and collaborative learning environments are essential.
- In the importance of communication with families about their individual student.
- In the importance of fostering genuine relationships.
- Highly reliable staff are key to student success.
- The quality of the school district directly influences the quality of the community within which we live.
- Student learning is measured on their demonstrated mastery of skills, not time.
- Healthy minds and healthy bodies enhance student success.

## **PROGRAM STAFF**

**Tonya Bishop – Director**  
[tbishop@dpsnd.org](mailto:tbishop@dpsnd.org)

**Deanna Reindel – Administrative Assistant**  
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**Ali Schneider – Classroom Teacher/Special Education Instructor**  
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**Lynelle Urlacher - Guidance Counselor**  
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**Kristine Moormann - Process Facilitator**  
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**Annie Michels - Speech Language Pathologist Paraprofessional**  
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### **Paraprofessionals**

- Nicole Rebel
- Kathleen Currie
- Mary Salzieder
- Nicole Renshaw
- Angela Strasheim
- Sandra Brown
- Erin Heidt
- Melissa Schwindt
- Shaelyn Berger

**Note:** The Early Childhood Program and its option, may change, delete, suspend, or discontinue parts of the handbook in its entirety, at any time without prior notice. The Early Childhood Program will follow policies adopted by Dickinson Public Schools not mentioned in this handbook.

The Early Childhood Program will follow Dickinson Public School's 2024-2025 School Calendar.



Approved by the Dickinson Public School Board February 10, 2025

## STAFF PROFESSIONAL DEVELOPMENT

Professional Development days are indicated as early release days on the district's school calendar. On those days sessions will run as follows:

- February 27, 2026 - No AM Session
- May 21, 2026 - No PM Session



**5 DAY PRESCHOOL PROGRAM - Monday through Friday**

Time: 8:00am – 10:45am or 12:30 pm – 3:15pm

Children must be 3 by August 1<sup>st</sup> of the enrollment year

**DAILY SCHEDULE - MONDAY THROUGH FRIDAY**

**Morning Session**

7:45 - 8:00 a.m.	Student Drop-Off
8:00 - 8:10 a.m.	Fine Motor
8:10 - 8:30 a.m.	Large Group Activities
8:30 - 9:00 a.m.	Small Group Activities/Story Time
9:00 - 9:35 a.m.	Outdoor Play/Gym Time/Bathroom Break
9:35 - 9:45 a.m.	Snack Time
9:45 - 10:40 a.m.	Free Choice/Interventions
10:40 - 10:45 a.m.	Clean Up Time
10:45 - 11:00 a.m.	Dismissal

**Afternoon Session**

12:15 - 12:30 p.m.	Student Drop-Off
12:30 - 12:40 p.m.	Fine Motor
12:40 - 1:00 p.m.	Large Group Activities
1:00 - 1:30 p.m.	Small Group Activities/Story Time
1:30 - 2:05 p.m.	Outdoor Play/Gym Time/Bathroom Break
2:05 - 2:15 p.m.	Snack Time
2:15 - 3:10 p.m.	Free Choice/Interventions
3:10 - 3:15 p.m.	Clean Up Time
3:15 - 3:30 p.m.	Dismissal

Activities will be based on the ND Early Learning Guidelines using the Creative Curriculum.

**5 DAY PREKINDERGARTEN PROGRAM - Monday through Friday**

Time: 8:00am – 10:45am or 12:30 pm – 3:15pm

Children must be 4 by August 1<sup>st</sup> of the enrollment year

**DAILY SCHEDULE - MONDAY THROUGH FRIDAY**

**Morning Session**

7:45 - 8:00 a.m.	Student Drop-Off
8:00 - 8:15 a.m.	Arrival & Morning Routine
8:15 - 8:30 a.m.	Morning Meeting & Calendar Time
8:30 - 9:00 a.m.	Literacy Block
9:00 - 9:30 a.m.	Math Block
9:30 - 9:50 a.m.	Snack & Social Time
9:50 - 10:10 a.m.	Gross Motor/Outdoor Play
10:10 - 10:30 a.m.	Science/Social Studies or Writing
10:30 - 10:45 a.m.	Closing Circle & Dismissal

**Afternoon Session**

12:15 - 12:30 p.m.	Student Drop-Off
12:30 - 12:45 p.m.	Arrival & Afternoon Routine
12:45 - 1:00 p.m.	Afternoon Meeting & Calendar Time
1:00 - 1:30 p.m.	Literacy Block
1:30 - 2:00 p.m.	Math Block
2:00 - 2:20 p.m.	Snack & Social Time
2:20 - 2:40 p.m.	Gross Motor/Outdoor Play
2:40 - 3:00 p.m.	Science/Social Studies or Writing
3:00 - 3:15 p.m.	Closing Circle & Dismissal

Activities will be based on the ND Early Learning Guidelines using the Creative Curriculum.

## **HIRING PRACTICES AND PERSONNEL POLICIES**

The Early Childhood Program follows Dickinson Public School hiring processes:

- <https://campussuite-storage.s3.amazonaws.com/prod/1559052/0c0088e8-2359-11eb-967e-0a78a2f94121/2197960/ef3809f0-4060-11eb-b118-125b1501ae9b/file/DBAA-AR2-Administrative-Regulations-for-Hiring2.pdf>
- <https://www.ndsba.org/policies/dickinson/pdfs/DBAC.pdf>
- <https://www.ndsba.org/policies/dickinson/pdfs/DBAA.pdf>

References are obtained on the application. The applicant can submit letters of reference.

The reference listed is also emailed a survey regarding the applicant's job performance.

In addition: ECP Staff complete the fingerprint background check through ND Department of Health and Human Services prior to starting their position and must be certified in Pediatric CPR/First Aid/AED.

All ECP staff receive annual evaluations outlined in Dickinson Public School Policies:

- <https://www.ndsba.org/policies/dickinson/pdfs/DFA.pdf>
- <https://www.ndsba.org/policies/dickinson/pdfs/DFAA.pdf>

## **LICENSING**

We are licensed through the State of North Dakota Early Childhood Division. We are required to have current Immunization records, a copy of their Birth Certificate, Child Information Sheet and Parent Statement of Health on file **before** entering preschool.

## **TUITION/REGISTRATION**

Tuition is **\$350/month and is due the first of each month**, September through May. If payment has not been received one week after the 1st of the month, preschool services for your child will be discontinued until tuition is paid. If preschool services are discontinued part way through the month, tuition will not be refunded.

All students must register for the Early Childhood Program through Dickinson Public Schools. There is a \$100 non-refundable fee due at the time of registration. Students on an Individual Education Plan (IEP) who meet the criteria for Center-Based Early Childhood Special Education Services are eligible to attend at no cost.

## **VACATIONS, HOLIDAYS, STORM DAYS AND ABSENCES**

No credits will be made on tuition for scheduled holidays, vacations, storm days, and/or absences.

## **WITHDRAWAL**

A two (2) week notice of intent to exit ECP must be given to the school office and/or your child's teacher. You are responsible for tuition to be paid up to date. Depending on the time of withdrawal you may be given a refund or a prorated tuition amount.

## **DEVELOPMENTAL SCREENING**

We are dedicated to fostering the optimal development of your child. To better understand and support your child's growth, we utilize universal screening, a comprehensive assessment tool that provides valuable insights into their abilities and potential challenges. Universal screening offers a view of a child's development at a specific moment, allowing us to identify potential delays, disabilities, or advanced development. This inclusive approach ensures that we cater to the diverse needs of all children in our program. Upon enrolling your child, you give consent for them to participate in universal screening conducted by qualified staff. The screening typically occurs within the first 30 days after your child starts in the program.

Results from the universal screening will be promptly shared with Parents/Guardians, providing a comprehensive overview of your child's current developmental status. This

information enables collaborative planning for tailored support and intervention if needed. Respecting individual preferences, if you choose not to allow your child to undergo universal screening, please contact the school administration in writing. We will ensure your decision is respected, and alternative arrangements will be made to accommodate your preferences.

### **MEDICATION/PRESCRIPTION USE**

Any student whose parent or guardian requests that he/she be given any prescription or non-prescription medicine (drug or vitamin) shall follow the procedures of Dickinson Public Schools and complete the NON-SELF-ADMINISTERING MEDICATION CONSENT FORM found on the school's website. Prescriptions must be in the original pharmacy container or box, with the official prescription label securely attached. The prescription indicated must be current.

Prescribed medications can be administered to a student during school hours. A Medication Administration Authorization form must be signed by the parent/guardian. This form can be obtained online or from the school office. Parents/Guardians shall make every effort to have medication administration times set for time periods other than school hours. When this is not possible, the Dickinson Public School District staff may assist in the administration of medication during school hours. DPS retains the right to refuse to administer medications or provide other medical treatments. The medication must be in the most up-to-date pharmacy labeled bottle. It will be stored securely in the school office. Parents are responsible for providing the medication on a consistent basis. Any changes in medications or prescription requires a new authorization form and school personnel must be made aware.

1. Medication should be taken at home if possible. Medications not required during school hours may be declined for administration at school.
2. Medications that a child has never taken before must be started at home before requesting the school to administer them.
3. Medications needing to be given at school are to be brought to and from school by a parent/guardian.
4. All medications (prescription or non) must be in their original container with a current unaltered label. The medication must be unexpired and prescription labels must be dated within the past 12 months.
5. Tablets must be sized for proper dosage (e.g., cut in half, etc.) prior to bringing them to school.
6. Parents should provide the dosing utensils (e.g., cup/spoon) where needed.
7. Limit amount of prescription medication brought to school to the amount needed for 2 weeks or less. Limit the amount of non-prescription medication to 10 doses or less. Please do not bring large quantity sizes.
8. Medication authorization forms must be completed and signed by the parent/guardian before medication is given. Forms are available online and at the school office.
9. Students who carry and self-administer inhalers or EpiPens require physician approval and signature on specific DPS forms, which are also available online and at the school office.
10. Medications will be kept in a secured office area and will be administered by designated trained staff or a school nurse. Emergency medications will be stored in the office area and/or other locations allowed by the student's Individual Health Plan.
11. Parents should encourage their child to report to the office on time if they receive a daily medication. School staff will call the child's classroom if they do not come on their own.



12. Timely refill of the prescription is very important and is the responsibility of the parent/guardian.
13. Expired medications will not be administered.
14. Parents are responsible for their child's medication. Parents must pick up all unused (expired or current) medication when the school requests, and/or by the last day of school.

#### ND State Statue 15.1-19-16- Student Self-carry legislation

A student who has been diagnosed with asthma or anaphylaxis may possess and self-administer emergency medication for the treatment of such conditions provided the student's parent/guardian files a document that has been signed by the health care provider. Contact the school office or nurse for proper forms and action plans.

### **IMMUNIZATIONS**

ND Century Code 23-07-17.1 entitled, "Inoculation Required before Admission to School", mandates that all students through grade 12 meet a minimum number of required immunizations to attend school. Please contact the school, local health department or your health care provider to determine if your child is up to date with required immunizations.

If the school does not have an up-to-date immunization record on file for your student, the school will notify the parents/guardians by a letter. N.D. Century Code Chapter 33-06-05 states, "Any child not adhering to the recommended schedule shall provide proof of immunization or a certificate of immunization within 30 days of enrollment or be excluded from school or early childhood facility."

If the parent/guardian has a religious, philosophical, or moral objection to immunizations, they must provide a signed statement of exemption to be kept on file at the school. A medical exemption requires the physician to sign the statement of exemption to be kept on file.

For complete details regarding ND Immunizations Requirements. Please visit:  
<https://www.hhs.nd.gov/health/diseases-conditions-and-immunizations/schools-and-child-care>.

### **COMMUNICATION**

Communication is key, so please feel free to send notes, e-mail, call, or set up an appointment outside of school hours if needed. Feel free to browse our district's homepages at <https://www.dickinson.k12.nd.us/>

### **CONTACT INFORMATION**

Tonya Bishop, Program Director  
School Number: 701-456-3860 (7:30 a.m. - 4:00 p.m.)  
Email: [tbishop@dpsnd.org](mailto:tbishop@dpsnd.org)  
Website: <https://www.dickinson.k12.nd.us/>

### **DISCIPLINE**

Dickinson Public Schools follows Positive Behavior Interventions and Supports (PBIS). PBIS is an evidence-based framework and promotes student success. Positive guidance techniques will be used to support your child in gaining the necessary skills needed to express themselves appropriately and to fully participate in all classroom activities. If inappropriate behavior occurs, we will talk with your child to help them identify the inappropriate behavior and problem solve with them to identify what they can do next time to show a more appropriate behavior. If a consistent pattern of inappropriate behavior is

identified, you will be asked to be part of a team to problem solve ways to support your child in learning appropriate replacement behaviors.

### **ACCIDENT/ILLNESS**

If your child gets hurt at school, the teacher will send home a “Boo Boo” report notifying you of the injury and how it happened. If the injury is serious, the teacher will call you to notify you of the incident.

If your child is ill with a fever (100.3 or higher), flu, pink eye, lice, respiratory infections, diarrhea, vomiting, strep throat, hand, foot and mouth disease, or any other contagious illness, please refrain from bringing your child to class. They should remain home until their symptoms have been **gone for 24 hours without the help of medication**.

If your child becomes ill during school, we will notify you immediately and ask you to pick your child up. The child will need to stay home for a minimum of 24 hours before returning to school.

### **TOILET TRAINING**

Your child must be toilet trained. If your child has a medical condition or is on an Individual Education Program (IEP), the school will provide reasonable accommodations for your child. Please provide a spare change of clothing in a labeled Ziploc bag in case of accidents. This extra set of clothes will be stored in your child’s backpack. Parents are responsible to bring all diapering needs for their child.

### **PERSONAL TOYS**

Unless we are doing a special activity and children are asked to bring toys to school, we request that all toys be left at home. If your child has an emotional attachment to something, it may be brought if you visit with us first. However, it will need to remain in their coat area and not in the main part of the classroom.

### **TRANSPORTATION**

Unless eligible for transportation through IDEA, transportation will not be provided.

### **ARRIVAL AND PICK-UP**

Please be prompt on your arrival and pick-up times. If you are running late, please call and inform us or make other arrangements in which we are informed. Morning class: please do not drop off your child before 7:45 a.m. Pickup is from 10:45 – 11:00 a.m. Afternoon class: please do not drop off before 12:15 p.m. and pick up between 3:15 – 3:30 p.m. The front doors will remain locked at all times, please press the call button to request entrance to the building.

### **AUTHORIZATION TO RELEASE CHILD**

Unless otherwise authorized by you in writing on your completed Child Information Sheet, only the parent or legal guardian may pick up your child. We will release your child to the people who you have listed on the Child Information Sheet only. You can add or remove from that list by coming into the office to make the change.

### **ABSENCES**

Consistent attendance is an important part of the preschool experience. If your child will be absent from school for any reason, please call the school at 701-456-3860 or send the teacher a message using the SeeSaw app. If we do not hear from you within half an hour after school starts, your child will be considered unexcused, and we will call you to follow up.

### **CONFERENCES**

Parent/Teacher conferences will occur twice a year. Conferences may be scheduled at any other time during the school year at the request of parent/guardian(s) or teachers. Conferences are an essential means of communication between home and school. Your child's teacher will send you a conference notification indicating the date/time of the conference.

### **ATTIRE**

Please dress your child appropriately for North Dakota weather. We ask that if there is moisture on the ground that your child wears boots and snow pants. These items work wonderfully as a mud barrier. Also, our classroom is very active, and we may do messy activities, so please dress your child in something comfortable and stainable. Closed-toe shoes work the best for outdoor play and our active play in the classroom.

### **BIRTHDAYS**

Each classroom will acknowledge individual birthdays through small classroom celebrations. Please contact the teacher if you would prefer your child not to participate in a birthday celebration. Treats are welcome; however, they must be store-bought, nut-free, and individually packaged.

### **FIELD TRIPS**

Throughout the school year, with parent consent, we may be taking some field trips. Social stories will be used to prepare children for these events, and you will always be notified prior. Please contact your child's teacher if you would like to volunteer during these events.

### **SEESAW APP**

Teachers will use the SeeSaw App to communicate with you. An invitation to See Saw will be emailed to you, so please be sure to accept the invitation to stay up on current classroom/school events and to access activities to enhance your child's learning. If at any time you would like to visit with your child's teacher, please call to set up a time that will work for both of you.

### **GRIEVANCE**

The grievance procedure is a problem-solving mechanism in which every attempt is made to resolve issues at the lowest level of authority. A grievance must be in writing. Before a grievance can be filed, a direct discussion must take place between all people involved and the director. If there is a question or a grievance regarding the Licensing of the program, you can call our Licensing Specialist, Emily, at 690-1495.

### **CHILD ABUSE/NEGLECT**

Under the Child Protection Services Act, all Dickinson Public School Early Childhood Program Staff are mandated to report any suspected abuse or neglect. Any suspected abuse or neglect, under this law will be reported to Child Protection Services at 1-833-958-3500. A social services staff and/or a law enforcement person may interview an enrolled child without prior parental knowledge.

### **PERSONAL ITEMS**

We ask that you label all personal items brought to school, especially snow pants, hats, and gloves. If they get misplaced, labels will help get the items to their rightful owner. A friendly reminder that what comes to school may not always come back.

### **SNACKS**

***Each family is responsible for providing their child's daily snack***, which is an important

part of our daily schedule. To ensure the safety of all students, all snacks must be **nut-free** and have nutritional value.

### **SCHOOL CANCELEATION/LATE STARTS/EARLY DISMISSALS**

Closing the school prior to the regular dismissal time due to storms will be done using our instant alert system. We will use this communication system in the event school needs to be canceled, late starts, or in the event school needs to be let out early. This system will call, text, or email all parents/students at home when school is canceled or starting late in the morning. This system will also call all parents at home/work, etc., when school is let out 8 early in the afternoon. IF THERE ARE ADDITIONAL NUMBERS YOU WOULD LIKE INCLUDED IN THE SYSTEM, PLEASE CONTACT THE SCHOOL WITH THIS INFORMATION.

Late Starts: When there is a late start, the morning session will be canceled.

Early Dismissals: When school is dismissed early due to weather, the afternoon session will be canceled.

### **STANDARDS OF CONDUCT (KAAA-AR)**

Dickinson Public Schools believes people are individuals who have different thought processes. It is the role of every person at Dickinson Public Schools to treat staff, families, and children with respect and dignity. It is an expectation that all adults in the Dickinson Public Schools setting conduct themselves in the following manner:

- With courtesy
- With respect
- With patience
- By treating people the way, you want to be treated
- By modeling how we want our children to treat others

Under no circumstances will the following behaviors be allowed:

- Quarreling, verbal fighting, rising of voices with employees or adult(s).
- Doing things that are against the District's safety practices and policies.
- Bringing drugs, alcohol, or weapons onto the Dickinson Public Schools' property or its events.
- Being under the influence of drugs or alcohol while on the property or at an event of the Dickinson Public Schools.
- Threats to administrators, teachers, staff, or any other individual.
- Swearing or cursing

If the above behaviors occur, the adult(s) will be asked (privately if possible) by a Dickinson Public School Early Childhood Program employee to stop the inappropriate behavior. If the individual(s) continue to quarrel, verbally fight, or threaten, the Dickinson Public School ECP employee will call the police. Employees of Dickinson Public Schools ECP will, at an appropriate time, refer the individual(s) to the conflict resolution procedures or offer the individual(s) referrals for counseling services.

### **LOCKDOWNS**

During a lockdown, no person except an official will be allowed to leave or enter a Dickinson Public School District Building. Lockdowns are initiated to protect students and staff by limiting individuals with unknown intentions from entering the building. In some instances, an outside threat may not be identifiable and allowing parent(s) or guardian(s), or the public into the building would put our students and staff at risk. During a lockdown, administrative staff are engaged in protecting the building from possible inside or outside threats. Please do not attempt to contact the individual school or pick up your child during a lockdown. We understand this may cause an inconvenience, but our hope is you will understand that we have not only your child's safety but hundreds of other children's safety in our interest.

### **EMERGENCY CLOSING PROCEDURE**

During inclement weather, parents/guardians are requested not to telephone the school office or the Central Administration Offices. Too many calls tie up vital phone lines, making it difficult to keep everything running smoothly. The automated message system from School Messenger will be activated should weather conditions warrant the closing of schools or early dismissal. It will send a message as per the parent's/guardian's personal preference selected in PowerSchool (automated telephone call, email, and/or text message system). Telephone messages from School Messenger will show as caller ID 701-456-0002, text from 67587, and email will be generated.

In the event of other emergencies not related to weather that might require the schools to close or be evacuated during the school day, all District staff will follow the steps outlined in the District Emergency Procedures Manual to ensure the safety and well-being of all children in the schools.

### **WEATHER GUIDELINES**

Decisions on whether students are to go outside are based on the guidelines listed below. (Guidelines apply to rainy, windy, and cold weather conditions.)

- When the temperature and wind chill are lower than -10 degrees, students will stay inside for outdoor time.
- When the temperature and wind chill are above -10 degrees, students will go outside for outdoor time.

Students who have an excuse because of illness, cough, or cold will be allowed to remain indoors during recess, provided they have a note from a parent or doctor. (Notes must be dated and signed.) The note will be valid for only one week or less. Parents, please check for the appropriate dress before your student leaves for school. Students are expected to bring appropriate headgear, gloves, and coats. Snow pants and snow boots are not required but are highly recommended; however, if your child(ren) wish(es) to play in the snow, snow boots and snow pants are required. Be prepared for North Dakota's changing weather conditions.

### **PARENT ADVISORY COUNCIL (PAC)**

The Parent Advisory Council is a group, open to all parent(s) or guardian(s) with students in attendance, who meet regularly with the principal for several reasons: (1) to become updated and informed as to what is happening in the school program; (2) to provide feedback on parent or guardian concerns and questions; and (3) to keep the rest of the school population updated and informed.

This concept of a parent group adds a dimension to the parent's/guardian's role which includes: (1) the principal and staff have an obligation to keep parents notified; (2) parent opinion is important and will be considered; and (3) parent(s) or guardian(s) take on responsibility for disseminating information to the parent population.

### **AQUATIC ACTIVITY**

The Early Childhood Program will not offer aquatic activities.

### **ASBESTOS NOTICE**

The Asbestos Hazard Emergency Response Act (AHERA) requires that all public school buildings be inspected or reinspected for the presence of asbestos every three years after a management plan is in effect. The same statute also requires initial and annual notifications of the availability of a management plan which outlines the steps to be taken to eliminate any hazards.

The Dickinson Public School District has a very limited amount of asbestos containing materials in the school buildings and it is being managed in strict compliance with all pertinent federal regulations. A copy of the inspection report which details the locations of



these materials and the proper management procedures is available for public inspection during normal working hours in the Administration Office.

## **NONDISCRIMINATION AND ANTI-HARASSMENT POLICY (AAC)**

### **GENERAL PROHIBITIONS**

The Dickinson Public Schools is committed to maintaining a learning and working environment free from discrimination and harassment in all employment and educational programs, activities, and facilities. The District prohibits discrimination and harassment based on a student's, parent's, guardian's or employee's race, color, religion, sex, gender identity, sexual orientation, national origin, ancestry, disability, age, marital status, or other status protected by law. The District also provides equal access to the Boy Scouts of America, AKA: Scouts BSA, and other designed youth groups, as required by federal law. It is a violation of this policy for any District student, parent, guardian, employee, or third party to discriminate against or harass against another District student or employee, based on any status protected by law, if the conduct occurred within the context of an education program or activity, or if the conduct had a continuing effect in the educational setting of a program or activity occurring on or off school district property. The District will not tolerate discrimination or harassment of a District student or employee by a third party. The District also prohibits aiding, abetting, inciting, compelling, or coercing discrimination or harassment; discriminating against or harassing any individual affiliated with another who is protected by this policy and/or law; knowingly making a false discrimination and/or harassment report; and retaliation against individuals who report and/or participate in a discrimination and/or harassment investigation, including instances when a complaint is not substantiated.

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

### **Definitions**

- Complainant is the individual filing the complaint, If the complainant is not the victim of the alleged discrimination and/or harassment the victim must be afforded the same rights as the complainant under this policy and regulations AAC-BR1 or AAC-BR2.
- Disability is defined in accordance with N.D.C.C. § 14-02.4-02 (5).
- Discrimination means failure to treat an individual equally due to a protected status.
- Protected status shall include the statuses identified above, along with any other status protected by applicable state and federal laws.
- Employee is defined in accordance with N.D.C.C. § 14-02.4-02 (7).
- Harassment is a specific type of discrimination based on a protected status. It occurs under the following conditions:

a.) For employees, when enduring the offensive conduct becomes a condition of continued employment, or the conduct is severe or persistent, and/or pervasive enough to create a work environment that a reasonable individual would consider intimidating, hostile, or abusive

b.) For students, when the conduct is sufficiently severe, persistent, and/or pervasive so as to limit student's ability to participate in or benefit from the education program or to create a hostile or abusive education environment.

- North Dakota Human Rights Act (NDCC ch. 14-02.4) provides protection from discrimination in the workplace on the basis of race, color, religion, sex, national origin, age, the presence of any mental or physical disability, status with regards to marriage or public assistance, or participation in lawful activity off the employer's premises during non working hours which is not in direct conflict with the essential business-related interests of the employer.
- Section 504 (Section 504 of the Rehabilitation Act of 1973, as amended, 29 U.S.C. 794) is a federal law designed to protect the rights of individuals with disabilities in programs and activities that receive federal financial assistance from the U.S. Department of Education.
- Sexual harassment is a form of harassment based on sex. It is defined under Title IX as unwelcome sexual advances, requests for sexual favors, and/or other verbal, written, or physical conduct or communication of a sexual nature, that:
  - a. Constitutes quid pro quo harassment, meaning submission to such conduct or communication is made a term or condition, either explicitly or implicitly, of the basis for employment decisions or educational decisions or benefits for students (e.g., receiving a grade);
  - b. Is so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the District's education program or activity; or
  - c. Constitutes sexual assault, dating violence, domestic violence, or stalking as those offenses are defined in the Clery Act, 20 U.S.C. § 1092(f) and the Violence Against Women Act, 34 U.S.C. § 12291(a).
- Sexual harassment examples include, but are not limited to, the following:
  - a. sexual or "dirty" jokes;
  - b. sexual advances;
  - c. pressure for sexual favors;
  - d. unwelcome touching, such as patting, pinching, or constant brushing against another's body;
  - e. displaying or distributing of sexually explicit drawings, pictures, and written materials;
  - f. graffiti of a sexual nature;
  - g. sexual gestures;
  - h. touching oneself sexually or talking about one's sexual activity in front of others;
  - i. spreading rumors about or rating other's sexual activity or performance;
  - j. remarks about an individual's sexual orientation; or
  - k. sexual violence including rape, sexual battery, sexual abuse, and sexual coercion.
- Title II of the Americans with Disabilities Act extends the prohibition on discrimination established by Section 504 to all services, programs, and activities of State and local government entities.
- Title VI is a federal law that provides protection from discrimination based on race, color, or national origin in employment and employment practices in programs or activities receiving federal financial assistance.
- Title VII is a federal law that provides protection from discrimination on the basis of race, color, religion, sex or national origin. Title VII applies to all public school districts with 15 or more employees.

- Title IX is a federal law that provides protection from discrimination, based on sex, in education programs or activities that receive federal financial assistance.

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

### **COMPLAINT FILING PROCEDURE**

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

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

### **CONFIDENTIALITY**

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

### **COMPLAINT RECIPIENTS**

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

### **GRIEVANCE COORDINATOR**

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

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

The Board designates the Human Resources Director as the Title IX coordinator. They may be contacted at: 444 4<sup>th</sup> Street West, Dickinson, ND 58601 or 701-456-0002. Districts must notify students, parents or legal guardians, employees, and unions of the name and specified contact information for the designated Title IX Coordinator(s). The notification must also state that inquiries about the application of Title IX and its regulations may be directed to the District's Title IX Coordinator or the Assistant Secretary of Education, or both. Districts must prominently display the Title IX Coordinator's contact information on their

website, if any, and in each handbook it makes available to students, parents or legal guardians, employees, and unions.

The 504/Title II coordinator's responsibilities include overseeing the District's response to disability discrimination reports and complaints. The 504/Title II Coordinator must have knowledge of the requirements of Section 504 and Title II, of the District's policies and procedures on disability discrimination, and of all complaints raising Section 504/Title II issues throughout the District. To accomplish this, the 504/Title II Coordinator must be informed of any report or complaint raising 504/Title II issues, even if the report or complaint was initially filed with another individual or office or if the investigation will be conducted by another individual or office. The Board designates the Director of Student Services as the 504 Coordinator, and the Director of Instruction as the Title II Coordinator. They may be contacted at: 444-4<sup>th</sup> Street West, Dickinson, ND 58601 or 701-456-0002.

The Nondiscrimination Coordinator's core responsibilities include overseeing the District's response to discrimination and harassment reports and complaints that do not include sex or disability under applicable federal laws, but instead the other protected statuses or sex or disability based discrimination under state law. The Board designates the Human Resource Manager as the Nondiscrimination Coordinator. They may be contacted at: 444 4<sup>th</sup> Street West, Dickinson, ND 58601 or 701-456-0002.

All other complaints, other than Title IX, 504, or Title II, shall be referred to the Human Resources Director.

### **POLICY DISSEMINATION**

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

### **TRAINING**

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

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

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

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

### **DISCRIMINATION AND HARASSMENT GRIEVANCE PROCEDURE (AAC-BR1)**

The following procedure is designed to resolve discrimination, harassment, and retaliation complaints by and against students, parents, and third parties, as described in Board policy in a prompt and equitable manner. Board policy requires all students and staff to fully cooperate when asked to participate in a discrimination, harassment, or retaliation investigation. The procedure contained in these regulations supersedes the District's policies regarding complaints about personnel and bullying. For Title IX sexual harassment

complaints, the procedure set forth in Board regulation AAC-BR2, Title IX Sexual Harassment Grievance Procedure, will control and supersede this procedure.

### **RETALIATION PROHIBITED**

The District prohibits retaliation for an individual's participation in and/or initiation of a discrimination and/or harassment complaint investigation, including instances when a complaint is not substantiated. The consequences for violating this prohibition are delineated in Board policy AAC, Nondiscrimination and Anti-Harassment Board Policy.

### **COMPLAINT FILING FORMAT AND DEADLINES**

A complaint may be filed verbally or in writing and should be filed as soon as possible after the discrimination, harassment, or retaliation allegedly occurred. Delays in filing a complaint may cause difficulties in the investigation.

### **WITH WHOM COMPLAINTS MAY BE FILED**

A complaint may be filed with any District employee. District employees are required to report any discrimination or harassment to the appropriate grievance coordinator (Title IX, 504, or Title II) when they knew (e.g., received a complaint, directly observed it) or should have known it was occurring (e.g., overheard students talking about an incident, saw discriminatory or harassing graffiti or vandalism on school property). Failure by a District employee to report under this regulation may result in disciplinary action.

### **INITIATING COMPLAINT RESOLUTION PROCEDURE**

After receiving a discrimination and/or harassment complaint or gaining knowledge of potentially discriminatory and/or harassing conduct, the appropriate grievance coordinator shall contact the complainant, determine if an informal or formal investigation is appropriate, and determine if the complainant requests confidentiality. Requests for confidentiality must be handled in accordance with policy AAC.

### **PROHIBITION ON MEETING WITH THE ACCUSED**

At no time during the informal or formal resolution process shall the complainant be required to meet with the accused. If the appropriate grievance coordinator assigned to conduct or oversee the investigation is the accused, the Superintendent, or Board President (if the Superintendent is the accused) shall designate a different individual (which may be a third party) to carry out the accused's responsibilities associated with the investigation.

### **THIRD-PARTY ASSISTANCE**

A school official responsible for conducting or overseeing discrimination and/or harassment investigations is authorized to receive assistance from the District's legal counsel throughout the process.

### **INVESTIGATION TIMEFRAMES**

The informal resolution procedure must be completed within 30 days of a District employee reporting the complaint or incident to the appropriate grievance coordinator unless the investigator documents reasons for delays and communicates these reasons to the complainant and accused.

The formal resolution procedure must be completed within 60 days of a District employee reporting the complaint or incident to the appropriate grievance coordinator or a



complainant or accused terminating the informal complaint procedure unless the investigator documents reasons for delays and communicates these reasons to the complainant and accused. Acceptable reasons for delays include extended school breaks when witnesses are not available, and complex cases involving multiple witnesses.

### **INTERIM MEASURES**

Pending the final outcome of an informal or formal resolution, the District shall institute interim measures to protect the complainant and inform him/her of support services available. Interim measures may include a District-enforced no contact order, schedule changes, academic modifications for the complainant, and/or school counseling for the complainant. These interim measures should have minimal impact on the complainant. If the accused is a student, interim measures should also take into consideration the accused student's educational rights.

### **INFORMAL RESOLUTION PROCEDURE**

This procedure may only be used when mutually agreed to by the complainant, the accused, and the appropriate grievance coordinator. This procedure may not be used when the alleged discrimination and/or harassment may have constituted sexual violence or any other crime. The formal resolution procedure must be used whenever the informal procedure is not permitted.

During the informal resolution process, the investigator shall gather information necessary to understand and resolve the complaint. Based on this fact-gathering process, the investigator shall propose an informal resolution, which may include requiring the accused to undergo training on discrimination and/or harassment, requiring all students and staff to undergo such training, instituting protection mechanisms for the complainant, and/or holding a formal meeting with the accused to review the nondiscrimination and anti-harassment policy and discuss the implications of violating it. Both the complainant and the accused must agree to the informal resolution before it can be instituted.

The appropriate grievance coordinator shall monitor the implementation and effectiveness of the informal resolution procedure and initiate the formal resolution procedure if discrimination and/or harassment persists.

Both the complainant and the accused have the right to terminate the informal resolution procedure at any time to pursue a remedy under the formal resolution procedure.

### **FORMAL RESOLUTION PROCEDURE**

This procedure must be used whenever the informal resolution procedure is not used.

Whenever alleged discrimination or harassment may have constituted a crime, the Superintendent should contact law enforcement and enter into a memorandum of understanding concerning sharing of evidence and coordination of the investigation. However, the District shall proceed with its investigation and this resolution procedure, regardless of the criminal investigation or outcome.

The fact-gathering portion of the investigation must be carried out or overseen by the appropriate grievance coordinator and must consist of interviews with the complainant, the accused, and any others who may have witnessed or otherwise have knowledge of the circumstances giving rise to the alleged complaint and may involve gathering and review of information relevant to the complaint. Both the complainant and accused will have equal opportunity to present evidence and name witnesses. Witnesses must be instructed not to discuss this matter with others.

The fact-gathering portion of the investigation must be completed as soon as practical.

### **INVESTIGATION REPORT**

After the fact-gathering process is complete, under the formal resolution procedure, the appropriate grievance coordinator shall complete a written report containing a determination of whether allegations were substantiated, whether the nondiscrimination and anti-harassment policy was violated, and recommendations for corrective action, if any. The appropriate grievance coordinator shall assess if discrimination and/or harassment “more likely than not” occurred based on the following criteria:

1. Whether evidence suggests a pattern of conduct supportive of disproving the allegations of discrimination and/or harassment;
2. Whether behavior meets the definition of discrimination, harassment, and/or sexual harassment as defined in Board policy;
3. Ages of the parties involved;
4. Relationship between the parties involved;
5. Severity of the conduct;
6. How often the conduct occurred, if applicable; and
7. How the District resolved similar complaints, if any, in the past.

The investigation report must indicate if any measures are to be instituted to protect the complainant. Such measures may include extending any interim protection measures taken during the investigation. The report must also inform the complainant of support services available, which at a minimum must include offering school counseling services if the complainant is a student.

The investigation report must contain a monitoring plan to evaluate the effectiveness of the resolution and help prevent recurrence.

### **DISCIPLINARY ACTION**

Any disciplinary action must be carried out in accordance with Board policy, law, and, when applicable, the negotiated agreement.

The appropriate grievance coordinator along with the building principal shall determine if a recommendation for expulsion for an accused student should be made.

The appropriate grievance coordinator along with the District Superintendent shall determine if a recommendation for discharge for an accused employee should be made.

If this recommendation is made and a hearing is required, the hearing must be held in accordance with District policy and law.

Both the complainant and accused shall have an equal right to attend the hearing, have a representative and parent (if student) present, present evidence, and question witnesses.

The complainant may choose to appoint a representative to participate in the hearing in his/her stead.

### **NOTICE OF OUTCOME**

Both the complainant and the accused must be provided written notice of the outcome of the complaint.

Nothing shall prevent the parties from seeking judicial redress through a court of competent jurisdiction or through any applicable state or federal complaint procedures.

### **RECORDS RETENTION**

Investigation materials must be retained by the appropriate grievance coordinator (504/Title II, or Nondiscrimination) for at least six years. All Title IX sexual harassment records and training materials shall be maintained in accordance with federal regulations and Board regulation AAC-BR2.

### **STUDENT EDUCATION RECORDS AND PRIVACY (Policy FGA)**

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

### **DEFINITIONS**

- Directory information is defined as personally identifiable information contained in a student education record that is generally considered not harmful or an invasion of privacy if disclosed and includes:
  - a. Name (first and last)
  - b. Address
  - c. Date and place of birth
  - d. Dates of attendance
  - e. Degrees, honors, and awards received
  - f. Grade level
  - g. School email address
  - h. Major field of study
  - i. Participation in officially recognized activities and sports
  - j. Student identification number if it cannot be used alone to access an educational record and is not the student's social security number
  - k. Photograph
  - l. Telephone listing
  - m. Weight and height of members of athletic teams
- Education records are records that are directly related to a student and are maintained by the District or by a party acting on behalf of the District. These records include but are not limited to grades, transcripts, class lists, student course schedules, health records, and student discipline files. This definition excludes law

enforcement records and records in the sole possession of the maker used only as a memory aid.

- Eligible student means a student who has reached the age of 18.
- FERPA stands for the Family Educational Rights and Privacy Act.
- Legitimate educational interest is defined as access that is needed in order for a school official to fulfill their professional responsibility.
- Parent means a parent of a student and includes a natural parent, a guardian, or an individual acting as a parent in the absence of a parent or a guardian.
- Permanent record is defined as a record containing a student's name, address, phone number, record of grades, years enrolled, courses attended, and grades completed.
- Personally Identifiable Information (PII) includes information maintained in the student's education record that could be used alone or in combination to trace a student's identity directly or indirectly and would allow a reasonable person, who does not have personal knowledge of the relevant circumstances, to identify the student with reasonable certainty.
- Record means any information recorded in any way including, but not limited to, handwriting, print, computer media, video or audio tape, film, microfilm, and microfiche.
- School official is defined as an individual who has a legitimate educational interest in accessing student educational records and is affiliated with the District in one of the following capacities:
  - a. An individual employed by the District in an administrative, instructional, or support staff position;
  - b. School board members; or
  - c. Contractors, consultants, volunteers, service providers, or other party with whom the District has outsourced institutional services or functions for which the District would otherwise use employees; records provided to these third parties must remain directly under the District's control for purposes of maintenance and use and the third party must agree to comply with 34 C.F.R. 99.33(a). Examples include, but are not limited to, school resource officers, interns, student teachers, the District's attorney, PowerSchool, SLDS, learning management software, hot lunch tracking software, and District alert systems.

### **DESIGNATION AND RESPONSIBILITIES OF PRIVACY OFFICERS**

The Superintendent or designee shall serve as Chief Privacy Officer. In this role, the Superintendent is responsible for submitting to the Board for approval student information sharing requests from third-party individuals/entities other than parties to which the District reports student information under law. The Superintendent shall also maintain a master list of all individuals and entities having access to student information, including school district personnel listed by title. To ensure this list remains current and is manageable to maintain, it shall not contain names of individuals who have access to data. The Superintendent may designate privacy officers at the District and building level. These privacy officers are responsible for:

1. Maintaining a list of school personnel by title who have access to student information; this list shall be provided to the Superintendent each time it is updated.
2. Submitting to the Superintendent for Board approval new requests to share student information with third-party individuals and entities other than parties to which the District reports student information under law.
3. Ensuring that access to student information is granted only to the extent there is a legitimate educational interest and in accordance with this policy and any applicable agreements.
4. Enforcing this and other applicable District confidentiality and data protection policies.
5. Providing a list of students who have opted-out of directory information to classroom teachers and other District staff who have a need to know.

### **INFORMATION RELEASE SAFEGUARDS**

#### **1. Access by Parents and Eligible Students**

To ensure compliance with parental and eligible student access requirements under FERPA:

- a. The District shall comply with a request by a parent or eligible student to access education records within a reasonable period of time, not to exceed 45 days after receipt of a request.
- b. The Board shall develop procedures for a parent/guardian or eligible student to review and amend educational records. These procedures shall include procedures to verify the identity of a requesting parent or eligible student. The regulations shall be delineated in Board regulations and shall be available upon request.

#### **2. Classroom Use of Instructional Tools Requiring Release of Student Information**

Teachers are encouraged to use instructional technological tools that allow for use of an alias or that do not require submission of directory information (other than or in addition to name) or PII. Whenever a teacher wishes to use an instructional tool that requires release of directory information, other than or in addition to name, or PII such as, but not limited to, software or an app, the teacher shall submit a request to the building-level privacy officer. The privacy officer shall check the District's master list of individuals and entities approved to receive student information. If the entity is not on this list or the teacher's request is beyond the scope of information sharing permission previously granted, the privacy officer shall either deny the teacher's request or submit an information-sharing request to the Superintendent for Board approval. If the teacher is authorized to use the instructional tool, the building-level privacy officer shall ensure the teacher complies with any parental consent requirements and directory information opt-out requests before using the tool.

#### **3. Data Breaches**

District employees are responsible for informing a privacy officer of any known or suspected breach of PII. When a privacy officer becomes aware of a breach of student PII, they shall contact the Chief Privacy Officer. The Chief Privacy Officer shall determine if enactment of data breach response procedures contained in policy IDC and NDCC Ch. 51-30 is appropriate.



#### **4. Information Storage and Destruction**

Student education records shall be reviewed annually and any records unnecessary for progression to the next grade level, not needed for college entrance purposes, not needed for extracurricular participation, not needed for disciplinary purposes, and records that are not part of the permanent record will be shredded or destroyed.

Exceptions apply for any content that may reasonably be related to litigation or anticipated litigation (retain for six years after a student turns eighteen), bullying reports (retain in accordance with policy ACEA), concussion documentation (retain in accordance with policy FCAF), executive session tapes (retain for at least six months), PowerSchool records, and special education records (retain in accordance with the Individuals with Disabilities Education Act).

#### **5. Directory Information**

The District may disclose directory information without a parent or eligible student's consent if it has given parents or eligible students a reasonable amount of time to opt-out of directory information release. Opt-out notices should be provided at the beginning of the school year and when a student otherwise enrolls in the District. These notices shall contain a reasonable deadline of at least 10 days for parents or eligible students to opt out.

The Board approves release of directory information as follows:

- a. Publication on the District's website.
- b. To Board-approved vendors for purposes of sale of school-related items such as, but not limited to, yearbooks, school pictures, graduation items, District apparel, and book orders.
- c. To military and college recruiters in accordance with applicable laws (NDCC 15.1-07-25.1 and 20 U.S.C. 7908).
- d. To official District newspaper for purposes of recognizing student accomplishments and coverage of extracurricular events.
- e. To school-affiliated groups for purposes of communicating and fundraising.
- f. To school-sponsored student publications including, but not limited to, newspapers and yearbooks.
- g. When the Board receives and approves a directory information release request; directory information shall only be released and used for purposes specified in the release request and the Superintendent shall add approved requestors to the District's master list of individuals and entities having access to student information. The Board shall develop criteria in regulations for approving and denying these requests.

Any District employee who wishes to disseminate student directory information to a third party shall contact their building-level privacy officer. The privacy officer shall determine if the Board has previously approved such release and, if not, deny the request or submit it to the Superintendent for Board approval.

#### **6. Personally Identifiable Information (PII)**

Any third party requesting or receiving access to student PII must receive Board approval unless the third party is required to receive PII under state or federal law. Any school employee who wishes to share PII with a third party shall contact their building-level privacy officer. The privacy officer shall determine if the Board has previously approved such release and, if not, deny the request or submit it to the

Superintendent for Board approval. Upon Board approval of any PII release request, the applicable privacy officer shall inform the requestor of any parental consent requirements and ensure the requestor complies with such requirements.

Parental/eligible student consent is not required to release PII under the following circumstances:

- a. The District receives information under 42 U.S.C. 14071 and applicable federal guidelines about a student who is a registered sex offender under section 170101 of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 14071), and the District has a need to disclose the student's status as a sex offender for safety purposes.
- b. In connection with a health or safety emergency under the conditions described in 34 C.F.R. 99.36.
- c. If records have been de-identified by the District; third-party individuals and entities that receive de-identified information shall be included on the District's master list of individuals and entities having access to student information.
- d. To a school official who has a legitimate educational interest in the education records if the following conditions are satisfied:
  - i. Access shall be limited to only information the school official has a legitimate need to know;
  - ii. School officials shall use the information only for the purposes for which the disclosure was made and shall not redisclose the information to any other party without proper consent or legal authority; and
  - iii. Titles of individuals and entities considered school officials shall be included on the District's master list of individuals and entities having access to student information.
- e. To a court without a court order or subpoena when the District initiates legal action against a parent/student or a parent/student initiates legal action against the District.
- f. To accrediting bodies for purposes of accreditation.
- g. To an organization conducting a study for the District to develop, validate, or administer a predictive test; administer student aid programs; or improve instruction so long as the organization has entered into a written agreement with the Board in accordance with law; if the organization is conducting a survey of students, the District shall ensure parents are notified in compliance with policy GCC and shall obtain parental consent, if applicable (see #7).
- h. To another school in which the student seeks, intends to, or is already enrolled.
- i. To authorized representatives of the Comptroller General of the United States, the Attorney General of the United States, the U.S. Secretary of Education, and state and local educational authorities for audit or evaluation of federal or state supported education programs or for the enforcement of or compliance with federal legal requirements that relate to those programs.
- j. To comply with a judicial order or lawfully issued subpoena; the District must make reasonable attempt to contact the parent or eligible student before disclosure unless the court order instructs otherwise.

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

The District will take measures necessary to ensure that individuals and entities to which PII is released shall only have access to information necessary to fulfill their responsibilities under law and to the District. Measures may include, but not be limited to, controlling access to computer data through password restrictions, controlled access to paper records, and ensuring that any information access agreements required by law are properly executed by the Board.

#### **7. When Parental Consent is Required**

The District must obtain parental or eligible student consent to release student information under the following circumstances:

- a. The Board has approved release of PII to an individual or entity not meeting the definition of school official under law and/or not meeting an exception to the parental consent requirement under FERPA.
- b. The Board has approved release of directory information, other than or in addition to name, or PII to an online service provider for commercial purposes and the impacted students are under the age of 13.<sup>[1]</sup>
- c. When administering a survey funded in whole or in part by the U.S. Department of Education and concerning any of the following areas:
  - i. Political affiliations or beliefs of the student or the student's parent;
  - ii. Mental or psychological problems of the student or the student's family;
  - iii. Sex behavior or attitudes;
  - iv. Illegal, anti-social, self-incriminating, or demeaning behavior;
  - v. Critical appraisals of other individuals with whom respondents have close family relationships;
  - vi. Legally recognized privileged or analogous relationships, such as those of lawyers, physicians, and ministers;
  - vii. Religious practices, affiliations, or beliefs of the student or student's parent; or
  - viii. Income (other than that required by law to determine eligibility for participation in a program or for receiving financial assistance under such program)

If the District is unable to obtain this consent, it shall not release the impacted student's information.

#### **504 PLANS AND INDIVIDUAL EDUCATIONAL PROGRAMS (IEPs)**

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

#### **POLICY VIOLATIONS**

Failure by a District employee or volunteer to comply with this policy, other District confidentiality requirements, or any improper disclosure of student information by a school employee or volunteer shall result in disciplinary action up to and including termination of employment. Failure by a third party to comply with this policy, any information-sharing agreements between the District and third party, or any improper disclosure of student

information by the third party may result in termination of the third-party's access to student information and termination of the District's agreement with the third party.

### **TRAINING**

School officials employed or volunteering for the District shall receive information and/or training on confidentiality requirements pertaining to student education records and consequences for breaching confidentiality. The District shall also provide training to applicable school personnel on the procedures for requesting to release student information contained in this policy.

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<sup>1</sup>Children's Online Privacy Protection Act, 16 CFR 312

### **NOTICE OF DIRECTORY INFORMATION (FGA-EI)**

The Family Educational Rights and Privacy Act (FERPA), a Federal law, requires that Dickinson Public School District, with certain exceptions, obtain your written consent prior to the disclosure of personally identifiable information from your child's education records. However, Dickinson Public School District may disclose appropriately designated "directory information" without written consent, unless you have advised the District to the contrary in accordance with District procedures.

The primary purpose of directory information is to allow the Dickinson School District to include this information from your child's education records in certain school publications.

Examples include:

1. A playbill, showing your student's role in a drama production;
2. The annual yearbook;
3. Honor roll or other recognition lists;
4. Graduation programs; and
5. Sports activity sheets, such as for wrestling, showing weight and height of team members.

Directory information, which is information that is generally not considered harmful or an invasion of privacy if released, can also be disclosed to outside organizations without a parent's prior written consent. Outside organizations include, but are not limited to, companies that manufacture class rings or publish yearbooks. In addition, two federal laws require school districts receiving assistance under the Elementary and Secondary Education Act of 1965, as amended (ESEA) to provide military recruiters, upon request, with three directory information categories--names, addresses and telephone listings--unless parents have advised the District that they do not want their student's information disclosed without their prior written consent.

If you do not want Dickinson Public School District to disclose directory information from your child's education records without your prior written consent, you must notify the school/District in writing **within two weeks of the first day child is enrolled**. The Dickinson Public School District has designated the following information as directory information:

*Note: The District may, but does not have to, include all the information listed below.*

1. Student's name (first and last)
2. Address
3. Date and place of birth
4. Dates of attendance
5. Degrees, honors, and awards received
6. Student identification number, user ID, or other unique personal identifier used to communicate in electronic systems or displayed on a student ID badge, but only if the identifier cannot be used to gain access to education records except when used in conjunction with one or more factors that authenticate the user's identity, such as a PIN, password, or other factor known or possessed only by the authorized user
7. Grade level
8. School email address
9. Participation in officially recognized activities and sports
10. Photograph
11. Telephone listing
12. Weight and height of members of athletic teams
13. Most recent school attended.



**EXHIBIT FGA-E2, MODEL NOTIFICATION OF RIGHTS UNDER FERPA  
FOR ELEMENTARY AND SECONDARY SCHOOLS**

The Family Educational Rights and Privacy Act (FERPA) affords parents and students who are 18 years of age or older ("eligible students") certain rights with respect to the student's education records. These rights are:

1. The right to have the District notify you annually of your rights (this document).
2. The right to inspect and review the student's education records within 45 days after the day the District receives a request for access.

Parents or eligible students who wish to inspect their child's or their education records should submit to the building principal or designee a written request that identifies the records they wish to inspect. The building principal or designee shall make arrangements for access and notify the parent or eligible student of the time and place where the records may be inspected in accordance with Board regulation FGA-BR1.

3. The right to request the amendment of the student's education records that the parent or eligible student believes are inaccurate, misleading, or otherwise in violation of the student's privacy rights under FERPA.

Parents or eligible students who wish to ask the District to amend their child's or their education records should write the building principal, clearly identify the part of the record they want changed and specify why it should be changed. If the building principal or designee decides not to amend the record as requested by the parent or eligible student, they will notify the parent or eligible student of the decision and of their right to a hearing regarding the request for amendment. Additional information regarding the hearing procedures will be provided to the parent or eligible student when notified of the right to a hearing.

4. The right to provide written consent before the District discloses personally identifiable information (PII) from the student's education records, except to the extent that FERPA authorizes disclosure without consent. (See complete list within this document).

One exception, which permits disclosure without consent, is disclosure to school officials with legitimate educational interests. A school official is a person employed by the school as an administrator, supervisor, instructor, or support staff member (including health or medical staff and law enforcement unit personnel), or a person serving on the school board. A school official also may include a volunteer, or contractor, or consultant outside of the school who performs an institutional service of function for which the school would otherwise use its own employees and who is under the direct control of the school with respect to the use and maintenance of PII from education records, such as an attorney, auditor, medical consultant, or therapist; or a parent or student volunteering to serve on an official committee, such as a disciplinary or grievance committee; or a parent, student, or other volunteer assisting another school official in performing their tasks. A school official typically has a legitimate educational interest if the official needs to review an education record in order to fulfill their professional responsibility.

Upon request, the District may disclose education records without consent to officials of another school district in which a student seeks or intends to enroll, or is already enrolled if the disclosure is for purposes of the student's enrollment or transfer.

5. The right to file a complaint with the U.S. Department of Education concerning alleged failures by the District to comply with the requirements of FERPA. The name and address of the Office that administers FERPA are:

Student Privacy Policy Office  
U.S. Department of Education  
400 Maryland Avenue, SW  
Washington, DC 20202

#### **DISCLOSURE OF PII WITHOUT CONSENT**

FERPA permits the disclosure of PII from students' education records, without consent of the parent or eligible student, if the disclosure meets certain conditions found in §99.31 of the FERPA regulations. Except for disclosures to school officials, disclosures related to some judicial orders or lawfully issued subpoenas, disclosures of directory information, and disclosures to the parent or eligible student, §99.32 of the FERPA regulations requires the District to record the disclosure. Parents and eligible students have a right to inspect and review the record of disclosures. A District may disclose PII from the education records of a student without obtaining prior written consent of the parents or the eligible student:

1. To other school officials, as defined in #4 above, that the District has determined to have legitimate educational interests. This may include contractors, consultants, volunteers, or other parties to whom the school has outsourced institutional services or functions, provided that the conditions listed in §99.31(a)(1)(i)(B)(1) - (a)(1)(i)(B)(2) are met. (§99.31(a)(1));
2. To officials of another school, school system, or institution of postsecondary education where the student seeks or intends to enroll, or where the student is already enrolled if the disclosure is for purposes related to the student's enrollment or transfer, subject to the requirements of §99.34. (§99.31(a)(2));
3. To authorized representatives of the U. S. Comptroller General, the U. S. Attorney General, the U.S. Secretary of Education, or State and local educational authorities, such as the State educational agency in the parent or eligible student's State (SEA). Disclosures under this provision may be made, subject to the requirements of §99.35, in connection with an audit or evaluation of Federal- or State-supported education programs, or for the enforcement of or compliance with Federal legal requirements that relate to those programs. These entities may make further disclosures of PII to outside entities that are designated by them as their authorized representatives to conduct any audit, evaluation, or enforcement or compliance activity on their behalf. (§§99.31(a)(3) and 99.35);
4. In connection with financial aid for which the student has applied or which the student has received, if the information is necessary to determine eligibility for the aid, determine the amount of the aid, determine the conditions of the aid, or enforce the terms and conditions of the aid. (§99.31(a)(4));
5. To state and local officials or authorities to whom information is specifically allowed to be reported or disclosed by a state statute that concerns the juvenile justice system and the system's ability to effectively serve, prior to adjudication, the student whose records were released, subject to §99.38. (§99.31(a)(5));

6. To organizations conducting studies for, or on behalf of, the District, in order to: develop, validate, or administer predictive tests; administer student aid programs; or improve instruction. (§99.31(a)(6));
7. To accrediting organizations to carry out their accrediting functions. (§99.31(a)(7))
8. To parents of an eligible student if the student is a dependent for IRS tax purposes. (§99.31(a)(8));
9. To comply with a judicial order or lawfully issued subpoena. (§99.31(a)(9));
10. To appropriate officials in connection with a health or safety emergency, subject to §99.36. (§99.31(a)(10));
11. Information the District has designated as “directory information” under §99.37. (§99.31(a)(11));
12. To an agency caseworker or other representative of a State or local child welfare agency or tribal organization who is authorized to access a student’s case plan when such agency or organization is legally responsible, in accordance with State or tribal law, for the care and protection of the student in foster care placement. (20 U.S.C. § 1232g(b)(1)(L)); or
13. To the Secretary of Agriculture or authorized representatives of the Food and Nutrition Service for purposes of conducting program monitoring, evaluations, and performance measurements of programs authorized under the Richard B. Russell National School Lunch Act or the Child Nutrition Act of 1966, under certain conditions. (20 U.S.C. § 1232g(b)(1)(K)).

## **PROTECTION OF PUPIL RIGHTS AMENDMENT (POLICY GCC)**

### **DEFINITIONS**

- Eligible student means a student who has reached the age of 18 or becomes an emancipated minor under applicable State law.
- Instructional material means instructional content that is provided to a student, regardless of format, including printed or representational materials, audiovisual materials, and materials in electronic or digital formats (such as materials accessible through the Internet), e.g., teacher’s manuals, films, tapes, or other supplementary material, which will be used in connection with any survey, analysis, or evaluation. The term does not include academic tests or academic assessments.
- Parent means a parent of a student and includes a natural parent, a guardian, or an individual acting as a parent in the absence of a parent or a guardian.
- Personal Information means individually identifiable information. This includes, but is not limited to, a student or parent’s first or last name; a home or physical address (including street name and the name of the city or town); a telephone number; or a Social Security identification number.

### **PROTECTION OF PUPIL RIGHTS AMENDMENT**

The District adheres to the Protection of Pupil Rights Amendment (PPRA), a federal law that affords parents and eligible students certain rights regarding the conduct of surveys, collection and use of information for marketing purposes, and certain physical exams. An overview of these rights follows:

1. Receive regular notification of the Districts policies on PPRA;
2. Provide input in the development of this policy;
3. Consent to federally funded surveys concerning protected information. The District must obtain written consent from the parent or eligible student prior to requiring

the student to participate in a survey that is funded in whole or part by a program administered by the Department of Education (Department) if the survey concerns one or more of the following protected areas of information ("protected information survey"):

- a. Political affiliations or beliefs of the student or student's parent;
  - b. Mental or psychological problems of the student or student's family;
  - c. Sex behavior or attitudes;
  - d. Illegal, anti-social, self-incriminating, or demeaning behavior;
  - e. Critical appraisals of others with whom respondents have close family relationships;
  - f. Legally recognized privileged or analogous relationships, such as with lawyers, doctors, or ministers;
  - g. Religious practices, affiliations, or beliefs of the student or student's parents/guardians; or
  - h. Income, other than as required by law to determine program eligibility;
4. Opt-out of certain surveys and exams even if not federally funded. Parents and eligible students must receive advance notice of any of the following activities and have the right to opt out of them:
- a. Any protected information survey, regardless of funding;
  - b. Any non-emergency, invasive physical exam or screening that is required as a condition of attendance, administered by the District or its agent, and not necessary to protect the immediate health and safety of a student, except for hearing, vision, or scoliosis screenings, or any physical exam or screening permitted or required under State law; and
  - c. Activities involving collection, disclosure, or use of personal information obtained from students for marketing or to sell or otherwise distribute the information to others. This does not apply to the collection, disclosure, or use of personal information collected from students for the exclusive purpose of developing, evaluating, or providing educational products or services for, or to, students or the District; and
5. Inspect certain materials. Upon request, parents and eligible students have the right to inspect the following before the District administers or uses them:
- a. Protected information surveys of students;
  - b. Surveys created by a third party;
  - c. Instruments used to collect personal information from students for any of the above marketing, sales, or other distribution purposes; and
  - d. Instructional materials used as part of the educational curriculum.

### **NOTIFICATION**

The District shall directly notify parents and eligible students of this policy at least annually at the beginning of the school year, either through the U.S. mail, during registration, school newsletter, or e-mail, and shall provide updates within a reasonable period of time after any substantive changes to the policy.

In this notification, the District must inform parents or eligible students of the specific or approximate dates when the activities or surveys are scheduled or expected to be scheduled during the school year. For surveys and activities scheduled after the school year starts, parents or eligible students will be provided reasonable notification of the planned

activities and surveys. Parents will also be provided an opportunity to review any pertinent surveys and shall be provided an opportunity to opt their child out of the following activities and surveys:

1. Collection, disclosure, or use of personal information collected from students for the purpose of marketing or sale (or otherwise distributing such information to others for that purpose), with some exceptions;
2. Administration or distribution to a student of any protected information survey not funded as part of a program administered by the Department or funded as part of a program administered by the Department but to which students are not required to submit; and

Certain non-emergency, invasive physical examinations or screenings, as described above.

### **INSPECTION OF SURVEYS/INSTRUCTIONAL MATERIALS**

Parents or eligible students who wish to exercise their right to inspect surveys and instructional materials as provided above may do so by sending a written request to the building principal. The principal shall respond to requests within a reasonable period of time after receiving the request and arrange for the parent or eligible student to inspect the applicable materials at the school or District administrative office.

All instructional materials, including teacher's manuals, films, tapes, or other supplementary material, which will be used in connection with any survey, analysis, or evaluation as part of any applicable program shall be available for inspection by the parents or eligible student.

### **PROTECTION OF STUDENT PRIVACY**

The Superintendent or designee shall ensure that applicable District confidentiality and data protection policies are in place to protect student privacy in the administration of protected information surveys and the collection, disclosure, or use of personal information for marketing, selling, or other distribution purposes.

All survey requests shall be submitted to the Superintendent or designee for review and/or approval. The Superintendent shall develop criteria to determine if the administration of the survey is appropriate and beneficial for District students and employees and is conducted in accordance with state or federal law and District policy.

### **VIOLATION OF RIGHTS**

Parents or eligible students who believe their rights under the PPRA have been violated may file a complaint with the Superintendent or designee.

Complaints may also be filed with:

U.S. Department of Education  
400 Maryland Avenue, SW  
Washington, DC 20202-4605