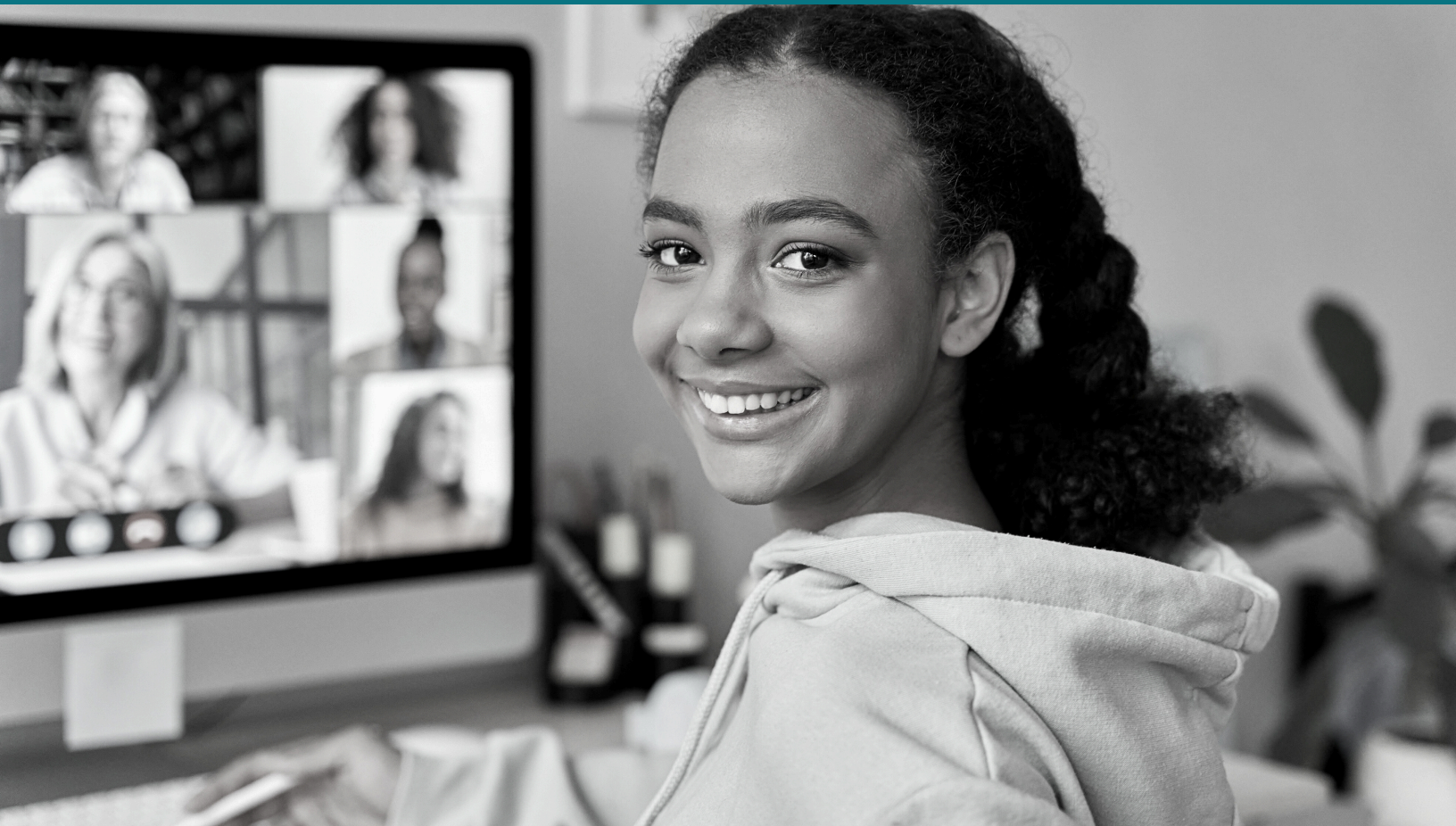


Policy Manual

2024-25



Policies governing: Organization Operations, Employees, Students, Stakeholder Relations, and Fiscal and Asset Management

Table of Contents

[Welcome Letter](#)

[NDCDE History](#)

[Glossary & Acronyms](#)

SECTION A: ORGANIZATIONAL OPERATIONS

[Disclaimer \(A1.v01\)](#)

[Mission, Vision, Values & Playbook \(A2.v01\)](#)

[Strategic Plan \(A2a.v01\)](#)

[Organizational Decision-Making \(A2b.v01\)](#)

[Assessment & Evaluation Processes and Cycles \(A2c.v01\)](#)

[Organizational Structure \(A3.v01\)](#)

[Standing Committees & Boards \(A4.v01\)](#)

[Policy Adoption, Amendments, & Distribution \(A5.v01\)](#)

[Handbooks \(A5a.v01\)](#)

[Process Documentation \(A5b.v01\)](#)

[Organizational Conduct Policies](#)

[Academic Honor Code & Integrity \(A6a.v02\)](#)

[Acceptable Use \(A6b.v01\)](#)

[Bullying \(A6c.v01\)](#)

[Non-Discrimination \(A6d.v01\)](#)

[Student Privacy FERPA \(A6e.v01\)](#)

[Student Educational Records Parental Disclosure Amendment Procedures \(A6ea.v01\).](#)

SECTION B: EMPLOYEES

Hiring & Onboarding

[Recruitment, Selection, & Background Checks \(B1a.v01\)](#)

[Acknowledgments Upon Hire \(B1b.v01\)](#)

[Licensure \(B1d.v01\)](#)

[Hiring Temporary Staff \(B1e.v01\)](#)

[Employment of Relatives/Nepotism \(B1f.v01\)](#)

[Onboarding Commencement of Duties \(B1g.v01\)](#)

[Probationary Period \(B1h.v01\)](#)

[References \(B1i.v01\)](#)

Compensation, Benefits, & Reimbursement

Compensation

[Adjunct & Temporary Employee Pay \(B2aa.v01\)](#)

[Bonuses](#)

[Classification & Reclassification Reviews \(B2ab.v01\)](#)

[Compensation for Travel Time \(B2ac.v01\)](#)

[Overtime \(B2ad.v01\)](#)

[Pay Grade Reviews \(B2ae.v01\)](#)

[Pay Periods & Payroll Reporting \(B2af.v01\)](#)

[Workloads & Extra Duty Pay \(B2ag.v01\)](#)

[Teacher Course Preps \(B2ah.v01\)](#)

Leaves

[Annual Leave \(B2ba.v01\)](#)

[Family Medical Leave Act \(B2bb.v01\)](#)

[Funeral Leave \(B2bc.v01\)](#)

[Holidays \(B2bd.v01\)](#)

[Honor Guard Leave \(B2be.v01\)](#)

[Jury & Witness Leave \(B2bf.v01\)](#)

[Leave of Absence without Pay \(Non-Medical\) \(B2bg.v01\)](#)

[Leave Approval, Reporting, & Accrual \(B2bh.v01\)](#)

[Leave Sharing \(B2bi.v01\)](#)

[Military Leave \(B2bj.v01\)](#)

[Sick Leave \(B2bk.v01\)](#)

[Other Benefits](#)

[Benefits for Temporary Employees \(B2ca.v01\)](#)

[Employee Assistance Program \(B2cb.v01\)](#)

[PERS & TFFR Benefits \(B2cc.v01\)](#)

[Tuition Discounts for NDCDE Courses \(B2cd.v01\)](#)

[Work Breaks \(B2ce.v01\)](#)

[Reimbursement \(B2d.v01\)](#)

[Travel Reimbursement & Allowable Travel Expenses \(B2da.v01\)](#)

[Employee Protections & Grievances](#)

[State & Federal Protections](#)

[Equal Employment Opportunities \(B3aa.v01\)](#)

[Fair Labor Standards Act \(B3ab.v01\)](#)

[Genetic Information Nondiscrimination Act \(B3ac.v01\)](#)

[Modified Duty \(B3ad.v01\)](#)

[Open Records Requirements for Personnel Files](#)

[Political Activity \(B3ae.v01\)](#)

[Veteran's Preference](#)

[Workplace Anti-Harassment \(B3af.v01\)](#)

[Workplace Violence \(B3b.v01\)](#)

[Grievances \(B3c.v01\)](#)

[Grievance Procedure for Employer Actions \(B3ca.v01\)](#)

[Grievance Procedures for Non-Employer Actions \(B3cb.v01\)](#)

[Waiver of Grievance Process \(B3cc.v01\)](#)

[Other Internal Complaints \(B3cd.v01\)](#)

[Roles, Responsibilities, & Conduct](#)

[Additional Employment \(B4a.v01\)](#)

[Channels for Communication & Use of Distribution Lists \(B4b.v01\)](#)

[Employee Speech \(B4ba.v01\)](#)

[Changes to Criminal History Records \(B4c.v01\)](#)

[Child Abuse & Neglect Prohibitions, Training, Reporting](#) [Conflicts of](#)

[Interest & Gifts \(B4e.v01\)](#)

[Cross-Departmental Collaboration & Coordination \(B4f.v01\)](#) [Drug &](#)

[Alcohol-Free Workplace \(B4g.v01\)](#)

[Dress Code \(B4h.v01\)](#)

[Driving While Conducting State Business \(B4i.v01\)](#)

[Employee Conduct \(B4j.v01\)](#)

[Employee Discipline \(B4k.v01\)](#)

[Job Descriptions \(B4l.v01\)](#)

[Referrals to Human Resources \(B4m.v01\)](#)

[Teacher Expectations \(B4n.v01\)](#)

[Smoking Tobacco Use \(B4o.v01\)](#)

[Work Hours & Attendance \(B4p.v01\)](#)

[Workloads](#)

[Work Environment](#)

[Personnel Files \(B5a.v01\)](#)

[Risk Management](#)

[Designated Medical Provider \(B5ba.v01\)](#)

[Employee Health & Safety \(B5bb.v01\)](#)

[Emergencies \(B5bc.v01\)](#)

[Risk Management Training](#)

[Working in Inclement Weather \(B5bd.v01\)](#)

[Teleworking \(B5c.v01\)](#)

[Training, Performance, & Recognition](#)

[Awards \(B6a.v01\)](#)

[Performance Evaluations & Bonuses \(B6b.v03\)](#)

[Team Member Appreciation \(B6c.v01\)](#)

[Separation \(B7.v01\)](#)

[Reduction-in-Force \(B7a.v01\)](#)

SECTION C: STUDENTS

[Academic Progress](#)

[Course Length & Due Dates \(C1a.v01\)](#)

[Pacing & Satisfactory Progress \(C1b.v01\)](#)

[Completions \(C1c.01\)](#)

[Grading \(C1d.v01\)](#)

[Grading Grievances \(C1da.v02\)](#)

[Measuring Student Outcomes \(C1db.v01\)](#)

[Graduation Requirements \(C1e.v01\)](#)

[Retakes \(C1f.v01\)](#)

[Enrollment](#)

[Admission to NDCDE \(C2a.v01\)](#)

[Admission to Diploma Program \(C2aa.v01\)](#)

[Drops & Withdrawals \(C2b.v01\)](#)

[Holds & Extensions \(C2c.v01\)](#)

[Course Loads \(C2d.v01\)](#)

[Pre-Requisites \(C2e.v01\)](#)

[Student Classifications \(C2f.v01\)](#)

[Instructional Time & Credit Equivalency \(C2g.v01\)](#)

[Transcription of External Credit \(C2h.v01\)](#)

[Tuition](#)

[Student Rights & Responsibilities \(C3.v01\)](#)

[Accommodations \(C3a.v01\)](#)

[Attendance \(C3b.v01\)](#)

[NDHSAA & Extracurricular Participation \(C3c.v01\)](#)

[Non-Discrimination & Harassment Grievance Procedure for Students \(C3d.v01\)](#)

[Student Conduct \(C3e.v01\)](#)

[Student Discipline \(C3ea.v01\)](#)

[Student Freedom of Expression \(C3f.v01\)](#)

[Student Policy Exceptions \(C3g.v01\)](#)

[Verifying Identity \(C3h.v01\)](#)

[Student Support Services & Safety](#)

[Behavioral Intervention Plans \(C4a.v01\)](#)

[Counseling & Mental Health \(C4b.v01\)](#)

[Student Custody \(C4d.v01\)](#)

SECTION D: STAKEHOLDER RELATIONS

[Learning Coach Expectations \(D1.v01\)](#)

[Media Relations \(D2.v01\)](#)

[Public Complaints about Personnel \(D3.v01\)](#)

[Public Distribution of Material to NDCDE Students \(D4.v01\)](#)

SECTION E: CURRICULUM

[Complaints about the Curriculum \(E1.v01\)](#)

[Credit Recovery Courses \(E2.v01\)](#)

[Selection & Revision of Curricular Content \(E3.v01\)](#)

[Selection of CTE Courses \(E3a.v01\)](#)

SECTION F: FISCAL & ASSET MANAGEMENT

[NDCDE Fiscal Policies \(F1.v01\)](#)

[Audits \(F1a.v01\)](#)

[Financial Oversight \(F1b.v01\)](#)

[Budgeting Process & Management \(F1c.v01\)](#)

[Purchasing \(F1d.v01\)](#)

[Leasing \(F1da.v01\)](#)

[Procurement \(F1db.v01\)](#)

[State Purchasing Cards \(P-Cards\) \(F1dc.v01\)](#)

[Tuition & Billing \(F1e.v01\)](#)

[Refunds \(F1ea.v01\)](#)

[Records \(F2.v01\)](#)

[Record Retention \(F2a.v01\)](#)

[Open Records Requests \(F2b.v01\)](#)

[State Forms \(F2c.v01\)](#)

[Facility Use & Security Policy \(F3.v01\)](#)

[NDCDE Equipment Policy \(F4.v01\)](#)

[Teleworking Equipment & Supplies \(F4b.v01\)](#)

[Fixed Assets & Inventory \(F4c.v01\)](#)

[Technology Safeguards \(F5.v01\)](#)

Welcome Letter

Dear CDE Employees, Students, and Stakeholders:

This handbook is intended to serve as the central resource for CDE policies and procedures, establishing the expectations needed to help hold the organization accountable and serve our students. The policies set forth herein are also designed to help CDE carry out our mission and help us reach our vision, doing so with respect to our unique position as a public virtual school and state agency. As such, we not only strive for educational excellence but also adhere to state and federal laws and regulations applicable to public schools, public employers, and North Dakota state agencies with the intent of ensuring we are the best possible stewards of the public funding that we receive and the public services that we provide.

Because of our pursuit of both excellence and compliance, we will continuously engage in the evaluation of this handbook to help further improve the quality of the employment and student experience and maximize the efficiency of our operations. This handbook cannot, however, be the sole source of what knits our organization together in this quest. Continuous review of research, strategic planning as part of the Cognia continuous improvement process, our organizational Playbook, individual goals identified through performance reviews, department processes, and the day-to-day contributions of our talented staff combine to shape the quality of our students' experiences and our efforts to innovate.

I encourage you to review this resource frequently to help stay informed of what CDE is doing to support you and our students and in the spirit of continuous improvement recommend changes to your supervisor to help further enhance the work and educational environment at CDE.

Kind Regards,

Alyssa Martin, Ph.D.

NDCDE State Director

NDCDE History

T.W. Thordarson, the founder of the Center, envisioned a “correspondence” high school in which students and adults unable to attend an organized high school would have the opportunity to receive an education, and where students currently enrolled in a high school would be given a chance to study courses not offered locally. With the aid of the North Dakota Farmers Union, which brought the idea before the Legislative Assembly, T.W. Thordarson’s vision of a high school correspondence program for the people of North Dakota became a reality. North Dakota became the first state to provide a special appropriation for a high school correspondence program when the North Dakota Legislative Assembly established the **Department of Correspondence Study** in 1935. The department was governed by the ND Board of Higher Education.

The Department of Correspondence Study opened with a staff consisting of T.W. Thordarson, eight part-time teachers, and three office workers in the basement of Old Main on the NDSU (then NDAC) campus.

The program maintained the Department of Correspondence Study name from 1935 to 1954. In 1954, the Center was renamed to the **Division of Supervised Study** to more clearly define its function and to emphasize the role that the local supervisor plays in each student’s work. The **Division of Independent Study** became the official name on July 1, 1971, and continued to be governed by the Board of Higher Education.

During the late 1930s, the school quickly outgrew its quarters in Old Main and moved to the fourth floor of NDSU’s Minard Hall. In 1962 the school moved to Thordarson Hall.

In December 1988, Governor George Sinner proposed placing the Division under the **Department of Public Instruction (DPI)** as part of a government reorganization plan. The legislature approved this change, and the Division of Independent Study became a unit of the Department of Public Instruction on July 1, 1989.

The 57th North Dakota Legislative Assembly transferred the Division of Independent Study from the ND Department of Public Instruction to the **Educational Technology Council (ETC)** on August 1, 2001.

To reflect a new progressive focus of distance learning, a name change was proposed to the 60th North Dakota Legislative Assembly. The assembly approved the name change and on July 1, 2007, the Division of Independent Study was renamed to the **North Dakota Center for Distance Education (NDCDE)**. In November of 2014, the North Dakota Center for Distance Education moved to 28th Avenue South in Fargo, ND.

The 66th North Dakota Legislative Assembly transferred the North Dakota Center for Distance Education from the ETC to the **North Dakota Career and Technical Education** (ND CTE) on July 1, 2019, and NDCDE moved its offices again to 56th Street South in Fargo, ND. In 2023, the 68th North Dakota Legislative Assembly again moved NDCDE under **DPI** to align with the scope of services the Center offers, which included a comprehensive K-12 program refined and expanded during the COVID-19 pandemic, CTE courses, and dual credit courses offered in conjunction with NDUS institutions.

NDCDE is accredited by Cognia.

Glossary & Acronyms

Unless otherwise defined by a specific policy, the terms below have the following meanings.

Authorized Position: A position authorized by the Legislature. A position may or may not be funded.

CDE or NDCDE: The North Dakota Center for Distance Education

Classification/Reclassification: The placement of a position in a specific job classification at a specific pay grade based on the duties and responsibilities of the position.

Compensation: The combination of salary or wages, and benefits provided to an employee.

Director or State Director: The director of NDCDE

Discipline: Any formal action taken by the director, or a supervisor that is designated to correct the job performance or job-related behavior of an employee.

Discrimination in employment: An act that results in adverse or unequal treatment of individuals because of race, color, religion, sex, national origin, age, genetics, sexual orientation, physical or mental disability, status with regard to marriage or public assistance, participation in lawful activity off the employer's premises during nonworking hours which is not in direct conflict with the essential business related interests of the employer, or political opinions or affiliations.

DPI or ND DPI: The North Dakota Department of Public Instruction

Employee: An individual who receives compensation for work performed for NDCDE regardless of employment status.

ESPB or ND ESPB: North Dakota Educational Standards and Practices Board

Exempt Employee: An employee who is not subject to the overtime requirements of the Fair Labor Standards Act.

Leadership Team: NDCDE supervisors who report to the director.

Non-Exempt Employee: An employee who occupies a position that is subject to the minimum wage and overtime requirements of the Fair Labor Standards Act.

NDCC: North Dakota Century Code

Overtime: Hours worked by a non-exempt employee in excess of a regular 40-hour work week.

Probationary Period: An individual employed in a classified position who was selected for a position on an open, competitive basis and has not yet completed the initial probationary period.

Promotion: The reassignment of an employee from the employee's present position to another existing position that is at a higher pay grade.

Reduction-In-Force: Loss of employment by an employee as a result of a reduction in funding, lack of work, curtailment of work, or reorganization.

Regular Employee: An employee who was selected for a position on an open, competitive basis and has successfully completed his or her six-month probationary period and occupies a full-time equivalent (FTE) position that is funded and not of limited duration.

Salary: A fixed amount that is paid to an employee on a regularly scheduled basis.

Supervisor: A member of the NDCDE leadership team or a team member who has been designated the authority to assign work to others, assess standards of performance, provide formal evaluations of personnel assigned to the position, and assist personnel, as assigned, to meet and/or exceed process and personal expectations. A supervisor is responsible for the performance of all areas and responsibilities assigned through their job description.

Temporary Employee: An employee who is receiving salary as compensation for work performed but does not occupy a regularly funded full-time equivalent (FTE) classified position. The position is usually limited in duration.

Transfer: The reassignment of an employee from the employee's current position to another position in the same pay grade, which does not result in a break of service.

Virtual School: NDCDE uses the EDFacts definition of a virtual school "virtual school" to classify itself. Per this definition a virtual school is "a public school that offers only virtual courses: instruction in which children and teachers are separated by time and/or location. In addition,

interaction occurs via computers and/or telecommunications technologies, and the school generally does not have a physical facility that allows children to attend classes on-site."

Disclaimer (A1.v01)

This handbook and the statements contained in it do not constitute a contract, expressed or implied, between NDCDE and the employee. It does not alter the probationary or at-will status of employees and should not be construed as a guarantee of continued employment. This handbook and the statements contained in it serve as general guidelines and are not binding on NDCDE.

This handbook provides a written account of how certain activities are performed and is designed to guide and assist employees in performing their functions. When deemed appropriate by the NDCDE director or designee, there may be deviations from these written policies and procedures due to changes in personnel, updated state policies, legal interpretation, law, or operational changes such as new systems. NDCDE staff are encouraged to review this handbook periodically, and the NDCDE human resources office will issue notice of major updates.

Policies contained herein shall not affect or supersede similar policies established by statute, state and federal laws, state administrative code, court rulings, and ND Attorney General opinions.

End of Policy

Adopted: 1/12/24, reaffirmed 9/10/2024

Amended:

Published where: NDCDE website and CDE-All Staff Teams Channel

Version and effective date: 9/10/2024

Mission, Vision, Values & Playbook (A2.v01)

NDCDE's mission, vision, and values are articulated in its Playbook, which is published online on its [website](#). The Playbook is reviewed at least annually by the leadership team to ensure continued organizational alignment with these cornerstones of our operations and to review progress on the leadership team's shared strategic goal. Mission, vision, and values statements will be reviewed during the evaluation portion of CDE's continuous improvement cycles to further ensure organizational alignment.

Expectations related to adhering to CDE's mission and values are outlined in job descriptions, and expectations related to providing new and existing employees with training on these statements are covered in applicable CDE policies.

End of policy

Adopted: 09/10/2024

Amended:

Published where: NDCDE website and CDE-All Staff Teams Channel

Version and effective date: 9/10/2024

Strategic Plan (A2a.v01)

--+

NDCDE uses the Cognia Continuous Improvement process and annual review cycle to develop, review, and update its strategic plan (i.e., the Cognia Strategy Map). Changes to the strategic plan shall be guided by internal or external needs assessments and/or metrics of quality. A majority vote by the leadership team is required to modify strategic themes and critical initiatives listed in the plan. Specific action steps and timelines may be modified by individual members of the leadership team upon the approval of the CDE director.

The director will regularly ask for updates from his/her direct reports on progress under the plan, and these direct reports will be responsible for communicating and coordinating implementation of the plan's action steps with their employees.

While CDE uploads the plan to the Cognia site for school approval purposes, a detailed version of the plan is housed internally and all adjustments to the plan will first be reflected on this document before changes are made to the plan on file with Cognia.

End of policy

Adopted: 01/12/24, 09/10/2024

Amended:

Published where: NDCDE website and CDE-All Staff Teams Channel

Version and effective date: 09/10/2024

Organizational Decision-Making (A2b.v01)

Whenever CDE makes an organizational decision, including selecting strategic initiatives, adopting or amending policy, adding or removing a service, and changing CDE's technology ecosystem, the impact on students and educational quality must be the foremost consideration. Consequently, to guide this decision-making, CDE has adopted a framework for quality virtual education based upon peer-reviewed research on virtual K-12 education and workplace quality.¹

This framework can be found here: [NDCDE Framework High Quality Online School.pdf](#)

It shall be provided to all CDE supervisors, committees, and other decision makers and reviewed regularly to ensure the framework informs organizational decision making and change.

End of policy

Adopted: 09/10/2024

Amended:

Published where: NDCDE website and CDE-All Staff Teams Channel

Version and effective date: 09/10/2024

¹Johnson, C. C., Walton, J. B., Strickler, L., & Elliott, J. B. (2023). Online teaching in K-12 education in the United States: A systematic review. *Review of Educational Research*, 93(3), 353-411.

<https://journals.sagepub.com/doi/pdf/10.3102/00346543221105550>

Kohntopp, T., & McCann, J. (2020). Leadership in virtual organizations: Influence on workplace engagement. *The Palgrave handbook of workplace well-being* (pp. 1-26). Walden University Scholarworks. https://scholarworks.waldenu.edu/sm_pubs/141

Assessment & Evaluation Processes and Cycles (A2c.v01)

NDCDE is committed to continuous improvement. As such, it has developed processes for assessment and evaluation across all CDE departments. These processes, in addition to providing guidance on measuring the quality and effectiveness of all CDE operations, help ensure that the mission, values, and strategic plan are intentionally integrated into all facets of the organization.

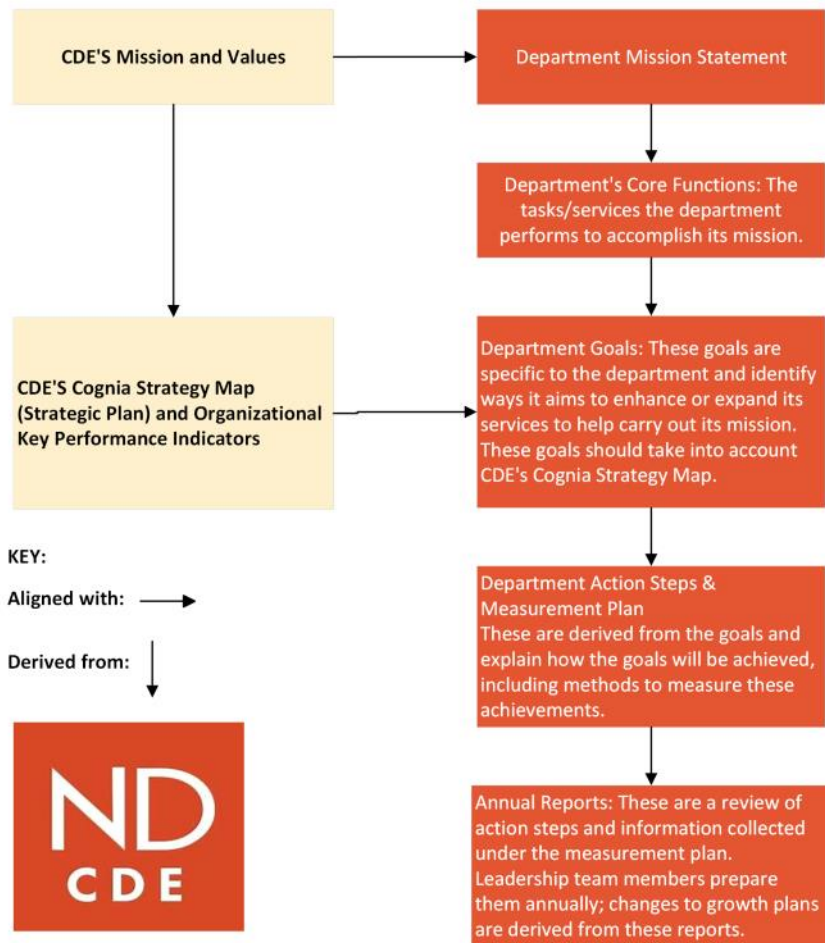
Definitions:

Assessment: The ongoing collection and analysis of data to inform continuous improvement.

Evaluation: The process whereby a judgment or recommendation is made about the performance or accomplishments of a program or unit based on reviewing relevant evidence.

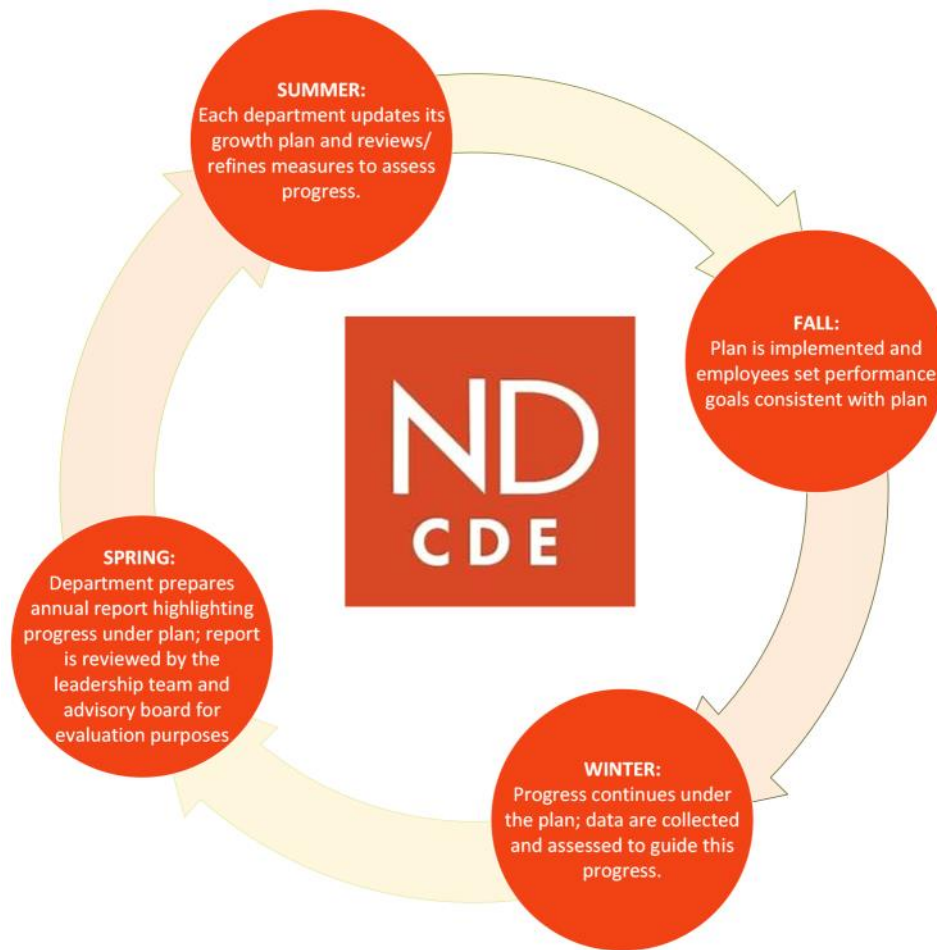
Department Growth Plans

Each CDE department is responsible for developing a growth plan. These plans are organized consistent with conceptual map below. The CDE director will assist each leadership team member with developing its plan, including determining the metrics used to measure progress under these plans. Members of the leadership team will compile an annual report, which includes an overview of metrics it used to measure progress under the plan and a summary of plan goals met, unmet, and still in progress. These reports will be used by the leadership team to evaluate the organization annually and recommended department changes and by the advisory board to guide its recommendations to CDE.



Assessment and Evaluation Cycle

Each CDE department will use the following cycle to engage in ongoing assessment and evaluation. Members of the leadership team are responsible for overseeing this cycle.



End of policy

Adopted: 09/10/2024

Amended:

Published where: NDCDE website and CDE-All Staff Teams Channel

Version and effective date: 09/10/2024

Organizational Structure (A3.v01)

The North Dakota Center for Distance Education (NDCDE) is governed by North Dakota Century Code Chapter 15-19. This statute outlines CDE's governance structure and scope of authority. In compliance with these parameters and to execute its scope of authority, NDCDE has established the organizational chart: [link](#).

Modifications to the reporting structure may be made by the NDCDE director in consultation with his/her direct reports to support the ongoing operations of NDCDE or to reflect changes to law. The director will request the approval of the superintendent of public instruction when changing which positions report to the director. New FTE positions may only be created with legislative authority.

End of Policy

Adopted: 01/12/24, reaffirmed 09/10/2024

Amended:

Published where: NDCDE website and CDE-All Staff Teams Channel

Version and effective date: 09/10/2024

Standing Committees & Boards (A4.v01)

Standing Committees

CDE's standing committees will provide recommendations to the leadership team and carry out additional responsibilities assigned in each committee's charter, which are developed and approved by the leadership team.

The following are CDE's standing committees and composition:

- **Curricular Review:** Chaired by the director of curriculum and including one additional employee from the Learning Management System (LMS)-Curriculum Department, a representative from the diploma program, and two to three full-time teachers. The role of this committee is to make recommendations on adding and removing CDE courses and advising on the schedule for completing course reviews and updates.
- **Policy:** Chaired by the NDCDE state director, this committee is responsible for helping develop, reviewing, and providing input on all new and revised NDCDE policies and helping verify when policies need to be rescinded. The committee will include three to five staff from across the organization, with the majority not serving on the leadership team. This committee will also provide an annual report to the advisory board.
- **Teacher Input:** This committee serves as an opportunity for two to three teachers to meet with the state director monthly to share feedback, collaborate, and ask questions. At least one member should be a full-time teacher and one should be an adjunct. Members of this committee will be asked to work with all CDE teachers to set the agendas for these meetings and report back to them.
- **Instructional Technology Committee:** Chaired by the IT director and including the assistant superintendent, a staff member from the LMS-Curriculum Department, two staff members from the IT Department, and two full-time teachers. The role of this committee is to champion technological innovation by providing well-considered technology recommendations to administrative bodies.
- **Social:** Chaired by a member of the leadership team and including the business manager and up to five additional staff members, with at least one full-time teacher. The role of this committee will be to identify and plan opportunities for CDE employees to build collegiality and strengthen engagement.

The leadership team may create additional special committees through a majority vote. The leadership team may create additional standing committees upon a 2/3rds majority vote.

Standing Committee Appointment, Terms, and Meetings

Committee chairs are responsible for nominating committee members to the state director, and the state director is responsible for appointing the social committee chair. With the exception of the social committee, NDCDE employees should only serve on one committee at a time. The employee's supervisor must approve an employee serving on multiple committees

before the state director's approval.

Committee members shall serve for at least one year, typically commencing in January.

Committee member terms are renewable indefinitely, but chairs are encouraged to recruit and appoint new committee members each year to ensure all CDE employees have an opportunity to serve. Each committee's charter shall outline the appointment process, which shall include reviewing nominees' names with the state director to ensure the employees have capacity and are not under a plan of improvement or written warning. Upon appointment, the state director will announce committee member names to staff and will encourage staff to work with these members to bring forward ideas for committee consideration.

Workload relief may be granted for committee work by policy or by supervisor approval in consultation with the director to ensure consistency.

If a committee member is unable to fulfill the term of his/her committee assignment, s/he must request a release from his/her immediate supervisor. The immediate supervisor may grant the release only if s/he determines that release is appropriate and will notify the committee chair of the need to identify a replacement. If the supervisor denies the request for release, the committee member will be expected to continue to serve on the committee. Consistent failure to perform committee duties, as determined by each committee chair, may be grounds for the chair releasing the committee member, and the chair shall notify the committee member's immediate supervisor when such action is being considered and when it is executed.

Committees shall meet in accordance with their charters or upon the request of the committee chair. The majority of committee meetings and recommendations will be made during summer months.

Advisory Board Purpose, Composition, Term, and Meetings

The purpose of the advisory board is to advise CDE on its strategic direction, make recommendations to improve the quality of its services, and ensure that CDE continues to meet the needs of its stakeholders. Members of the advisory board will be identified by the director and recommended to the superintendent of public instruction to appoint. Members shall include a representative from the following groups: a CDE parent or learning coach, a CDE student, a CDE FTE teacher, a CDE PTT teacher, a CDE staff member, a representative from ND Small Organized Schools, a representative from the Department of Public Instruction, a career and technology education representative recommended by the state CTE director, a representative from higher education, and a representative from a North Dakota public school that sends 100 or more enrollments to CDE annually. The director will be responsible for orientating each board member.

The director will convene the advisory board at least annually, typically following the leadership team's planning and evaluation retreat. The purpose of this meeting will be to receive reports from each department on its performance and progress under the strategic plan and advise on quality improvements and changes needed to the strategic plan. The director may convene additional meetings as needed to receive guidance on major operational matters.

Board of Public Education

The North Dakota Board of Public Education is assigned oversight of some aspects of CDE operations as outlined in North Dakota Century Code Chapter 15-19.

End of Policy

Adopted: 09/10/2024

Amended:

Published where: NDCDE website and CDE-All Staff Teams Channel

Version and effective date: 09/10/2024

Related Policy:

[Workloads Extra Duty Pay \(B2ag.v02\)](#)

Policy Adoption, Amendments, & Distribution (A5.v01)

Policy Adoption

A new policy request typically results from a change to law, a pervasive issue impacting operations, new or amended state policies, assessment and evaluation processes, and/or research in best practices. Any leadership team member may introduce a new policy. The leadership team may approve new policies through two readings and a majority vote. The two-reading requirement may be waived and one reading conducted when the policy needs to be implemented sooner, as determined by the director. The director may also unilaterally adopt a new policy when it is a new or revised state “universal” personnel policy, in an emergency situation, upon the advice of legal counsel or ND HRMS, or when otherwise deemed necessary after consulting the leadership team member(s) directly impacted. Regardless of the method used to adopt policy, the NDCDE Policy Committee will have an opportunity to review the policy before or after adoption to provide feedback to the leadership team, including recommended amendments. The leadership team will strongly consider these recommendations, approving those that are legally sound and that improve the policy, considering the organization as a whole.

Policy Amendment Process

While any CDE employee can suggest amendments to CDE policies, these amendments must be brought forward to the leadership team by one of its members. The leadership team may approve amendments to policies with one reading and a majority vote. The director may unilaterally adopt policy amendments for the same reasons as those for new policy adoption. Regardless of the method used to amend policy, the NDCDE Policy Committee will have an opportunity review them before or after adoption to provide feedback to the leadership team, including recommended edits. The leadership team will strongly consider these recommendations, approving those that are legally sound and that improve the policy, considering the organization as a whole.

Effective Date of New and Amended Policies

Unless otherwise specified during the adoption process, new and amended policies take effect during the new fiscal year.

Regulations, Forms, & Implementation Resources

Regulations, forms, and implementation resource documents are developed to help comply and operationalize policies. The leadership team member responsible for maintaining each of these items is listed in the document, typically at the end. Whenever a policy is amended that may impact a regulation, form, or implementation resource, the assigned leadership team member is responsible for updating these corresponding documents, and this update should be completed in a timely manner.

Revision Cycle

This handbook will be revised as necessary, typically every two years following the legislative session.

Distribution

An electronic copy of the handbook is available to NDCDE employees on NDCDE's SharePoint site. The NDCDE director or human resources department will provide employees with updates on major changes to this handbook.

Policies governing students, fiscal and asset management, and stakeholder relations may be published in areas such as the NDCDE website, and the best distribution method discussed and agreed upon as part of the policy adoption process. A notation will be placed at the end of NDCDE policy, indicating where it is posted.

End of policy

Adopted: 1/12/24, reaffirmed 09/10/2024

Amended:

Published where: NDCDE website and CDE-All Staff Teams Channel

Version and effective date: 09/10/2024

Handbooks (A5a.v01)

CDE handbooks contain a combination of CDE policies, processes, and forms to help inform certain groups about CDE's requirements and expectations and help carry out its policies. Members of the CDE leadership team are authorized to develop handbooks for the specific groups they serve. When developing these handbooks, policy language must be derived from the CDE Policy Manual, and if the handbook and CDE Policy Manual are in conflict, the CDE Policy Manual shall supersede. All processes and forms developed by departments must be consistent with the intent of the policy they are intended to implement. The director may require a department to change such processes and/or forms when s/he deems them to be inconsistent or in conflict with a policy.

End of policy

Adopted: 1/12/24, reaffirmed 09/10/2024

Amended:

Published where: NDCDE website and CDE-All Staff Teams Channel

Version and effective date: 09/10/2024

Related Policy:

[Policy Adoption, Amendments, Distribution \(A5\).](#)

Process Documentation (A5b.v01)

CDE supervisors shall develop processes to implement policy and carry out their department's assigned roles and responsibilities. These processes shall be documented to protect the continuity of CDE operations. All documentation shall be stored in CDE's central repository linked below except when processes relate to sensitive or security-related matters, in which case the department head is responsible for receiving approval from the state director to store them in an alternative location, accessible to the state director or human resources director to ensure continuity of operations. At least annually, CDE supervisors shall schedule time during which department employees review and update department process documentation.

For any process in conflict with a CDE policy, the CDE policy shall supersede.

Link to CDE process documentation: [System Documentation](#).

End of policy

Adopted:09/10/2024

Amended:

Published where: NDCDE website and CDE-All Staff Teams Channel

Version and effective date: 09/10/2024

Related Policy:

[Policy Adoption, Amendments, Distribution \(A5\).](#)

Organizational Conduct Policies

The policies that follow this placeholder are listed in the organizational section of the NDCDE policy manual because they apply to multiple groups that provide or use NDCDE services such as students and employees.

End of Placeholder

Academic Honor Code & Integrity (A6a.v02)

Honor Code Values

The North Dakota Center for Distance Education (NDCDE) is a member of the International Center for Academic Integrity. As such, it adheres to [The Fundamental Values of Academic Integrity](#),¹ which NDCDE refers to as its “honor code values.” They are defined as follows:

- **Honesty:** “The quality of being honest, free from fraud or deception, legitimate, truthful;”² examples include giving credit in academic work to the owner or generator of that intellectual work such as written articles, images, and video clips; keeping promises; taking tests and completing assignments without unauthorized assistance; not providing unauthorized assistance to others; and being factual.
- **Trust:** “The assured reliance on the character, ability, strength, or truth of someone or something;”³ examples include acting with sincerity, following through on one’s word; being clear and open when interacting with others, and believing others are acting with sincerity and openness.
- **Fairness:** “The quality or state of being fair, especially fair or impartial treatment, lack of favoritism toward one side or another;”⁴ examples include keeping an open mind, being consistent when applying rules, and treating others equally.
- **Respect:** “High or special regard, esteem; the quality or state of being esteemed;”⁵ examples include actively listening, receptively receiving feedback and finding ways to use it to improve, being kind to others, understanding that each person learns at their own pace, being punctual when meeting with teachers, working to meet the expectations of teachers and learning coaches, and being courteous when others are sharing their thoughts and ideas.
- **Responsibility:** “The quality or state of being responsible; moral, legal, or mental accountability; reliability, trustworthiness;”⁶ examples include following NDCDE policies and individual course rules, being accountable for one’s actions, and setting aside enough time to study and complete coursework to ensure it reflects one’s best efforts.
- **Courage (or bravery for K-3):** “The mental or moral strength to venture, persevere, and withstand danger, fear, or difficulty;”⁷ examples include asking questions when one is uncertain of what is expected or when an explanation is unclear, adhering to all of the above values even when the consequences could be negative, reporting any known violations of this policy to an NDCDE administrator, teacher, or learning coach, and being willing to continue to challenge oneself even when one may not immediately succeed.

Learning coaches and all NDCDE staff are expected to model the above values as defined. NDCDE teachers and administrators are urged to communicate regularly about the honor code values when interacting with students and learning coaches. They are encouraged to provide specific, age-appropriate examples to students of how they can practice and develop the values within NDCDE courses. NDCDE teachers and administrators should also collaborate to identify methods to recognize students who exemplify the honor code values.

Honor Code Pledges

Students are required to pledge the following when beginning each NDCDE course. For middle and high school courses, students may be required to type and submit all or portions of the

grade-specific honor code pledge before beginning summative assignments and exams at the discretion of their NDCDE teacher who will work with the LMS staff to incorporate this acknowledgment into the teacher's course before the selected assignments/tests.

- **Elementary honor code pledge:** My parent and I reviewed NDCDE's honor code values together, and I asked questions about the values and examples I did not understand. These values are honesty, trust, fairness, respect, responsibility, and courage (bravery). I promise to always try my best to follow these values, especially when acting as a student. I will ask questions when unsure of how to follow the values when taking my courses and completing my assignments.
- **Middle and high school honor code pledge:** I have been provided and read the NDCDE honor code policy, reviewing it with my NDCDE teacher, parent, or learning coach if I needed any clarification. I understand how to demonstrate the values of honesty, trust, fairness, respect, responsibility, and courage. I agree that when I'm uncertain whether my planned actions or behavior follow this policy, I will consult a NDCDE teacher or learning coach before I act. I understand that all NDCDE course content is copyrighted. Any attempt to share or access information about my course online or through other methods to gain an unfair academic advantage or help others do so is prohibited.

Test/assignment add-on: When taking this exam or completing this assignment, I understand that while I will earn a letter grade, I'm also demonstrating whether I have gained certain skills or knowledge that will help me advance as a learner. I understand that if I do not complete this test/assignment on my own merit, I will be breaking the NDCDE honor code policy, and such actions may prevent my teacher from helping me identify and fill gaps in my learning. I have taken the time needed to prepare to complete this task with my best effort. I am ready to begin this assignment/test, following the honor code values of honesty, trust, fairness, respect, responsibility, and courage.

- **Learning coach pledge:** I have been provided and read the NDCDE honor code policy and all learning coach expectations, NDCDE Policy D1. I agree to adhere to these policies, including modeling honesty, trust, fairness, respect, responsibility, and courage. I will reinforce these values and clarify them to students as needed in my capacity as a learning coach. I will partner with NDCDE to ensure my students comply with the honor code policy, including taking appropriate steps to deter them from violating it. I understand that all NDCDE course content is copyrighted. Any attempt to share or access information about my student's course(s) online or through other methods to help students gain an unfair academic advantage is prohibited.

Honor Code Violation Deterrence

NDCDE uses a variety of research-proven methods to deter violations of this policy, including plagiarism detection software; setting guidelines on AI-use; disseminating clear learning coach expectations, including those relating to proctoring; positive, regular coaching on and reinforcement of the honor code values (see section above); providing students with clear test taking and assignment completion instructions; providing students with real-world, problem-based, authentic assessments when possible; regularly meeting with students to build relationships and encourage engagement to foster trust and respect; providing students with regular, meaningful feedback on their academic progress that emphasizes learning gains and provides constructive guidance on filling gaps; leveraging tools within the LMS to deliver tests in a manner that curtails cheating; and reviewing data collected by the LMS on test taking activity to identify anomalies in test-taking behavior on a case-by-case basis.

NDCDE administration will remain current on research related to deterring academic dishonesty and other violations of this policy and continue to implement solutions that are research-proven, age-appropriate, legally sound, compatible with the NDCDE technology ecosystem, financially feasible, and reasonably implementable by NDCDE staff.

Teachers are encouraged to consult the NDCDE curriculum designer when they suspect or confirm that academic dishonesty is occurring to implement assessment design strategies to curtail it.

Teachers shall only use the plagiarism and AI-detection tools from vendors that NDCDE has contracted to ensure appropriate privacy safeguards are in place.

Methods for Detecting and Reporting a Potential Student Violation

- **Detection of potential student violations:** A student's potential violation of this policy may be identified through various methods. The following list is intended to guide NDCDE staff, learning coaches, and students on the common avenues through which a violation is detected, but this list is not exhaustive. Detection methods may include:
 - An alert by plagiarism/AI-use detection software adopted by NDCDE that indicates an assignment submission is primarily the work of a source other than the student unless the teacher has authorized the use of AI.
 - An otherwise unexplainable change in a student's academic achievement or behavior that prompts lingering suspicion by a teacher or learning coach that a student has unauthorized assistance. Examples include a sudden maturity or major shift in the student's voice on written assignments or the student earning scores on exams substantially higher than average, considering the student's past performance and data on class averages.
 - Using unauthorized assistance to complete an assignment or test as demonstrated through evidence (e.g., a direct quote from the course material that a student was prohibited from accessing during a test) or a report (e.g., test instructions prohibited using a calculator and a learning coach reports that she found the student using one)
 - Identification of a NDCDE student actively using or contributing to a repository of material that provides unauthorized assistance on academic work (e.g., websites such as CourseHero).
 - Other evidence that a student gave unauthorized assistance to another (e.g., a student turns in a paper that another student previously submitted).
 - Evidence or a report that a student violated a course-specific policy.
- **Reporting potential student violations:** When a student violation is suspected, the individual with this concern shall notify the dean of students using the reporting method s/he has devised to inform him/her of the suspicion, including as much information and evidence as possible in the report. The dean of students shall review the student's conduct history and all the information related to the report of a potential violation to determine the appropriate recourse, including whether additional investigation is needed. The dean of students will advise the teacher of his/her role in the investigation and response process. In the dean of student's absence, the assistant superintendent or his/her designee shall be responsible for receiving reports and making determinations about appropriate next steps.

Upon receipt of report of a potential student violation by a teacher, the dean of students should, if appropriate and possible, encourage teachers to meet with students suspected of violating this policy and learning coach to discuss the potential violation, ascertain the student's understanding of why their behavior/actions were called into question, and help assess intentionality. These meetings should be a learning opportunity to coach students on the NDCDE honor code values and applicable topics such as plagiarism. Teachers shall document these meetings and share the outcome with the dean of students.

The outcome of the dean of student's analysis shall be a determination of whether the student's violation of this policy was inadvertent/unsubstantiated (determined to be accidental or not meeting the definition of an actual violation) or an actual violation (defined below). Based on this determination, the response options are as follows:

- **Response to inadvertent and unsubstantiated student violations:** These findings will be referred back to the teacher in which the activity/behavior was reported to have occurred, allowing the teacher to determine if any age-appropriate follow-up actions are appropriate. For middle and high school students, such actions may include, but not be limited to, requiring the student to write a reflection paper on their new understanding of the NDCDE honor code values or complete a learning exercise on a relevant topic (e.g., plagiarism). If the potential violation occurred in multiple classes, the dean of students will work with all impacted teachers to determine appropriate follow-up actions.
- **Responses to actual student violations:** Actual violations of this policy are defined as actions/behaviors carried out with intentional disregard for this policy (i.e., the student knew the content of this policy and ignored it) as demonstrated by a preponderance of the evidence or a student confession.

When the dean of students substantiates an actual violation of this policy by a student, s/he will then determine the severity of the violation (minor, moderate, or major) using the following criteria.

- The extent to which the actual violation disrupted NDCDE operations: When NDCDE identifies the need to substantially modify a current policy, operational practice, or an existing course or select a new curriculum vendor, the violation generally will be considered major.
- The extent to which the actual violation negatively impacted others.
- The student's age, disability status, and other developmental factors.
- The student's prior record of NDCDE Academic Honor Code violations and whether the actual violation constitutes a pattern or new form of prohibited behavior.
- Whether the student admitted to the violation. Confessions will generally result in the actual violation being downgraded in severity.
- The degree to which the student understands this policy.

Disciplinary responses to actual violations shall be administered per the Student Conduct and Student Discipline Policies (C3e and C3ea), including following any due process requirements. The dean of students shall document all **actual** violations and the level of

severity in the SIS; inform impacted teachers; and provide their findings to the student, the learning coach, the parent, and the administrator of the student's school of residence (if applicable) along with planned response steps.

If a student completes a course before response measures can be instituted, NDCDE may defer issuing a completion certificate until the student has finished all required actions, or NDCDE may carry over required response steps to the student's next enrollment if NDCDE administration deems this action more appropriate.

Reporting a Potential Learning Staff Violation

Reports of a suspected learning coach violation of this policy shall be emailed to the dean of students or, in his/her absence, the assistant superintendent. The dean of students will investigate reports concerning learning coaches after informing the assistant superintendent of the complaint. Substantiated violations will result in NDCDE requiring the student's school to assign a new learning coach or, for homeschooled students, requiring the family to designate a new learning coach outside the student's immediate family. Failure of a school or family to assign a new learning coach when requested by NDCDE will result in NDCDE taking necessary internal measures to safeguard the integrity of its courses, such as requiring a CDE staff member to serve as a live proctor for exams or placing the student's enrollment on hold until the family identifies a new learning coach.

Reporting a Potential Learning Coach Violation

Reports concerning NDCDE staff members will be reported and investigated in accordance with the Public Complaints about Personnel Policy, D3.

End of policy

Adopted: 1/12/24

Amended: 7/10/24

Published where: NDCDE website, CDE-All Staff Teams Channel

Version and effective date: 08/01/2024

Additional resources: [Academic Honor Code: Potential Violation Report Form](#)

Policies Referenced:

[Student Conduct, C3e](#)

[Student Discipline, C3ea](#)

[Learning Coach Expectations, D1](#)

[Public Complaints about Personnel, D3](#)

Related Policy:

[Verifying Identity \(C3h.v02\)](#)

Acceptable Use (A6b.v02)

1. Scope and Purpose

The North Dakota Center for Distance Education (NDCDE) provides access to various electronic communication devices (ECDs) and an IT infrastructure. This infrastructure supports the operational and educational goals of NDCDE, while maintaining the standards set by both Edutech and the North Dakota Information Technology Department (NDIT). This policy governs the use of NDCDE's technology by both students and staff to ensure compliance with state regulations, protect the integrity of systems, and maintain a respectful digital environment.

2. General Acceptable Use Guidelines (For All Users)

NDCDE, as a state educational entity, adheres to the **Edutech Acceptable Use Policy**. All staff, students, and system users must also adhere to this policy, which is accessible on the Edutech website: [Edutech Acceptable Use Policy](#). If any conflict arises between the NDCDE policy and Edutech's policy, the Edutech policy will supersede.

Key principles include:

- NDCDE and state technology resources must be used primarily for educational or work-related purposes.
- Unauthorized use of technology resources (e.g., installing unlicensed software, accessing inappropriate content) is prohibited.
- Users must protect the confidentiality of their accounts and take reasonable steps to secure any device used to access NDCDE systems.

NDCDE employee (B4j) and student (C3e) conduct policies govern online behavior whenever an employee is acting in her/her official capacity on behalf of NDCDE and a student is participating in NDCDE services. These codes of conduct contain the same expectations as are found in standalone netiquette policies including showing respect, use of appropriate language, and adherence to confidentiality requirements under state and federal law. Teachers are encouraged to create course-specific netiquette expectations as necessary, ensuring these are prominently posted in their courses and working with colleagues in their content areas to foster uniformity in these expectations whenever possible.

3. Monitoring and Privacy

NDCDE reserves the right to monitor the use of all NDCDE and state technology resources, including internet use, email, and files stored on its systems, without prior notice. Users should have no expectation of privacy when using NDCDE systems. Monitoring may occur for the following reasons:

- Ensuring compliance with this policy.
- Safeguarding state resources.

- Complying with state or federal investigations.
- When monitoring is necessary for specific cases, including potential policy violations, the following protocols will apply. The NDCDE IT team must receive approval from the NDCDE IT director, NDCDE state director, and Edutech before any individual monitoring is authorized. Monitoring shall occur in accordance with Edutech policies and procedures.

Routine technical support and IT maintenance activities are excluded from this approval process.

4. Technology Use Guidelines for Staff

Use of Electronic Communication Devices (ECDs): It is the state's and CDE's policy to limit the use of state ECDs to official business. Employees uncertain of whether use constitutes official business shall consult with their direct supervisor. CDE employees using a State IT resource, including accessing personal accounts, have no expectation of privacy or confidentiality. NDCDE will provide required devices (such as a desktop or laptop computer) and is responsible for the maintenance and replacement of such devices. In addition to a laptop or desktop computer, some positions may require the use of mobile computing devices such as cell phones, smartphones, or tablets. The NDCDE IT Department is responsible for determining if a state-owned mobile computing device should be provided or allowed to sync or directly attach to a personal mobile computing device to the state's IT infrastructure. Each situation should be considered individually and be based on the team member's work or position.

ECD Cloud Storage: Team members must use OneDrive for Business as a mobility solution for work data. Other cloud storage solutions are not allowed. Files may only be synced via OneDrive for Business to work-managed devices, such as work laptops, work cell phones and personal cell phones managed with Mobile Device Management (MDM). Syncing work and/or personal files from a work laptop to any other cloud storage provider is not allowed.

Access to Personal Accounts: Any staff communication concerning NDCDE business on a technology device, regardless of the owner, is subject to the North Dakota Open Records Law (NDCC 44-04-18). Information exchanged on these accounts can be disclosed in legal proceedings or public records requests unless the record is governed by an exception under state law.

Social Media: It is the State of North Dakota's policy that all official communications made through official agency social media accounts, on behalf of or concerning the agency, must be made through or with the permission of the NDCDE state director or designee. Employees are encouraged to review the Employee Speech Policy for guidance on personal social media use.

Conducting Business Internationally: Any staff member who plans to conduct NDCDE business from outside the U.S. must obtain supervisor and IT director approval and follow all applicable safeguards as determined by the NDCDE IT team.

5. Technology Use Guidelines for Students

Acceptable Use: Students must use technology in accordance with the Edutech Acceptable Use Policy and NDCDE's Technology Safeguards Policy, which promotes ethical and safe use of technology in educational settings.

Academic Honor Code and Student Conduct Policies: Students are required to adhere to these policies whenever engaged in NDCDE activities.

6. IT Department Oversight and Permissions

The NDCDE IT department is responsible for maintaining the integrity of the system. As NDCDE operates under the state's IT department (NDIT) and uses services provided by Edutech. The NDCDE IT department is granted an exception under this policy to perform necessary system administration work. This includes, but is not limited to:

- **Account Management:** The NDCDE IT department may manage accounts and access requests, provided they operate within the permissions granted by NDIT and Edutech.
- **Systems and account maintenance and security:** Conducting routine maintenance and upgrades; monitoring network performance and security; troubleshooting issues related to system access or performance; and accessing data and logs necessary to fulfill operational requirements.
- **Approvals for IT Actions:** For certain actions that may involve higher-level system access or sensitive information, the NDCDE IT department must seek approvals from NDIT or Edutech, ensuring compliance with statewide IT security policies.
- **Data Security and Privacy:** NDCDE adheres to the **Edutech Privacy Policy** and the **NDIT E-Service Privacy Standard** for the protection of data and personal information. All systems are required to comply with these policies to ensure the safety and privacy of staff, students, and organizational data.

All system administration activities will be conducted in compliance with NDIT guidelines and under the oversight of NDCDE leadership. These actions will be limited to the scope necessary for maintaining the integrity of NDCDE's technology infrastructure and ensuring compliance with state IT standards.

These exceptions are strictly limited to technical system administration tasks and does not extend to unauthorized or non-routine monitoring of user communications or activities, which still requires the appropriate approvals as outlined in the monitoring section of this policy.

7. Consequences for Violations

The consequences for violations will be commensurate with the severity of the violation administered in accordance with the Employee Discipline and Student Discipline Policies as applicable. While an employee is under investigation for an alleged violation of this policy, his/her access to state technology resources and state ECDs may be suspended.

End of policy

Adopted: 1/12/24

Amended: 10/17/2024

Published where: NDCDE website and CDE-All Staff Teams Channel

Version and effective date: 10/17/2024

Additional related policies:

- [Employee Speech \(B4ba\)](#)
- [NDCDE Equipment Policy \(F4.v01\)](#)
- [Technology Safeguards \(F5.v01\)](#)

Bullying (A6c.v01)

Definitions

For the purposes of this policy:

- *Bullying* is defined as conduct prescribed in NDCC 15.1-19-17 and since all NDCDE services are delivered online, includes cyberbullying. The student handbook will include this entire definition along with examples.
- *Protected status* are classifications/characteristics protected from discrimination by state and federal law. For more information on protected status, see the Center for Distance Education (CDE) Non-Discrimination Policy (Policy A6d).
- *CDE property* refers to the CDE Office and all technology systems used to conduct CDE business.
- *School-sanctioned activity* are activities typically approved by a school district that are neither curricular or co-curricular such as a school fundraiser. As a virtual school, CDE generally does not host school-sanctioned activities.
- *School-sponsored activity* is an activity that CDE has approved through policy or through the leadership team's approval, is an extracurricular program, and is controlled and funded primarily by CDE.
- *School staff* include all employees of the Center for Distance Education.
- *True threat* is a statement that, in light of the circumstances, a reasonable person would perceive as a serious expression of an intent to inflict harm.

Prohibitions

While using CDE's online systems, otherwise on CDE property, or at a CDE sanctioned or sponsored activity or event, a student and staff member may not:

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

Reporting Procedures for Alleged Policy Violation

1. **Reporting requirements for CDE staff:** Any CDE staff member with knowledge or suspicion of a violation of this policy or who has received an oral or written report of a violation of this policy from a student, learning coach, parent, or anonymously shall contact the dean of students as soon as possible. If the alleged violation implicates the dean of students, the CDE staff member shall report it to the assistant superintendent. If the alleged violation implicates the assistant superintendent, the school staff member shall file it with the CDE director.

Should school administration determine that a CDE staff member knew of or suspected a violation of this policy and failed to report it in accordance with the procedure above, the staff member may be subject to disciplinary consequences.

2. **Reporting options for students, learning coaches, and parents:** Students, parents, and learning coaches may report known or suspected violations of this policy using any of the following methods:
 - a. Completing an online complaint form (link) or download and complete a paper version. A complainant will have the option of including his/her name on this form or filing it anonymously. CDE will post links to the electronic and downloadable version of the form in prominent places such as its website and in the student handbook.
 - b. File an oral report with any CDE staff member.

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

Reporting to Law Enforcement & Others Forms of Redress

Anytime a CDE staff member has reasonable suspicion that a bullying incident constituted a crime, s/he shall report it to law enforcement. Also, nothing in this policy shall prevent a victim/his/her family from seeking redress under state and federal law.

Documentation & Retention

In addition to the bullying reporting form, CDE will make available to all staff a form to use to document oral reports of bullying, which is required to be completed anytime a staff member receives such a report. All documentation associated with a bullying report and investigation shall be forwarded to the dean of students or designated administrator when there is a conflict (see Reporting Requirements for CDE staff), and reports shall be retained for six years after a student turns 18.

Investigation Procedures

The dean of students is required to investigate violations of this policy (as prescribed under "Prohibitions"), when in receipt of actual notice of an alleged violation, which occurs when prohibitions are reported using the method(s) listed in the reporting section of this policy. If the dean of student is the subject of the report, s/he shall notify the assistant superintendent who will conduct the investigation. To ensure this policy can be fully administered, the assistant superintendent shall also serve in the stead of the dean of students in the case of an absence or vacancy. When the report involves a CDE staff member, the dean of students will conduct the investigation with the assistance of the CDE human resources manager. The dean of students will activate the appropriate victim protection strategies (below) at the outset of the investigation.

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

In all other cases, the dean of students shall determine the level of investigation necessary based on the nature of the alleged violation of this policy after considering factors such as, but not limited to: the identity of the reporter and his/her relationship to the victim/alleged perpetrator; the ages of the parties involved; the detail, content, and context of the report; whether or not this report is the first of its type filed against the alleged perpetrator.

Based on the level of investigation the dean of students deems necessary, investigations may include any or all of the following steps or any other investigatory steps deemed necessary:

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

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

Victim Protection Strategies

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

1. Additional training for students and applicable staff on implementation of this policy and/or bullying prevention.
2. Notice to the victim's teachers and/or administrators to monitor activity in impacted virtual classrooms, particularly areas where the victim and perpetrator may communicate such as discussion boards.
3. Referral to counseling services for the victim and perpetrator.
4. Modification of the perpetrator's course placement and other appropriate measures imposed on the perpetrator (not the victim) to minimize the perpetrator's contact with the victim.

Disciplinary & Corrective Measures

Students or CDE staff who violate this policy shall be subject to disciplinary consequences and/or corrective measures listed in the CDE Student or Employee Conduct policy (as applicable) and will be notified of prohibitions on retaliation. For students who violate this policy and do not attend CDE full-time, the dean of students may notify the student's school district of the action taken. In addition to such measures, CDE may modify the perpetrator's course assignments and take other appropriate measures to minimize contact with the victim.

For bullying initiated online but not occurring on CDE systems, CDE only has authority to impose

disciplinary measures if the bullying substantially disrupted the educational environment or posed a true threat. In all other cases, CDE may only take corrective measures to minimize contact between the victim and perpetrator and refer the perpetrator to counseling.

Prevention Programs

In accordance with law, CDE shall develop and implement bullying prevention programs for students in grades K-12.

End of policy

Adopted: 1/12/24 (internal adoption—stakeholder input still required) and reaffirmed on 7/10/24

Amended:

Published where: NDCDE website, CDE-All Staff Teams Channel

Version and effective date: 7/10/2024

Policies Referenced:

[Non-Discrimination Policy, A6d](#)

[Employee Conduct, B4j](#)

[Employee Discipline, B4k](#)

[Student Conduct Policy, C3e](#)

[Student Discipline Policy, C3ea](#)

Non-Discrimination (A6d.v01)

Employees

In accordance with state and federal requirements, CDE prohibits discrimination in all aspects of employment, regardless of immigration status, based on: race, color, religion, national origin, sex (including pregnancy, childbirth, and related medical conditions, sexual orientation, or gender identity), age (40 and older), disability, genetic information (including employer requests for, or purchase, use, or disclosure of genetic tests, genetic services, or family medical history), and protected employment categories in North Dakota law. It also prohibits retaliation for filing a charge reasonably opposing discrimination; participating in a discrimination lawsuit, investigation, or proceeding; and interference, coercion, or threats related to exercising rights regarding disability discrimination or pregnancy accommodation.

CDE uses the federal Equal Employment Opportunity Commission's definitions related to protected statuses. Each definition is linked below.

- Race: <https://www.eeoc.gov/racecolor-discrimination>
- Color: <https://www.eeoc.gov/racecolor-discrimination>
- Religion: <https://www.eeoc.gov/religious-discrimination>
- Sex: <https://www.eeoc.gov/sex-based-discrimination>
- National origin: <https://www.eeoc.gov/national-origin-discrimination>
- Disability: <https://www.eeoc.gov/eeoc-disability-related-resources>
- Age: <https://www.eeoc.gov/age-discrimination>
- Genetic information: <https://www.eeoc.gov/genetic-information-discrimination>

Protected employment categories in North Dakota law can be found on the North Dakota Department of Labor website (linked below), and NDCDE adheres to these definitions when determining the protections contained in this policy: <https://www.nd.gov/labor/nd-protected-categories>.

CDE has adopted a grievance policy that employees can use to file a discrimination-related complaint, which is found in the Employee section of this policy manual. The CDE employee responsible for receiving and responding to employee-related discrimination questions and complaints is Laurie Tuma, Human Resources Manager, laurie.tuma@k12.nd.us, 701-298-4852.

Students and Other Stakeholders

In addition to the protections provided to employees, CDE prohibits discrimination in enrollment activities and educational programs on the basis of race, color, national origin, sex, disability, or age. Because CDE does not have a physical location for delivering education and related services, non-discrimination requirements in federal law under the Boy Scouts of America Act do not apply to its operations.

CDE has adopted a grievance policy that students, parents, and guardians can use to file a discrimination-related complaint, which is found in the Student section of this policy manual. The CDE employee responsible for receiving and responding to student-related discrimination

questions and complaints is Dr. Alyssa Martin, alyssa.martin@k12.nd.us, 701-630-1234, 3435 56th St S #200, Fargo, ND 58103 (interim Title IX coordinator).

End of policy

Adopted: 1/12/24 and reaffirmed on 7/10/24

Amended:

Published where: NDCDE website, CDE-All Staff Teams Channel

Version and effective date: 08/01/2024

Policies Referenced:

[Grievances \(B3c.v02\)](#)

[Non-Discrimination & Harassment Grievance Procedure for Students \(C3d.v01\)](#)

Student Privacy: FERPA (A6e.v01)

The purpose of this policy is to protect student privacy. All NDCDE employees are required to comply with this policy and all requirements under FERPA. Failure to comply is considered a violation of the Employee Conduct Policy, B4j.

As a virtual school, NDCDE maintains all student educational records in an electronic format.

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 inspect and review the student's education records within 45 days after the day the NDCDE receives a request for access. Parents or eligible students who wish to inspect their child's or their education records should submit to the dean of students or assistant superintendent a written request (sent via email) that identifies the records they wish to inspect. The school official will make arrangements for access and notify the parent or eligible student of when and how the electronic records may be inspected.
2. 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 NDCDE to amend their child's or their education record should email the NDCDE dean of students or assistant superintendent, clearly identify the part of the record they want changed, and specify why it should be changed. If the school decides not to amend the record as requested by the parent or eligible student, the school 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.
3. The right to provide written consent before the school discloses personally identifiable information (PII) from the student's education records, except to the extent that FERPA authorizes disclosure without consent.

One exception, which permits disclosure without consent, is disclosure to school officials with legitimate educational interests. The criteria for determining who constitutes a school official and what constitutes a legitimate educational interest must be set forth in the school's or school district's annual notification for FERPA rights.

- A **school official** typically includes a person employed by NDCDE as an administrator, supervisor, instructor, or support staff member (including health or medical staff and law enforcement unit personnel) or a person serving in a supervisory capacity over NDCDE per NDCC Chapter 15-19. A school official also may include a volunteer, contractor, or consultant who, while not employed by the school, performs an institutional service or 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; 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 his or her tasks. NDCDE considers learning coaches as school officials.

- A school official typically has a **legitimate educational interest** if the official needs to review an education record in order to fulfill his or her professional responsibility.
- Because the majority of NDCDE students attend its courses on a supplementary basis, NDCDE discloses education records without consent to officials of another school or 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.

Complaints

The right to file a complaint with the U.S. Department of Education concerning alleged failures by the NDCDE 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

Permitted Disclosures without Parental 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 school to record the disclosure. Parents and eligible students have a right to inspect and review the record of disclosures.

NDCDE may disclose PII from the education records of a student without obtaining prior written consent of the parents or the eligible student only if one of the following criterion apply:

- To other school officials, including teachers, within the educational agency or institution whom the school has determined to have legitimate educational interests. This includes 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)(3) are met. (§ 99.31(a)(1))
- 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))
- 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 (SEA) in the parent or eligible student's State. 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, if applicable requirements are met. (§§ 99.31(a)(3) and 99.35)

- In connection with financial aid for which the student has applied or which the student has received, if the information is necessary for such purposes as 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))
- 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))
- To organizations conducting studies for, or on behalf of, the school, in order to: (a) develop, validate, or administer predictive tests; (b) administer student aid programs; or (c) improve instruction, if applicable requirements are met. (§ 99.31(a)(6))
- To accrediting organizations to carry out their accrediting functions. (§ 99.31(a)(7))
- To parents of an eligible student if the student is a dependent for IRS tax purposes. (§ 99.31(a)(8))
- To comply with a judicial order or lawfully issued subpoena if applicable requirements are met. (§ 99.31(a)(9))
- To appropriate officials in connection with a health or safety emergency, subject to § 99.36. (§ 99.31(a)(10))
- Information the school has designated as “**directory information**” if applicable requirements under § 99.37 are met. (§ 99.31(a)(11))

NDCDE defines the following as directory information:

- Student's name
- Address
- Telephone listing
- Electronic mail address
- Photograph
- Dates of attendance
- Grade level
- Degrees, honors, and awards received
- The most recent educational agency or institution attended
- Student ID number, user ID, or other unique personal identifier used to communicate in electronic systems 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

- 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))
- 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))

Disclosure to non-Custodial Parents

NDCDE shall follow the standards contained in its Student Custody Policy, C4d, when a non-custodial parent requests access to a student educational records.

Disclosure Authority

External disclosure of information in student educational records, whether directory information or PII, requires pre-approval from the employee's department head (leadership team member), standing written approval from the applicable department head (leadership team member) in writing, or standing disclosure authority given to the employee through his/her job description. Employees who disclose student educational records without such approval will be subject to disciplinary consequences. Leadership team members shall check with a Chief Privacy Officer before authorizing or expanding employee authority to disclose student educational records. They should also check with a Chief Privacy Officer if uncertain of an employee's scope of authority to disclose student educational records. Any NDCDE employee who releases educational records to parents shall review and acknowledge their understanding and compliance with the Student Educational Records Parental Disclosure & Amendment Procedure, A10a.

Designation and Responsibilities of Privacy Officers

The NDCDE director, assistant superintendent, and IT director shall serve as NDCDE Privacy Officers. In this role, they are responsible for approving requests from third-party individuals/entities to access student educational records, excluding parents, learning coaches, and school district officials in which a student is enrolled who are all deemed to have a legitimate educational interest or rights to access student educational records under FERPA. The Privacy Officers shall jointly maintain a master list of all vendors and other entities that have access to NDCDE student educational records and the scope of their access. The Privacy Officers ensure that NDCDE grants access to student data only to the extent there is a legitimate educational interest or a provision allowing disclosure in law.

Data Breaches

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

Training

NDCDE employees shall receive information and/or training on confidentiality requirements pertaining to student education records and consequences for breaching confidentiality. NDCDE shall also provide training to applicable personnel on the procedures for requesting to release student information contained in this policy.

Annual Notices

Because NDCDE accepts enrollments on a rolling basis, causing frequent changes to its student body, it will comply with all FERPA annual notice requirements by posting them on the NDCDE website and ensuring that parents are directed to review these notices and submit opt-out paperwork to the dean of students or assistant superintendent when necessary. NDCDE will honor opt-out notices indefinitely or until a parent notifies NDCDE of a change to them.

End of policy

Adopted: 7/10/2024

Amended:

Published where: NDCDE website, CDE-All Staff Teams Channel

Version and effective date: 08/01/2024

Policies Referenced:

[Student Educational Records Parental Disclosure & Amendment Procedures \(A6ea.v01\)](#)

[Employee Conduct Policy, B4j](#)

[Student Custody Policy, C4d](#)

Student Educational Records Parental Disclosure & Amendment Procedures (A6ea.v01)

Reviewing an Educational Record

All NDCDE student educational records are stored electronically. NDCDE will comply with a parent/guardian/eligible student's right to inspect educational records. This right will be granted using the following procedure:

1. A request to view an educational record shall be granted by the deadline in law (45 days).
2. A request may be made verbally or via email to the director of learning, dean of students, assistant superintendent, or state director. If a teacher or other employee receives such a request, s/he shall forward it to one of these administrators.
3. The administrator overseeing the review shall confirm the requesting party's eligibility to review the record. To confirm eligibility, the administrator shall either verify the requestor's email address with the student's school or require the requestor to submit/show a form of state or federally-issued identification to verify their identity. The requestor may be required to show/provide a birth certificate or other legally binding paperwork to verify their status as a parent or guardian to the student of record.
4. Upon confirmation of eligibility, the administrator shall provide the requestor with access to the record electronically through a read only link, authorize reviewer access to the record in the NDCDE student information system, email the record requested, or print a copy and mail it. The format of the record is determined solely by NDCDE based on what is most accessible to the requesting party, where in the NDCDE ecosystem is housed, and whether electronic access is feasible. Any link provided to a requestor shall be set to expire within a reasonable window of time to protect the security of the record.

Amending an Educational Record

A parent/guardian/eligible student has the right to request an amendment to any portion of the educational record s/he believes to be inaccurate, misleading, or in violation of the student's right to privacy. A parent/guardian /eligible student shall use the following procedure to dispute or request an amendment to an educational record. This procedure shall not be used to dispute a grade, disciplinary decision, or opinions/reflections of a school official contained in an educational record.

1. Any request to amend an educational record may be made verbally or via email to the director of learning, dean of students, or assistant superintendent. If a teacher or other employee receives such a request, s/he shall forward it to one of these administrators.
2. The administrator shall review the request within a reasonable time and approve or deny it. The administrator's decision shall be submitted to the parent/guardian/eligible student. If the administrator denies the amendment request, s/he shall inform the parent/guardian/eligible student of his/her right to request an appeals hearing.
3. Requests for an appeals hearing shall be submitted to the NDCDE state director. The hearing shall be held within a reasonable time after the appeal request has been made.
4. The NDCDE state director shall serve as the hearing officer. A representative of the parent/guardian/eligible student's choosing may accompany the parent/guardian/eligible student at the parent/guardian/eligible student's expense. The parent/guardian/eligible student shall have a full and fair opportunity to present evidence related to the

amendment request.

5. The NDCDE state director's decision is final and binding and shall be submitted to the parent/guardian/eligible student at a reasonable time after the hearing.
6. If the NDCDE state director denies the amendment request, s/he will notify the parent/guardian/eligible student within a reasonable time of his/her right to submit a written response commenting on the contested material and/or explaining the disagreement with the hearing officer's decision. This written response shall be retained and, when applicable, disseminated in accordance with law.

End of policy

Adopted: 07/10/2024

Amended:

Published where: NDCDE website, CDE-All Staff Teams Channel

Version and effective date: 08/01/2024

Related Policy:

[Student Privacy: FERPA \(A6e.v01\)](#)

Hiring & Onboarding

Section placeholder

Recruitment, Selection, & Background Checks (B1a.v01)

Recruitment & Selection

CDE aims to hire the best qualified person to fill a vacancy. The purposes of this policy is ensure that the hiring process is completed compliantly while providing the flexibility needed to hire for the wide variety of positions within NDCDE.

Posting Vacancies

Before any position is opened, the hiring manager is responsible for reviewing and updating the job description. In addition, each hiring manager, with the assistance of the human resources manager or designee, shall complete an applicant screening packet containing application criteria and questions along with points and scoring rubrics assigned to them, as applicable, and a list of interview questions and a scoring rubric. The CDE human resources manager will provide the hiring manager with an applicant screening packet template, identifying any questions that CDE requires to be asked of all applicants. The hiring manager shall include these required questions in the screening packets. The human resource manager shall evaluate the screening packet to ensure that points are weighted so that only applicants meeting minimum qualifications advance to the interview stage of the screening process and may recommend adjustments to the points assigned to the screening questions to ensure this.

Following the above steps, the CDE director, in consultation with the hiring manager, shall determine whether a position vacancy is posted internally or externally. There is no requirement to announce a vacancy when transferring a team member to a vacant position as a reasonable accommodation under the Americans with Disabilities Act or to avoid a reduction in force during a reorganization.

- **Internal:** Internal vacancies must be posted for a minimum of three working days. Temporary team members may be considered for internal recruitment if they were initially hired through an open and competitive recruitment and hiring process. Interns may be considered for internal recruitment if they completed a documented internship with CDE within two years immediately prior to employment. For positions filled through internal recruitment, consideration shall also be given to past performance evaluations.
- **External:** Recruiting efforts outside CDE must be planned and carried out in a manner that ensures open competition. Each external vacancy announcement must be made known to the public by publishing it in the state Human Resource Management Services (HRMS) system.
- **Veterans' Preference:** Persons eligible to receive veteran's preference are entitled to preference in employment, in accordance with NDCC 37-19.1, through external recruitment and selection. Veterans' preference does not apply to internal recruitment and selection. Veterans who are not selected for a position must be notified by certified mail that employment was refused. The letter must include the reason(s) for non-selection and provide information on how to appeal.

Application Process & Interviews

The selection process shall include determination prior to the closing date of the number of applicants to interview, screening and ranking of applications, interviews, and reference checks.

- **Qualifications:** All applicants must be considered on the basis of their job-related merits

as relates to the position. The CDE human resources manager and hiring manager shall ensure that all applicants selected to interview and the finalist selected to fill a vacancy meets the requirements as stated on the vacancy announcement and the class description.

- **Application screening:** The human resources manager will generally assign points to each employment application but may refer portions of the application, such as essay questions, to the hiring manager to score. Those applicants receiving the highest scores shall advance to the interview process based on the number of pre-determined interview slots available.
- **Interview committees:** The hiring manager shall determine the composition of the interview committee, which shall include the CDE human resources manager and should include one full-time teacher selected on a voluntary basis or randomly. When a full-time teacher cannot be identified, the hiring manager may select another CDE employee to serve or may decide to reduce the size of the committee. The CDE director will serve on interview committees for all supervisory positions. To help ease the comfort of interviewee, assist with scheduling, and help ensure adherence to the times allotted for interviews, the hiring manager may choose to involve a limited number of committee members in the interview process, recording these sessions for remaining members of the committee to score at a later time. The interview committee will use a rubric to score each candidate and will meet to review the individual scores, compile them, and select a finalist who is generally the highest scoring candidate during the interview process. Employees who are currently on performance improvement plans or warnings are ineligible to serve on interview committees.

Reference & Background Checks

After a finalist is selected, the CDE human resources manager shall conduct reference and criminal history record checks.

- **Reference checks** must consist of contacting current and previous employers and/or managers. If an applicant indicates that a current manager or employer may not be contacted, efforts shall be made to gather reference information from other sources. Reference checks may include former co-workers or subordinates, customers, clients, or anyone else who has conducted business with the applicant. However, personal references should only be used when work references are not available. If the finalist is a current or former North Dakota public employee, the CDE human resource manager should request and review the personnel file of the applicant(s). All questions of references must be related to the job for which the applicant is being considered, and CDE primarily uses the state's Employment Reference Check Form to guide this process. CDE will maintain all documentation from these checks in the finalist's recruitment file.
- A **criminal background records check** is required for all CDE positions because all employees may potentially have unsupervised electronic contact with students. These checks are conducted under the authority granted in NDCC 12-60-24 (x)(5). The CDE human resource manager is required to maintain the FBI required training in order to handle these records and keep a signed blanket Statement of Misuse on file with the CDE director prior to handling, encountering, or discussing any information presented in the Criminal History Record Information (CHRI).

As part of this check, the finalist may be asked to provide additional information related

to information presented on their CHRI. If a finalist believes his/her criminal history record is inaccurate or incomplete, he/she must notify the state agency within five working days of his/her intent to challenge the report. The finalist has the right to request a copy of his/her CHRI. Only the finalist may receive a copy of their CHRI and must pick up the copy at the state agency location.

Standards for Screening References

All information given or received from reference and background checks must be evaluated in compliance with the Fair Credit Reporting Act (FCRA), the Americans with Disabilities Act (ADA), Title VII of the Civil Rights Act, and any other applicable state and federal law. If any applicant is found to have intentionally falsified any information regarding reference or background history, the applicant will not be considered for employment.

Grounds for Disqualification from Hiring

- Falsification, including misrepresentation or failure to disclose relevant information as part of the recruitment and application process, may disqualify a candidate from employment consideration. Additional disqualifying factors may include but are not limited to the finalist is convicted of a crime against a child, is a sexual offender as defined by NDCC 12.1-32-15, or is required to register under NDCC 12.1-32-15, was dismissed from prior employment for negligence or misconduct, or the screening process revealed information about the candidate demonstrating misalignment with CDE's mission, values, or Employee Conduct Policy, B4j.

Open Record Requirements (44-04-18.27)

The applications and any records related to the applications which contain information that could reasonably be used to identify an applicant are exempt until one of the following applies:

- If NDCDE or any person delegated authority by NDCDE to review applications or make hiring decisions receives applications from three or more applicants who meet the minimum qualifications for a vacant position, NDCDE shall designate three or more of the qualified applicants as finalists for further consideration before NDCDE may issue an offer of employment to fill the position. Once the finalists are designated, the applications and related records of the finalists are open to the public.
- If, by the close of the application period for a vacant position, NDCDE receives applications from fewer than three applicants who meet the minimum qualifications, the applications and records related to the applications are open to the public.

If NDCDE does not wish to consider any of the applications further and decides not to make an offer of employment for the vacant position, it need not designate any finalist.

Criminal history records are excluded from the open records requirements above. Per NDCC Ch. 12-60, only the Bureau of Criminal Investigation can provide these records to other parties.

End of policy

Adopted: 1/12/24 and reaffirmed on 7/10/2024

Amended:

Published where: NDCDE website, CDE-All Staff Teams Channel

Version and effective date: 8/01/2024

Policy Referenced:

Acknowledgments Upon Hire (B1b.v01)

All employees must sign an acknowledgment that they have received and reviewed their job descriptions and all NDCDE policies upon being hired. All employees must also sign a drug and alcohol-free workplace acknowledgement form (SFN 16769) and equipment return form at the time of hire.

End of policy

Adopted: 1/12/24 and reaffirmed 08/02/2024

Amended:

Published where: NDCDE website, CDE-All Staff Teams Channel

Version and effective date: 8/02/2024

Licensure (B1d.v01)

All CDE teachers must hold a North Dakota teaching license unless law exempts this requirement such as for individuals instructing dual credit courses only (NDCC 15.1-25-06). Teachers who meet the state licensure requirement by obtaining a probationary license are required to have a plan on file with their immediate supervisor on the steps and timelines they will follow to become fully licensed.

Teachers who lose their teaching licensure and cannot reinstate it within a reasonable timeframe (typically 14 business day or less) are no longer qualified to perform their assigned duties and will be subject to termination.

End of policy

Adopted: 1/12/24 and reaffirmed 08/02/2024

Amended:

Published where: NDCDE website, CDE-All Staff Teams Channel

Version and effective date: 8/02/2024

Hiring Temporary Staff (B1e.v01)

NDCDE reserves the right to hire temporary employees directly or through a third-party staffing agency. If using the latter method, the hiring manager shall check with the NDCDE business office on the procurement requirements and receive the approval of the NDCDE director before contracting for these services. When a hiring manager anticipates that a temporary employee will be needed on a sustained basis, they are strongly encouraged to hire a temporary employee instead of using a staffing service. When hiring a temporary employee, the hiring manager must develop a job description, present it to the NDCDE director for approval, work with the NDCDE HR manager to determine how the position should be classified and the appropriate pay grade, and follow the state competitive personnel system.

End of policy

Adopted: 08/02/2024

Amended:

Published where: NDCDE website, CDE-All Staff Teams Channel

Version and effective date: 8/02/2024

Employment of Relatives/Nepotism (B1f.v01)

The State of North Dakota, as the employer, has established an Employment of Relatives / Nepotism policy, which is modeled from current state law. This policy applies to all team members regardless of status.

A state official or state team member, in the exercise of that official's or team member's duties, may not serve in a supervisory capacity over, or enter a personal service contract with, that official's or team member's parent by birth or adoption, spouse, son or daughter by birth or adoption, stepchild, brother or sister by whole or half blood or by adoption, brother-in-law or sister-in-law, or son-in-law or daughter-in-law.

"Supervisory capacity" means the authority to appoint, employ, hire, assign, transfer, promote, evaluate, reward, discipline, demote, or terminate another team member. "Evaluate" does not include evaluations by peers or subordinates.

This policy does not apply to an employment relationship or contract entered before August 1, 1999; nor to any employment relationship or contract entered before the state official or team member assumed the supervisory capacity; nor to any temporary work arrangement necessary to meet a critical and urgent agency need. Any funds paid out in violation of this policy must be deducted from the salary of the hiring or contracting state official or state team member. Any team member who is determined to have violated this policy will be subject to disciplinary action up to and including termination of employment.

References: NDCC 44-04-09 to 44-04-10

End of policy

Adopted: 1/12/24 and reaffirmed 08/02/2024

Amended:

Published where: NDCDE website, CDE-All Staff Teams Channel

Version and effective date: 8/02/2024

Onboarding & Commencement of Duties (B1g.v01)

Start Dates

Employee start dates will be determined by the hiring supervisor after consulting the OMB Payroll Calendar and NDCDE Operations Department to verify the budgetary impact. The start date shall be approved by the NDCDE human resources manager and CDE director prior to extending a job offer.

Orientation

All new employees will be provided with an orientation and briefing with Human Resources, which will be held within the first week of employment. The employee orientation goals are to establish good employee-employer communication, reduce the anxieties of a new environment and new responsibilities, build a teamwork spirit, provide the employee with information about the state's benefit package, and to explain the participation eligibility dates for the various plans available.

The supervisor will provide in-depth training and information regarding the employee's role and responsibilities and identify any external training needed in order for the employee to successfully perform his/her duties. While onboarding may take place throughout an employee's probationary period, teachers should commence instruction within five business days of beginning employment and staff should begin receiving work assignments within this same timeframe. All onboarding processes used by departments must be documented in CDE's process documentation repository (see Policy A5b).

For more information on implementing this policy, see [Acknowledgements Upon Hire \(B1b\)](#) and [Job Descriptions Policies \(B4l\)](#).

End of policy

Adopted: 08/02/2024

Amended:

Published where: NDCDE website, CDE-All Staff Teams Channel

Version and effective date: 8/02/2024

Policies Referenced:

[Process Documentation, A5b](#)

[Acknowledgments upon Hire, B1b](#)

[Job Descriptions, B4l](#)

Probationary Period (B1h.v01)

Every newly hired permanent employee shall serve one (1) probationary period at the time of the employee's initial hiring into a classified position at NDCDE. An employee who is rehired or reinstated after a break in service may, at the discretion of the hiring supervisor, serve an additional probationary period.

The purpose of the probationary period is to evaluate whether the employee can meet the performance requirements of the position to which the employee has been assigned. The duration of the initial probationary period must be six months. However, NDCDE may extend the probationary period for a longer duration, if it is needed, to determine satisfactory performance so long as it does not exceed one year's duration.

The hiring supervisor, shall advise each newly hired or rehired employee of the six-month probationary period prior to the time the employee begins work.

An employee may be separated at-will from the employment during the probationary period. The hiring authority shall notify the employee of the separation in writing.

The hiring supervisor shall notify the employee in writing via a performance appraisal at the completion of the probationary period that the employee has satisfactorily completed the probationary period, that the probationary period has been extended, or that employment is terminated. The lack of written notice within 15 working days of the completion of the probationary period means that the employee has successfully completed the probationary period.

The hiring supervisor may extend an initial period of probation only if there is a documented work-related reason for doing so. The hiring supervisor shall notify the employee in writing of the decision to extend, the reason of the extension, and the length of the extension. A probationary period extension beyond the initial probationary period imposed by the department may not exceed six (6) months. The notification must be accomplished within 15 working days of completion of the probationary period. A copy of this notice must be retained in the employee's official personnel file.

End of policy

Adopted: 1/12/24 and reaffirmed 08/02/2024

Amended:

Published where: NDCDE website, CDE-All Staff Teams Channel

Version and effective date: 8/02/2024

References (B1i.v01)

The purpose of this policy is to establish guidelines for the NDCDE human resources manager and supervisors when providing letters of reference for former employees of NDCDE. This policy aims to ensure fairness, consistency, and compliance with relevant laws and regulations governing public employers.

Letters of reference may be provided upon request for former employees who have left NDCDE in good standing, a status which supervisors shall verify with the NDCDE human resources manager before agreeing to write. References should be objective, factual, and focused on the employee's job-related skills and performance during their tenure with the organization. They shall not contain statements that could be considered defamatory, discriminatory, or otherwise harmful to the former employee. Supervisors are encouraged to have the NDCDE human resources manager review such letters before providing them to former employees and making any suggested edits.

Prohibition on Aiding and Abetting Sexual Abuse

NDCDE shall comply with 15.1-19-26, which prohibits assisting any school employee, agent, or contractor from obtaining a new job if it is known or alleged that the individual engaged in sexual misconduct regarding a minor or student in violation of the law.

End of policy

Adopted: 01/12/24

Amended:

Published where: NDCDE website, CDE-All Staff Teams Channel

Version and effective date: 01/12/24

Compensation, Benefits, & Reimbursement

Section placeholder

Compensation

Placeholder

Adjunct & Temporary Employee Pay (B2aa.v01)

Adjuncts

Adjunct instructors are those teachers working on a temporary status for NDCDE. They will be classified into one of two tiers, Teacher I's or II's, and are paid based on the following criteria.

Classification:

- Adjunct instructors who hold a bachelor's degree and a valid North Dakota teaching license will be classified as Teacher I's.
- Adjunct instructors who hold a master's degree and a valid North Dakota teaching license will be classified as Teacher II's.

Compensation: Adjunct instructors are compensated hourly using the NDCDE adjunct pay formula (see Workloads & Extra Duty Pay Policy, B2ag), except full-time temporary adjuncts who will be placed on a salary determined using the state classification system. The hourly rates for adjuncts will be determined as part of the budgeting process at the beginning of each biennium. The adjunct's classification status will be the primary determinant of their hourly rate. Additional factors may be years of service and performance ratings.

Merit increases: Adjunct instructors will be eligible for merit increases when funds are available for this purpose as determined by the NDCDE director. Adjuncts will be subject to the same merit increase eligibility criteria as used for FTE staff.

Payroll: The NDCDE HR manager will process payroll for part-time adjunct instructors in accordance with the monthly state payroll schedule for hourly staff.

Other Temporary CDE Employees

The hiring manager will be responsible for working with the NDCDE HR manager to devise the best method for tracking hours for temporary employees and ensuring these hours are reported and approved in time for monthly payroll processing.

End of policy

Adopted: 1/12/24 and reaffirmed 08/02/2024

Amended:

Published where: NDCDE website, CDE-All Staff Teams Channel

Version and effective date: 8/02/2024

Policy Referenced:

[Workload & Extra Duty Pay, B2ag](#)

Bonuses

See CDE's policy on Performance Evaluations & Bonuses, B6b.

Classification & Reclassification Reviews (B2ab.v01)

Administrative Code § 4-07-03

Every permanent employee (classified and non-classified) has a job description (JD) that details the major job functions and responsibilities assigned to their individual position and serves as the basic position description. The JD is used by the Human Resource Management Services (HRMS) in determining classifications and pay grades for all positions in the North Dakota classified service. For more information on JDs, see policy B4I. All positions in the classified service shall be allocated to one of the existing classes in the most current classification plan or to a class approved by the Director of HRMS for addition to the plan. No person shall be appointed or assigned to a position until it has been properly classified and allocated.

Each supervisor is responsible for maintaining the classification plan to ensure it reflects the current duties being performed in each position in the classified service and the class to which each position is allocated.

A Classification/Reclassification Request may be submitted for one of the following reasons:

1. Significant responsibilities have been assigned, reassigned, or changed for the position;
2. The position has not been reviewed for three (3) years and different duties and responsibilities have been assigned;
3. The position is allocated to a class that has been revised;
4. The position is vacant, has not been reviewed for seven (7) years, and will be filled; or
5. A new position has been authorized.

An employee may request that the hiring authority consider a reclassification request whenever a significant change in duties and responsibilities can be substantiated. The process for making JD updates for reclassification purposes is outlined below. Appointing authorities are required to take action on all reclassification requests within 60 calendar days of receiving such requests. Failure of an agency to take appropriate action within 60 calendar days is a grievable item at the agency level. Within 60 calendar days of receiving a request to review a position, HRMS shall notify the hiring authority and the employee in writing of their decision and the right to appeal. The HRMS director may extend the 60 day timeframe for the following reasons:

1. The request requires creating a new or revising an existing class description.
2. The requesting state agency (CDE) is required to obtain additional information in order to properly process the request.

In cases of extended timeframes, human resource management services will notify the appointing authority.

If an employee or supervisor is not satisfied with the HRMS decision, they may request reconsideration. A "[Job Evaluation Committee \(JEC\) Reconsideration" form \(SFN 2585\)](#) must be submitted to HRMS within 15 working days from the date the initial classification decision was mailed by HRMS. HRMS uses a committee to reconsider the decision and issues a final decision

within 60 days of the request.

Classification/Reclassification Procedures

The supervisor and employee will jointly draft all needed updates to the JD for reclassification purposes, with any differences between the supervisor's and employee's description of roles and responsibilities clearly noted. The supervisor submits the JD to the CDE director for final review and approval, and, upon approval, the CDE HR manager submits a transmittal form to HRMS, justifying the request. The CDE director may also reject the request and return it to the employee. The request to HRMS will include specific comments by the hiring authority relative to the duty and responsibility changes identified by the employee. The comments of the hiring authority will identify and establish the degree of change in the position in terms of new duties required, accountability, etc.

Both the State Director and the incumbent are notified by HRMS of the classification/reclassification decision.

End of policy

Adopted: 1/12/24 and reaffirmed 08/02/2024

Amended:

Published where: NDCDE website, CDE-All Staff Teams Channel

Version and effective date: 8/02/2024

Policy Referenced:

[Job Descriptions, B4I](#)

Compensation for Travel Time (B2ac.v01)

Exempt Staff

Exempt team members who travel on non-scheduled Saturdays and Sundays (weekends) may receive up to eight hours compensatory time on an hour-for-hour basis for each non-scheduled day when engaged in travel.

Non-Exempt Staff Compensation for Travel Hours

Employees in positions classified as nonexempt (i.e., hourly and overtime eligible) under the Fair Labor Standards Act may be eligible for compensation for the time they spend traveling. The compensation an employee receives depends on the kind of travel and whether the travel time takes place within normal work hours. For more information, reference the overtime policy, B2ad.

- **Travel for a one-day assignment in another city:** An employee who regularly works at a fixed location and is given a special one-day assignment in another city and returns home the same day will be paid for the time spent traveling to and from the other city, except for the time the employee would normally spend commuting to and from the regular work site.
- **Travel during the workday:** Time spent by an employee traveling as part of his or her regular job duties, such as travel from job site to job site during the workday, is work time and will be paid as such.
- **Travel away from home:** Travel that keeps an employee away from home overnight is travel away from home. Travel time that takes place within normal work hours, regardless of the day of the week, is treated as work hours. When an employee travels between time zones, the time zone associated with the point of departure should be used to determine whether the travel falls within normal work hours. Time spent traveling from home to an airport terminal or train station is considered commute time and is not treated as hours worked. Time spent traveling as a passenger of an airplane, automobile, train, etc., or waiting at a terminal until arrival at the destination is only compensable when it falls during normal work hours, regardless of the day of the week.
- **Travel time as the driver of an automobile:** All authorized travel time spent driving an automobile (as the driver, not as a passenger) is treated as work hours, regardless of whether the travel takes place within normal work hours or outside normal work hours.
- If the employee **performs work while traveling**, (e.g., preparing for a meeting, making phone calls, reviewing documents, etc.) this time would constitute as hours worked even if the travel time would otherwise not be compensable.

Calculating and Reporting Travel Time for Non-Exempt Staff

- Employees are responsible for accurately tracking, calculating, and reporting travel time to their supervisor in accordance with the requirements outlined above and by the deadlines CDE has established for payroll reporting purposes.

- Meal periods should be deducted from all travel time

If an employee requests a specific mode of transportation that is different from the one authorized by the company, only the estimated travel time associated with the mode of transportation that has been authorized will be eligible for compensation. For example, if an employee drives a car as a matter of personal preference when an authorized flight or other travel mode is available, and the travel time by car would exceed that of the authorized mode, only the estimated travel time associated with the authorized mode will be compensated. Travel time as a *passenger* in an automobile is not automatically treated as work hours.

End of policy

Adopted: 1/12/24 and reaffirmed 08/02/2024

Amended:

Published where: NDCDE website, CDE-All Staff Teams Channel

Version and effective date: 8/02/2024

Policy Referenced:

[Overtime, B2ad](#)

Overtime (B2ad.v02)

The NDCDE director and human resources manager are responsible for analyzing the agency's positions to determine whether those positions are exempt or non-exempt from the overtime pay requirements of the Fair Labor Standards Act. The determination of status as exempt or non-exempt is generally made at the time duties are assigned or when the assignment of duties changes for a position.

Exempt Team Members

Exempt team members are not required to be compensated for overtime. Managers have the discretion to allow exempt staff time off the job when they expend a significant amount of time beyond the regular 40-hour work week to meet unexpected or extraordinary work demands or may enact the extra duty pay provisions in the Workloads and Extra Duty Pay Policy, B2ag, if applicable. Managers shall exercise prudent care in assuring fairness in granting time off. Although formal records are not required by OMB, managers are required to initiate their own method of recordkeeping. All accumulated compensatory time not taken will be canceled upon termination of employment.

The NDCDE director must approve significant overtime prior to exempt team members working the additional hours for which they will be requesting compensatory time off or monetary compensation. Exempt team members requesting to work significant overtime must receive approval either verbally or in writing as directed by the NDCDE director.

Exempt team members who work on non-scheduled Saturdays and Sundays (weekends) may receive up to eight hours compensatory time on an hour-for-hour basis for each day worked. Division directors and the OMB director are under no obligation to approve compensatory time off or monetary compensation for exempt team members.

Non-Exempt Team Members

Non-exempt team members must be paid overtime. Prior manager approval to work overtime must be obtained by a non-exempt team member before working hours in excess of 40 in a week. Failure to secure approval to work overtime may subject a team member to disciplinary action up to and including termination of employment.

By agreement prior to the hours actually being worked, non-exempt team members must be given either monetary overtime compensation or compensatory time off, at a rate not to exceed time and one-half for each overtime hour when the hours actually worked exceed forty hours in a designated work week. Team member agreements to use a particular form of compensation must be periodically renewed before the time is actually worked. If there is no agreement, monetary compensation must be provided. Exceptions may be made by the NDCDE director when a non-exempt team member is required to respond under non-scheduled or emergency situations.

- **Monetary compensation for overtime:** When determining the total number of hours worked, the time record must be rounded to the nearest quarter hour. For example, a team member who works 41 hours and 7 minutes would be paid 41 hours. A team

member who works 40 hours and 8 minutes would be paid for 40 hours and 15 minutes. Annual leave, sick leave or other paid leave time, such as holidays unless the holiday is worked, is not considered work time for purposes of determining overtime pay. Monetary payment for overtime worked should normally be provided at the end of the pay period in which it is earned. Payment may not be delayed for a period longer than is reasonably necessary for the employer to compute and arrange for payment of the amount due, and in no event may payment be delayed beyond the next pay day.

- **Compensatory time for overtime** may be kept on the books for any length of time but may not exceed 40 hours. When 40 hours are reached, further overtime is paid via payroll. Supervisors shall maintain a spreadsheet recording compensatory time for non-exempt team members, which is shared with the NDCDE director and human resources manager.

The NDCDE director may limit the accumulation of compensatory time to less than 40 hours and may require that all compensatory time earned be taken within a certain time frame, such as the same month or following the month that it is earned. A team member who has accrued compensatory time must be permitted to use such time within a reasonable period after making the request if the use of the compensatory time does not unduly disrupt the operations of the division.

A non-exempt team member who has accrued compensatory time must, upon termination of employment, be paid for the unused compensatory time at a rate of compensation not less than the average regular rate received by that team member during the past three years of employment or the final regular rate received by the team member, whichever is higher as required by FLSA.

Reporting Comp-Time Upon Separation

When employee leaves employment with NDCDE and before the first of the month, the employee's supervisor shall notify the NDCDE human resources manager of an unused comp-time that the employee has remaining, which will be compensated monetarily in the employee's final paycheck in accordance with the Fair Labor Standards Act.

References: NDAC 4-07-07

End of policy

Adopted: 1/12/24

Amended: 08/02/2024

Published where: NDCDE website, CDE-All Staff Teams Channel

Version and effective date: 8/02/2024

Policy Referenced:

[Workload & Extra Duty Pay, B2ag](#)

Pay Grade Reviews (B2ae.v01)

Administrative Code § 4-7-04

A written request to review a pay grade may be submitted to Human Resource Management Services (HRMS) by the CDE director only if one of the following reasons applies:

1. CDE is experiencing recruiting problems due to the assigned pay grade;
2. CDE is experiencing retention problems due to the assigned pay grade; and/or
3. CDE can provide employment market data that shows an extreme variance between market pay and the classified salary.

When CDE requests a pay grade review, it shall furnish additional information to HRMS at the time the request is made. The additional information must include:

1. A statement of the problem;
2. Up-to-date job descriptions;
3. Any available statistical data that relates to the problem encountered (i.e., turnover rate, recruiting costs, training costs, etc.);
4. Details of efforts to resolve the problem through alternative methods; and
5. Any available analysis of the current use of the salary range assigned to the existing pay grade.

An employee may request that CDE submit the pay grade assigned to the employee's class to HRMS for review. CDE shall consider an employee's request to submit the pay grade assigned to the employee's class to HRMS for review. CDE shall, within 60 calendar days, determine if the reasons apply and if the information required is available. If any of the reasons apply and if the information is available, CDE shall submit the request to HRMS for review. If none of the reasons apply, CDE may return the request to the employee.

Within 60 calendar days of receiving a request to review a pay grade, HRMS shall notify CDE in writing of their decision and the right to request reconsideration.

CDE shall communicate pay grade assignments to the employees. The Human Resource Management Services Director may extend the time when the nature of the request requires extensive review and comment period in order to properly process the request. In cases of time extensions, Human Resource Management Services shall notify CDE.

End of policy

Adopted: 1/12/24 and reaffirmed 08/02/2024

Amended:

Published where: NDCDE website, CDE-All Staff Teams Channel

Version and effective date: 8/02/2024

[RETURN TO TABLE OF CONTENTS](#)

Pay Periods & Payroll Reporting (B2af.v01)

NDCDE pays all employees on a monthly basis (12 pay periods). Regular full-time employees are paid on the first working day of the calendar month. Temporary and part-time employees, and overtime pay are paid on the 10th calendar day, except if the 10th falls on a weekend or is a holiday then it is paid on the preceding working day.

Salaried employees are required to report their hours worked weekly using Peoplesoft. Hourly employees may be required to submit their hours in Peoplesoft or their departments may complete this reporting for them. Hourly employees should check with their immediate supervisor to confirm time reporting expectations and processes.

Supervisors are required to approve timesheets for salaried employees weekly. For hourly employees, supervisors are required to ensure all professional development hours are reported by no later than the 27th of each month or as determined by the human resources manager who shall communicate changes to this deadline with all impacted supervisors in a timely manner. All hourly employee timesheets need to be approved by their supervisor no later than 5pm on the last day of each month, unless it falls on a weekend.

End of policy

Adopted: 08/02/2024

Amended:

Published where: NDCDE website, CDE-All Staff Teams Channel

Version and effective date: 8/02/2024

Workloads & Extra Duty Pay (B2ag.v02)

Workloads

NDCDE full-time employees are expected to work an average of 40 hours per week. For full-time middle and high school teachers, this equates to all instructional work associated with 300 enrollments per fiscal year or no more than 150 enrollments at one time, attendance at all required group and individual meetings, review and updates to curricula in content area(s), and completion of all required professional development. Full-time elementary teachers will meet this 40-hour per week requirement through the combination of enrollments and course preps assigned by the direct supervisor, attendance at all required group and individual meetings, review and updates to elementary curricula, and completion of all required professional development. Each full-time elementary teacher is required to teach at least all core courses in two grade levels or more, teach elective courses based on capacity, and have an ongoing maximum of 40 unique learners assigned each semester during the traditional school year (August-December and January-May).

Assignment of non-routine or non-instructional duties to full-time teachers may be substituted for enrollments based on a workload reduction recommendation made by the director of learning or designee, which must be approved by the NDCDE director prior to implementation.

Part-time teachers shall not exceed their part-time hourly status defined as no more than 30 hours per month or shall not exceed those allowable to maintain TFFR retiree status. Hours for part-time teachers include those earned through attendance at meetings and completion of all professional development assigned by the teacher's supervisor or by other members of the CDE leadership team. Monthly part-time teacher hours are determined by multiplying weekly enrollments by a weighting factor of 1.4 hours and averaging weekly hours over the number of weeks worked each month. Exceptions to this standard for part-time teachers may be granted by NDCDE's human resource manager for purposes of substituting or filling a temporary instructional need as long as the teacher is not a TFFR retiree and the assignment is short-term and will not result in the need to reclassify the employee as full-time. Part-time teachers may be requested to complete curricular reviews and serve on committees, and the part-time teacher will be responsible for tracking and reporting these hours to his/her supervisor monthly by the payroll deadline.

Supervisors are encouraged to develop methods for tracking full-time employee hours, reviewing them periodically to ensure that each employee has a full-time load.

Extra Duty Pay

When a supervisor anticipates that a project or other extra responsibilities will result in the employee exceeding an average of 40 hours per week for 30 days or more, and there will be no opportunity to reduce the employee's workload later in the year to account for the extra hours worked, the supervisor shall do the following:

- Estimate the number of hours associated with the extra duty assignment
- Prepare a written summary of the extra duties to be assigned
- Submit this information to his/her immediate supervisor who shall confer with the NDCDE director and human resources manager to determine if extra pay is warranted. Upon approval, this team will decide the method for compensating the employee, the amount to be paid, and prepare a written agreement for the employee to sign prior to the work commencing, if possible.

In cases where work must be reallocated immediately due to an extenuating circumstance, upon the request of a direct report, the NDCDE director may authorize an employee to begin performing the extra responsibilities before the steps outlined above are executed.

End of policy

Adopted: 07/10/2024

Amended:

Published where: NDCDE website, CDE-All Staff Teams Channel

Version and effective date: 08/01/2024

Teacher Course Preps (B2ah.v01)

To promote and support personalized learning and regular teacher-student communication and interactions, NDCDE has enacted this policy.

Preps

NDCDE will assign teachers course preps in consultation with them based on its needs, teacher capacity, and amount of assignments requiring manual grading in each course, generally adhering to the practice of assigning no more than seven course preps simultaneously for middle and high school teachers and no more than four preps for adjuncts at these grade levels. When NDCDE regularly exceeds its maximum threshold on course preps, it will hire additional adjuncts within budget parameters. The [Workload & Extra Duty Policy \(B2ag\)](#) contains an exception to these standards for elementary teachers.

Teacher to Student Ratios

The Workload & Extra Duty Pay Policy stipulates the enrollments assigned to full-time teachers and adjuncts.

End of policy

Adopted: 12/16/2024

Amended:

Published where:

Version and effective date:

Policies Referenced:

[Workload & Extra Duty Policy \(B2ag\)](#)

Leaves

Placeholder

Annual Leave (B2ba.v01)

The State of North Dakota provides paid annual leave as a benefit to team members who work in a regular position.

Length of Service	Hours Earned/Month		Hours Earned/Year
0-3 complete years	8		96
Beginning of 4 th year to 7 complete years	10		120
Beginning of 8 th year to 12 complete years	12		144
Beginning of 13 th year to 18 complete years	14		168
Beginning of 19 th year and over	16		192

Prorated hours of annual leave will be granted to team members in regular positions who work less than the standard 40-hour work week. When calculating earned annual leave, work time includes holidays and paid leave used.

Usage

Annual leave may not be used before it is earned. Employees shall request to use annual leave in accordance with the Leave Approval, Accrual, & Reporting Policy, B2bh.

Temporary Employees

See CDE's policy on Benefits for Temporary Employees, B2ca.

Reinstatement/Transfer of Leave Balance

A team member who is rehired by the state within three years of termination must be credited with their prior service when determining their annual leave earning rate going forward. When a team member transfers from one state agency to another and there is no break in service, the "sending" agency must pay the team member the value of the earned annual leave hours the "receiving" agency will not accept.

Balance Limits

No more than 240 hours of earned and unused annual leave may be carried forward past April 30 of each year. Any hours in excess of 240 hours will be eliminated after April 30. A team member's supervisor may require a team member to use earned annual leave prior to using earned compensatory time for leave purposes.

Payment of Balance

A team member may not be paid for unused annual leave while the team member remains in the service of the agency except when the team member takes a long-term leave of absence (six months or more), goes on educational leave, transfers to temporary employment, or if specifically requested by the employing agency and approved by HRMS due to a business-related reason prior to April 30 of each year. All earned and unused annual leave is payable

upon termination of employment, regardless of the reason for termination.

Reference: NDAC 4-07-12

End of policy

Adopted: 1/12/24 and reaffirmed 08/02/2024

Amended:

Published where: NDCDE website, CDE-All Staff Teams Channel

Version and effective date: 8/02/2024

Policies Referenced:

[Leave Approval, Accrual, & Reporting Policy, B2bh](#)
[Benefits for Temporary Employees, B2ca](#)

Family Medical Leave Act (B2bb.v01)

The State of North Dakota, as the employer, has established a Family Medical Leave Act (FMLA) policy that provides guidance to the handling of these team member situations in a sensitive and confidential manner. This policy is not an exhaustive description of state and federal laws relating to family and medical leave (i.e., FMLA leave is different from family sick leave as allowed under NDAC 4-07-13-07). Team members should consult with CDE's human resource manager when these situations arise to ensure compliance with all applicable laws.

Eligibility

Team members are eligible for FMLA leave if they have been employed with the State of North Dakota for at least 12 months and have worked at least 1,250 hours during the previous 12-month period.

Program Details

FMLA provides eligible team members with up to 12 weeks of unpaid, job-protected leave for the following reasons:

- a. The birth or care of the team member's child within the first 12 months after the birth.
- b. The placement or care of a newly adopted or foster child within the first 12 months after placement.
- c. Care for the team member's spouse, son, daughter, or parent, who has a serious health condition. Son or daughter is defined as a biological, adopted, or foster child; a step-child; and a legal ward under the age of 18 or, if older than 18, incapable of self-care because of a mental or physical disability at the time the leave is requested. Team members who provide day-to-day care or financial support to a child can be considered "in loco parentis" even if they have no biological or legal relationship with a child and be entitled to 12 weeks of FMLA leave. The employing agency may require the team member to provide reasonable documentation or a statement of family relationship.
- d. A serious health condition that makes the team member unable to work or perform any one of the essential functions of the team member's job. Examples would include an illness, injury, impairment or physical or mental condition that involves either an overnight stay in a medical care facility or continuing treatment by a health care provider for a condition that either prevents the employee from performing the functions of the job or prevents the qualified family member from participating in school or other daily activities.
- e. A qualifying event arising from a team member's spouse, child, or parent that is a covered military member on active duty or has been notified of impending call or order to active duty in the armed forces. Examples would include short-notice deployment, military events and related activities, counseling, post-deployment activities, and additional activities that may arise out of active duty or call to active-duty status. A team member who is the spouse, parent, child, or next of kin of a current member of the armed forces who was injured in the line of duty on active duty in the armed forces may be eligible for a combined total of 26 weeks of FMLA leave for any qualifying reason during the 12-month period. Family members may also take 26 weeks of FMLA leave for a veteran who is undergoing medical treatment, recuperation, or therapy and who was a service-member at any time during the five years preceding the date in which the injury or illness was

incurred in the line of duty and manifested itself before or after the member became a veteran.

Spouses

A team member and spouse who work for the same employer are entitled to a combined total of 12 weeks of FMLA leave if taken for the birth, adoption or foster care of a healthy child, or to care for the team member's parent with a serious health condition. A team member and spouse who work for the same employer are each entitled to 12 weeks of FMLA leave if the child with a serious health condition was born or placed for adoption or foster care. The team member and spouse may be limited to a combined total of 26 weeks of FMLA leave when care for a covered service-member with a serious injury or illness is taken in addition to FMLA leave for birth of the team member's son or daughter or to care for the healthy child after birth, for placement of a healthy son or daughter with the employee for adoption or foster care, to care for the child after placement, or to care for the team member's parent with a serious health condition during a single 12-month period.

Intermittent Leave

When medically necessary, team members may take FMLA leave intermittently or on a reduced work schedule for their own serious health condition, the serious health condition of a family member, or to care for a covered service-member with a serious injury or illness.

Entitlement Period & Use of Other Leave

The FMLA leave entitlement period will be determined by a rolling 12-month period measured backward from the date a team member first uses any leave under this section. Any unpaid FMLA leave used during this 12-month period will be deducted from the total amount of FMLA leave provided. If a team member is eligible for FMLA leave, it will run concurrently to the team member's accrued paid leave used and donated leave received if applicable.

Benefit Accrual

While on FMLA leave, the employing agency will continue to pay employer paid benefit premiums for the team member.

Required Documentation for FMLA, Early Returns, & Extensions

A team member requesting FMLA leave must complete the required paperwork, obtain medical certification, and submit the completed documents to the employing agency as soon as the need for FMLA leave is known. Forms should be obtained from the CDE human resources manager. Failure to provide the requested information or medical certification with the leave request may result in denial of the leave until it is provided. CDE will comply with safe harbor notification requirements in the Genetic Information Nondiscrimination Policy, B3ac, when requesting employee medical certification under this policy.

If a team member wishes to return to work prior to the expiration of a FMLA leave of absence, written notification must be given to the employing agency prior to the team member's planned return. A team member may also be required to submit to additional examinations by a health care provider selected and paid for by the employing agency. Any recertification requested by the employing agency shall be at the team member's expense.

The employing agency will not request recertification until the minimum duration has passed unless:

- the team member requests a leave extension;
- circumstances described by the previous certification have changed significantly; or
- the employing agency receives information that casts doubt upon the continuing validity of the certification.

A team member who needs to request an extension of FMLA leave due to the continuation, recurrence or onset of his/her own serious health condition or of the serious health condition of the team member's spouse, child, or parent, must submit a written request for an extension to the employing agency.

Return to Work

Upon return from FMLA leave, a team member who is not designated as a "key team member" will be restored to his or her original position or an equivalent position with equivalent pay, benefits, and any other employment rights that existed at commencement of the leave or that may have accrued during the FMLA leave period. A team member designated as a "key team member" may not be provided restoration rights upon return from FMLA leave. Whether a position is an "equivalent position" is the decision of the employing agency. Individuals designated as "key team members" under FMLA will be notified of such designation at or before the time FMLA leave commences. If the restoration of a key team member causes "substantial and grievous economic injury" to the employing agency, reinstatement upon returning from leave may not occur.

A team member who takes leave for their own serious health condition may be required to provide a fitness for duty certification signed by the health care provider prior to his/her return to work. If a team member fails to submit the required fitness for duty certification, the employee's restoration to his or her position may be delayed or denied.

A team member who fails to return at the end of the FMLA leave will be considered to have voluntarily resigned unless additional leave as a reasonable accommodation under the Americans with Disabilities Act is necessary. If a team member fails to return from an FMLA leave, the employing agency may recoup the cost of employer paid benefit plan premiums for any period of the FMLA leave which was taken as unpaid leave, unless the reason the team member does not return is due to:

- The continuation, recurrence, or onset of a serious health condition of the team member or the team member's family member which would otherwise entitle the team member to leave under FMLA; or
- Other circumstances beyond the team member's control such as caring for a newborn with a serious health condition, the spouse is transferred to a location more than 75 miles from the team member's worksite, etc.

If the employing agency enacts a reduction-in-force during the team member's absence and the team member would have lost his/her position, the team member retains any rights under the employing agency's Reduction in Force policy (B7a) but may not be eligible for reinstatement under FMLA.

Paid Leave Use and Holiday Considerations

All unpaid FMLA leave used will be deducted from the total amount of FMLA leave provided, and runs concurrently with any paid and donated leave the team member uses during this time. A team member must use any accrued paid and donated leave received before unpaid FMLA leave will be authorized. Team members who have exhausted the applicable types of paid leave

will be provided unpaid leave to fulfill the authorized period of FMLA leave. Team members in an unpaid leave status will not accrue annual or sick leave during the period of unpaid leave. If a holiday falls within a week in which the team member needs a full week of FMLA leave, the holiday will count against the FMLA leave entitlement.

If the team member needs less than a full week of FMLA leave and a paid holiday occurs during the leave period, the holiday cannot be counted against the 12-week entitlement unless the team member would be otherwise scheduled and expected to work if not on leave. Any team member who is determined to have violated this policy will be subject to disciplinary action up to and including termination of employment.

References: 29 CFR §825, NDCC 54-52.4-03, NDAC 4-07-13-07

End of policy

Adopted: 1/12/24 and reaffirmed 08/02/2024

Amended:

Published where: NDCDE website, CDE-All Staff Teams Channel

Version and effective date: 8/02/2024

Policy Referenced:

[Genetic Information Nondiscrimination Policy, B3ac](#)
[Reduction-In-Force, B7a](#)

Funeral Leave (B2bc.v01)

The State of North Dakota, as the employer, provides up to twenty-four (24) working hours of paid leave for team members to attend or make arrangements for a funeral as a result of a death in the team member's family.

Family: Includes a team member's husband, wife, son, daughter, father, mother, father-in-law, mother-in-law, stepparents, brother, sister, step siblings, brother-in-law, sister-in-law, grandparents, spouse's grandparents, grandchildren, stepchildren, foster parents, foster children, daughter-in-law, and son-in-law.

Funeral leave: An approved absence from work with pay for a team member to attend or make arrangements for a funeral as a result of a death in the team member's family.

Funeral leave is a separate type of paid leave and is not considered to be annual or sick leave. Funeral Leave is prorated for team members working less than 40 hours per week (i.e. a team member normally scheduled to work 20 hours per week would be eligible for 12 working hours of Funeral Leave). Temporary employees are not eligible for paid funeral leave.

References: NDAC 4-07-14-02, 03, 04

End of policy

Adopted: 1/12/24 and reaffirmed 08/02/2024

Amended:

Published where: NDCDE website, CDE-All Staff Teams Channel

Version and effective date: 8/02/2024

Holidays (B2bd.v01)

The State of North Dakota, as the employer, provides 10 paid holidays to employees who work in regular positions. CDE offices shall be closed on these days. Adjuncts may work on these days at their discretion.

Recognized holidays for state government purposes:

1. The first day of January, which is New Year's Day.
2. The third Monday in January, which is Martin Luther King Day, in recognition of "the life, legacy, and dream of Martin Luther King, Jr."
3. The third Monday in February, in recognition of the birthday of George Washington.
4. The Friday preceding Easter Sunday, commonly known as Good Friday.
5. The last Monday in May, which is Memorial Day.
6. The fourth day of July, which is the anniversary of the Declaration of Independence.
7. The first Monday in September, which is Labor Day.
8. The eleventh day of November, which is Veterans' Day.
9. The fourth Thursday in November, which is Thanksgiving Day.
10. The twenty-fifth day of December, which is Christmas Day.
11. Every day appointed by the President of the United States or by the Governor of this state for a public holiday (NDCC Section 1-03-01).

If such holiday falls on Saturday, the preceding Friday will be the holiday; if the holiday falls on Sunday, the Monday following will be the holiday (NDCC Sections 1-03-02 and 1-03-02.1).

State offices close at 12 noon on December 24, Christmas Eve Day, if the 24th falls on Monday, Tuesday, Wednesday, or Thursday (NDCC Section 1-03-01.1).

Holiday Work Schedule Adjustment Options

All regular CDE employees shall have all state holidays off unless they receive supervisor approval to work on a holiday due to an extenuating business need (e.g., systems update). If a regular CDE employee works on a holiday, the employee may be provided an alternate day off.

A holiday is considered to be an 8-hour day except for December 24 which is 4 hours. Therefore, adjustments must be made for those employees working an alternate work schedule.

Authority: NDAC 4-07-07-06
NDCC Section 1-03-01

End of policy

Adopted: 1/12/24 and reaffirmed 08/02/2024

Amended:

Published where: NDCDE website, CDE-All Staff Teams Channel

Version and effective date: 8/02/2024

Honor Guard Leave (B2be.v01)

The State of North Dakota, as the employer, provides up to twenty-four (24) working hours of leave with pay per calendar year for a team member to participate as an honor guard for a funeral service of a veteran.

- **Honor Guard:** An individual with an essential ceremonial role in the funeral service of a veteran.
- **Honor Guard Leave:** Approved absence from work with pay for a team member to participate in an honor guard for a funeral service of a veteran.
- **Individual with an Essential Ceremonial Role:** performing as part of the official funeral service of a veteran is a member of the flagbearers, a member of the flag-folding team, member of the firing party, the bugler, or the honor guard captain.

Honor guard leave is a separate type of paid leave and is not considered to be annual or sick leave. Honor guard leave is prorated for team members working less than 40 hours per week (i.e., a team member normally scheduled to work 20 hours per week would be eligible for 12 working hours of honor guard leave.) Temporary team members are not eligible for paid honor guard leave.

References: NDAC 4-07-14-02, 03, 04

End of policy

Adopted: 1/12/24 and reaffirmed 08/02/2024

Amended:

Published where: NDCDE website, CDE-All Staff Teams Channel

Version and effective date: 8/02/2024

Jury & Witness Leave (B2bf.v01)

Jury Duty: Employees selected for jury duty must be granted an approved absence from work with pay, except that an amount of pay equal to the amount the employee received from the court for jury duty service must be deducted from the employee's regular pay. However, if an employee is on authorized annual leave while performing jury duty, the employee may retain the fee paid by the court and the employee's pay may not be reduced.

Employees should make a copy of any reimbursement received and forward it immediately to NDCDE Human Resources.

Witness Duty: Employees who are called to appear as a witness or expert witness on behalf of CDE are reimbursed by the employer for mileage, meals and lodging. Also, the employee must be paid the employee's regular rate of compensation for time spent as a witness. In this circumstance, the employee is not considered on leave.

An employee may retain a witness fee paid by a party only when each of the following applies:

1. CDE did not reimburse the employee for mileage, meals, and lodging.
2. The employee was on authorized leave.

If an employee performs witness duties unrelated to the employee's official capacity or because the employee is personally interested in the proceedings or because the employee volunteers to do so, they must be placed on annual leave or leave without pay status. In these situations, the employee may retain any witness fee provided to the employee.

Temporary employees are not eligible for paid jury or witness leave unless they perform witness duties related to the employee's official capacity.

End of policy

Adopted: 1/12/24 and reaffirmed 08/02/2024

Amended:

Published where: NDCDE website, CDE-All Staff Teams Channel

Version and effective date: 8/02/2024

Leave of Absence without Pay (Non-Medical) (B2bg.v01)

Administrative Code § 4-07-15

The NDCDE director may grant an employee's request for a leave of absence without pay provided that:

1. The absence of the employee will not unduly disrupt the agency's operations or services.
2. The employee is placed on leave without pay and is not terminated.
3. The employee does not accrue annual leave while on leave without pay status, but retains any unused annual leave hours, subject to other restrictions, and retains the employee's previous years of continuous service for the purpose of determining the employee's annual leave accrual rate.
4. The employee does not accrue sick leave while on leave without pay status but retains any unused sick leave hours.
5. If the leave without pay status is scheduled to extend longer than fourteen consecutive calendar days, the NDCDE director and the employee must agree in writing, prior to the beginning of the leave, about the status of employee benefits, and the terms and conditions of the employee's return to work.
6. The leave without pay does not exceed one year in duration.

This type of leave must be coordinated in accordance with the NDCDE Leave Approval, Reporting, & Accrual policy, B2bh.

Should an employee fail to return to work at the expiration of the leave, the employee may be terminated unless other arrangements have been made.

End of policy

Adopted: 1/12/24 and reaffirmed 08/02/2024

Amended:

Published where: NDCDE website, CDE-All Staff Teams Channel

Version and effective date: 8/02/2024

Policy Referenced:

[Leave Approval, Reporting, & Accrual, B2bh](#)

Leave Approval, Reporting, & Accrual (B2bh.v01)

Approval

The CDE director, along with NDCDE employees with supervision duties, have the authority to approve leave with or without pay. All individuals with authority to approve leave are required to apply PeopleSoft Time and Labor requirements and practices. All leave types, including FMLA, family leave, annual leave, and sick leave must be taken in no less than half ($\frac{1}{2}$) hour increments.

Employees must submit requests for planned leave in advance. It is recommended that employees provide one (1) week's advance notice of planned leave for leave less than five business days in duration and one (1) month's advance notice for planned leave of more than five business days. When this amount of notice is not possible, the employee will request leave as soon as s/he is aware of the need to take it. The employee must receive the supervisor's approval in Peoplesoft before commencing planned leave.

Unanticipated absences due to illness, emergency, or bereavement, must be reported to the employee's supervisor at the time of occurrence. After the employee reports the initial emergency leave, s/he is required to stay in regular communication with his/her supervisor to provide updates on the employee's anticipated return date.

Other than the above reporting and check-in responsibilities, employees are not required to perform CDE work while on leave.

Coordination of Duties

Whenever a non-instructional employee takes leave for three or more business days, the employee's supervisor is responsible for meeting with the employee to identify responsibilities that must be delegated in the employee's absence to ensure continuity of CDE operations. In the case of unanticipated absences projected to last three business days or more, the employee's supervisor shall delegate the employee's responsibilities as needed.

For teachers taking leave for three or more business days, the teacher is required to complete the teacher leave request online form, and the teacher's supervisor is responsible for coordinating coverage of duties with a substitute teacher. Whenever possible, the supervisor should select an adjunct teacher to provide this coverage, and the adjunct will receive credit for the extra enrollments assigned on a temporary basis for payroll purposes. If an FTE teacher provides substitute teaching coverage, his/her supervisor shall determine the appropriate annual workload reduction based on the number of enrollments and the duration for which the FTE performs substitute teaching. The Teaching and Learning Department has developed a list of duties to reassign to a substitute and protocols for coordinating this hand off.

The absent employee is responsible for turning on an “out of office” reply for his/her inbox with the name and email address of a CDE employee who can assist in the employee’s absence and an anticipated return date. The absent employee’s supervisor is authorized to work with the NDCDE IT department to receive access to files and emails that s/he or other employees have a business need to access in the absent employee’s stead.

Reporting of Sick and Annual Leave

Employees returning from unanticipated absences must complete a Request Absence via PeopleSoft. Once approved, the amount of leave hours will be automatically recorded to the employee's weekly timesheet.

Leave Balances

Leave balances are located in PeopleSoft under Leave Balances. The initial balance is the amount of hours available to use. Leave balances shown on the 1st of the month pay stub include the hours earned for the month being paid, but not the hours taken for the month. The 10th of the month pay stub leave balances include the hours earned and taken for the month being paid.

Leave Accruals

Annual and sick leave accrual dates are May 1 to April 30. Family sick leave and military leave balances are on a calendar basis.

End of policy

Adopted: 08/02/2024

Amended:

Published where: NDCDE website, CDE-All Staff Teams Channel

Version and effective date: 8/02/2024

Leave Sharing (B2bi.v01)

The State of North Dakota, as the employer, provides eligible permanent and probationary team members the ability to receive up to four months of donated annual and/or sick leave, in a 12-month period from eligible state of ND team members.

Annual Leave Sharing

A team member is eligible for donated annual leave if the team member, relative or household member is suffering from an extraordinary or severe illness, injury, impairment, or physical or mental condition that has caused or is likely to cause the team member to take leave without pay or terminate employment.

Sick Leave Sharing

A team member is eligible for donated sick leave if the team member is suffering from an extraordinary or severe illness, injury, impairment, or physical or mental condition that has caused or is likely to cause the team member to take leave without pay or terminate employment.

Recipient Eligibility

Permanent and probationary team members are eligible to receive shared leave pursuant to the following conditions:

1. The team member has submitted medical documentation from a healthcare provider regarding the medical condition through PeopleSoft. Acceptable documentation includes Shared Leave Program Certification of Health Care Provider, FMLA Certification of Health Care Provider for Employee's Serious Medical Condition or Employee's Family Member Serious Medical Condition.
2. The team member has exhausted their own paid leave (annual leave, sick leave, or comp-time).
3. The team member abides by all related leave policies and processes.
4. The team member's use of shared leave, including both annual and sick leave, does not exceed 693 hours in any 12-month period.

HRMS will make a determination on shared leave requests after consultation with CDE's human resources manager. Donated leave received by the team member may be used only for the approved reasons. If a team member receives more donated leave than needed, the extra leave will be returned to the donor. Donated leave is not paid out to the team member at time of separation.

Donation Eligibility

Permanent and probationary team members are eligible to donate annual and/or sick leave to a team member on the shared leave list pursuant to the following conditions:

1. The team member retains 40 hours of annual leave after the leave donation has been made.
2. The team member donates no more than five (5) percent of their sick leave in a 30-day period.

Reference: NDCC 54-06-14.7

End of policy

Adopted: 1/12/24 and reaffirmed 08/02/2024

Amended:

Published where: NDCDE website, CDE-All Staff Teams Channel

Version and effective date: 8/02/2024

Military Leave (B2bj.v02)

Team members who serve in the reserve components of the US Armed Forces (Reserve or National Guard) may be required to take leave to attend military training, to provide disaster response, or for mobilization or deployment. These team members are entitled to a leave of absence from their state position for any military duty including traveling to and from a duty station without loss of status or efficiency rating. These leaves must be requested in accordance with the Leave Approval, Reporting, and Accrual Policy, B2bh.

Team members that have been in the continuous employment of the state for 90 days will receive 20 workdays each calendar year without loss of pay for any military duty. In addition, any leave of absence necessitated by a full or partial mobilization of the reserve and national guard forces of the United States of America, or emergency state active duty, in which official orders to active duty are issued, team members will be granted 10 additional days of military leave per calendar year to attend active-duty service.

If leave is required for any military related duty or travel (including to and from a duty station) on a team member's scheduled workday, the team member will be given the option of time off as paid military leave, annual leave, unpaid leave or given the opportunity to reschedule the work period to allow for military duty to occur during time off.

Seniority and time in service:

- Annual and sick leave will not accrue during time of active service for deployment.
- Annual or paid leave time accrual rate will be calculated as if there is continual employment.

Re-employment: A team member who within 90 days after receiving a discharge other than dishonorable from active military service will be reinstated to employment to their former position or one of like seniority, status, and pay, and is immune from discharge from the position except for cause, as defined by the North Dakota Department of Veterans' Affairs for a period of one year after entering back into the position.

Reference: USERRA 38 U.S.C. 4301-4335
NDCC 37-01-25

End of policy

Adopted: 1/12/24 08/02/2024

Amended: 08/02/2024

Published where: NDCDE website, CDE-All Staff Teams Channel

Version and effective date: 8/02/2024

Policy Referenced:

[Leave Approval, Reporting, & Accrual, B2bh](#)

Sick Leave (B2bk.v02)

The State of North Dakota provides paid sick leave as a benefit to its team members who work in regular positions.

- **Sick leave:** An approved absence from work with pay for use in accordance with NDAC 4-07-13-07.
- **Eligible family member:** The team member's spouse, parent (natural, adoptive, foster and stepparent), child (natural, adoptive, foster and stepchild), or any other family member who is financially or legally dependent upon the team member for financial or legal support.
- **Serious health condition:** A disabling physical or mental illness, injury, impairment, or condition involving inpatient care or outpatient care requiring continuing treatment by a health care provider.
- All sick leave must be requested in accordance with the Leave Approval, Reporting, and Accrual Policy, B2bh.

Accrual

Sick leave is earned beginning on the first day of employment in a regular position. Full-time team members in regular positions earn (8) eight hours of sick leave for each month of full-time employment with no maximum accumulation. Prorated hours of sick leave will be granted to team members in regular positions who work less than the standard 40- hour work week. When calculating earned sick leave, work time includes holidays and paid leave used.

Temporary team members are not eligible to earn sick leave.

Sick leave may not be used before it is earned.

Use

Team members who need to use sick leave in excess of their accrued sick leave may be required to utilize another type of paid leave. Sick leave may be used by a team member for the following reasons:

- The team member is ill or injured and is unable to work.
- The team member has an appointment for the diagnosis or treatment of a medically related condition.
- For the birth or placement of an adopted/foster child not to exceed six weeks (240 hours) within the first six months to care for the child. This applies to both parents. This does not prevent a team member from using additional sick leave for the team member's own illness, medical needs or health needs following the birth of the child.
- For the death of the team member's child not to exceed 160 hours within six months following the death of the child.
- The team member wishes to attend to the needs of the team member's eligible family members who are ill or to assist them in obtaining other services related to their health and well-being.
 - Sick leave used for these purposes may not exceed eighty (80) hours per calendar year.
 - Upon approval, a team member may take up to an additional 480 hours, per

calendar year, of the team member's accrued sick leave to care for the team member's child, spouse, or parent with a serious health condition. The agency may require the team member to provide written verification of the serious health condition by a health care provider.

- The team member is seeking services or assisting the team member's spouse, parent, child, or sibling in obtaining services, relating to domestic violence, a sex offense, stalking, or terrorizing. At the discretion of the team member's manager, the sick leave hours used for this purpose may be limited to forty hours per calendar year.
- The team member is a participant in an employee assistance program. For all uses of sick leave, the manager has the option to request verification from the team member's healthcare provider.

Reinstatement/Transfer of Leave Balances

A team member who leaves employment and who is rehired within one year must be credited with the amount of sick leave hours the team member had accumulated at the time of departure, less any amount for which the team member had subsequently been paid. A team member affected by a reduction in force and rehired within two years must be credited with the amount of sick leave hours the team member had accumulated at the time of termination, less any amount for which the team member had subsequently been paid.

When a team member transfers from one state agency to another and there is no break in service, the "receiving" agency will accept all accrued sick leave hours. State agencies covered by the North Dakota merit system shall accept all accrued sick leave hours of a human service zone team member in a position classified by HRMS.

Payment of Balance

Team members with ten years of continuous state employment who leave the employment of the state are eligible for payment of ten percent of their unused sick leave balance. A team member may not be paid for unused sick leave while the team member remains in the service of the agency.

References: NDAC 4-07-13, NDCC 54-06-14; 54-52.4-03

End of policy

Adopted: 1/12/24 08/02/2024

Amended: 08/02/2024

Published where: NDCDE website, CDE-All Staff Teams Channel

Version and effective date: 8/02/2024

Policy Referenced:

[Leave Approval, Reporting, & Accrual, B2bh](#)

Other Benefits

Placeholder

Benefits for Temporary Employees (B2ca.v01)

Temporary employees do not receive annual leave and sick leave. Temporary employees who are not teachers may participate in the retirement plan and health and life insurance at their own expense. Temporary employees who are teachers licensed in North Dakota and are serving CDE in this capacity participate in the Teachers Fund for Retirement (TFFR). See the PERs & TFFR Benefits Policy, B2cc, for more details.

If a full-time temporary employee becomes a regular status employee, the following state administrative rules apply to awarding sick and annual leave:

- Annual Leave: [ND Administrative Code § 04-07-12-11](#)
- Sick Leave: [ND Administrative Code § 04-07-13-10](#)

End of policy

Adopted: 1/12/24 and reaffirmed 08/02/2024

Amended:

Published where: NDCDE website, CDE-All Staff Teams Channel

Version and effective date: 8/02/2024

Policy Referenced:

[PERs & TFFR Benefits Policy, B2cc](#)

Employee Assistance Program (B2cb.v01)

The policy of the State of North Dakota is to assist, in a strictly confidential manner, team members who are experiencing problems relating to mental or emotional illness, marital or family stress, chemical dependency, and other concerns.

The Employee Assistance Program (EAP) is available to all regular team members and their immediate family members (spouse and children living in the same household as the team member and dependent children attending school). A team member or team member's immediate family member may contact an EAP provider directly for assistance.

Referrals & Requests

Self-referrals are strongly encouraged. Managers may refer team members to the EAP. A team member is not required to accept a manager's referral to the EAP. However, a team member's continued unsatisfactory job performance may result in discipline up to and including termination of employment.

No team member will have job security or promotional opportunities jeopardized by coming forward to request counseling or EAP assistance.

Use of Sick Leave

Sick leave may be used to attend EAP sessions in accordance with the NDCDE Sick Leave Policy, B2bk.

Additional Information

EAP program details are found at: <https://www.ndpers.nd.gov/active-members/insurance-plans/ndpersemployee-assistance-program-eap>.

End of policy

Adopted: 1/12/24 and reaffirmed 08/02/2024

Amended:

Published where: NDCDE website, CDE-All Staff Teams Channel

Version and effective date: 8/02/2024

Policy Referenced:

[**Sick Leave Policy, B2bk**](#)

PERS & TFFR Benefits (B2cc.v01)

All group benefit programs are administered by the North Dakota Public Employees Retirement System (NDPERS). Additional information about each of the benefit plans can be obtained from [NDPERS](#).

Health Insurance

Employees may participate in a health insurance program with coverage provided through Sanford Health Plan. Employees can obtain single or family coverage with the premium paid for by the State. To obtain health insurance coverage, employees must work at least 20 hours per week for at least 20 weeks per year in a **regularly** funded position. Coverage for new employees begins the month following the month employment began.

Health coverage will end one (1) month after the date of termination. A past employee and their covered dependents may apply for [COBRA continuation coverage](#) within 60 days of their separation of employment if:

- The employee and their covered dependents were enrolled in the PERS health plan.
- Neither the employee nor their covered dependents are eligible for Medicare. Past employees will have the option to continue COBRA coverage for a maximum period of 18 months.

COBRA coverage will be terminated if:

- The employee or their covered dependents become eligible for an employer sponsored health plan.
- The employee or their eligible dependents become eligible for Medicare.

Life Insurance

Employees can participate in a group [life insurance plan](#) if they are 18 years of age and working at least 20 hours per week for at least 20 weeks per year. The State pays for a basic insurance benefit of twelve thousand dollars (\$12,000) per employee. Employees can buy additional insurance coverage for themselves and their dependents through a payroll deduction.

Retirement

PERS: Employees are eligible to become members of the NDPERS if at the time of initial employment they work at least 20 hours per week for 20 weeks or more per year and are 18 years of age or older. The State contributes in the employees' behalf an amount equal to seven and twelve-hundredths percent; the employer also contributes four percent of the employee contribution of seven percent; and one and fourteen hundredths percent for the retiree health credit program. Employees become vested in 36 months.

Effective October 1, 2013, through July 31, 2017, all state employees eligible for retirement plan participation will be enrolled in the [Defined Benefit Hybrid Retirement Plan](#) and will have the option to elect to participate in the [Defined Contribution Retirement Plan](#) within the first six (6) months of employment. NDPERS will send election option information specific to the member to the member's home address.

Teacher's Fund for Retirement (Teaching & Education Administrative Staff)

[Teacher's Fund for Retirement](#) (TFFR) is a tax-exempt pension plan where benefits are defined by state law. "Teachers" are defined as persons who are licensed by the education standards and practices board who are contractually employed in teaching, supervisory, administrative, or extracurricular services by a state institution, special education unit, school board, or other governing body of a school district of the state. All public school teachers are required to be members of TFFR.

Adjunct instructors holding North Dakota teaching licenses are required to make TFFR contributions for all instructional hours worked. The percentage of NDCDE's and the employee's TFFR contribution is determined by state law and state Office of Management and Budget (OMB) standards. Instructional hours are hours earned while performing all the duties associated with delivering NDCDE courses. Non-instructional hours include time spent completing professional development and curricular reviews when assigned.

Deferred Compensation

Employees may defer, tax free, a portion of their income in a voluntary, State [Deferred Compensation Supplementary Retirement Plan](#). The amount of income the employee elects to defer plus any earnings are subject to income tax only when the employee or their beneficiary receive a distribution at the time of death, retirement, disability, or termination of employment.

FlexComp

An employee may pay for eligible insurance payments, medical expenses, and dependent care expenses with pre-tax dollars through payroll deductions. Employees should refer to the [NDPERS website](#) for a full description of those items that qualify for the FlexComp plan.

The FlexComp plan runs from January 1 through December 31 each year. However, there is a two and a half (2-1/2) month "grace period" for participants enrolled in a Medical Spending Reimbursement account; claims incurred between January 1 and March 15 of the new plan year can be reimbursed out of any account balance remaining from the previous plan year. Employees must indicate on the FlexComp Reimbursement materials they submit to the FlexComp provider if they want medical care expenses incurred during the grace period reimbursed from any amount available in the prior plan year.

The deadline to file medical and dependent care claims is April 30. Any amounts remaining in

these accounts after April 30 are forfeited.

Dental Insurance

Employees can participate in a group dental insurance plan for themselves and their dependents if they are 18 years of age and work 20 hours per week for at least 20 weeks per year. The coverage would be effective on the first of the month following the employment date.

Vision Insurance

Employees can participate in a group vision insurance plan for themselves and their dependents if they are 18 years of age and work at least 20 hours per week for at least 20 weeks per year. The coverage would be effective on the first of the month following the employment date.

Long-Term Care Insurance

Employees can participate in a long-term care insurance plan for themselves and their spouse if they are 18 years of age and work 20 hours per week for 20 or more weeks. Employees can apply anytime for this coverage and must be medically underwritten. Coverage would be effective the first day following the month of the insurance carrier's approval.

PERSLink Member Self Service

[PERSLink Member Self Service \(MSS\)](#) provides employees with online access to benefit information, the ability to complete benefit enrollments and changes, as well as updating personal profile instead of completing paper forms and submitting to NDPERS. This will also include Annual Enrollment elections. The NDCDE human resources manager will send notice to employees when they need to use this portal to update, renew, or add benefits.

Open Records Exception

All records and information pertaining to an employee's medical and dependent reimbursement information are confidential and not public record.

End of policy

Adopted: 1/12/24 and reaffirmed 08/02/2024

Amended:

Published where: NDCDE website, CDE-All Staff Teams Channel

Version and effective date: 8/02/2024

Tuition Discounts for NDCDE Courses (B2cd.v01)

All NDCDE employees and the an employee's partner, child, or grandchild are eligible to receive a discount on courses taken through NDCDE. The discount may also apply to any person who relies on the employee for significant financial support, as determined by the NDCDE director. Individuals claiming the employee discount must register for classes through regular enrollment procedures and follow all applicable policies and procedures, adding a note to apply the employee tuition discount and listing the name of the employee and the registrant's relationship to him/her in the registration form notes field. The person requesting the discount will pay the full cost of tuition to purchase the course and will receive a partial refund upon the NDCDE office staff verifying eligibility for the discount.

The discount applies to currently offered courses, excluding dual credit. The discount provided ensures that all NDCDE costs associated with delivering courses are still paid by the employee to ensure that NDCDE is not engaged in gifting employees, which is prohibited by the North Dakota Constitution.

For the 2023-25 biennium, employees will receive a \$159.00 discount per course.

End of policy

Adopted: 08/02/2024

Amended:

Published where: NDCDE website, CDE-All Staff Teams Channel

Version and effective date: 8/02/2024

Work Breaks (B2ce.v01)

Team members are encouraged to take a short break from time to time to relax and refresh themselves. OMB allows up to two paid 15-minute breaks, one in the first half of the work schedule and one in the last half. Flexibility regarding breaks must be discussed in advance with the manager.

Lunch Breaks

Team members must be required to take an unpaid lunch break of at least 30 minutes during the work schedule if team members work more than 5 consecutive hours. Team members must be completely relieved of all duties and free to leave their duty post. There is no requirement that the team member be allowed to leave the premises or work site.

Nursing Mother Breaks

The State of North Dakota, as the employer, in accordance with the Providing Urgent Maternal Protections Act (PUMP Act), Patient Protection and Affordable Care Act amendment of the Fair Labor Standards Act, gives team members reasonable break time to express breast milk for a nursing child. The team member is eligible for this break time up to one year after the child's birth each time such team member has the need to express milk. Team members are provided a flexible schedule for breast feeding or pumping breast milk for their child. The time should not exceed normal time allowed for lunch and breaks. If additional time is necessary, annual leave may be used or the team member may use a flexible schedule to come in early or stay late to make up the time. Flexible schedules require manager approval prior to implementation.

For employees who do not work virtually, team members must be provided a private place, other than a bathroom, that is shielded from view and free from intrusion from coworkers and the public, to use for expressing breast milk. Team members who do not have a private office should contact their agency Human Resources to request access to a designated area.

References: (NDCC 23-12-16, 23-12-17); NDAC 45-02-07-02

End of policy

Adopted: 1/12/24 and reaffirmed 08/02/2024

Amended:

Published where: NDCDE website, CDE-All Staff Teams Channel

Version and effective date: 8/02/2024

Reimbursement (B2d.v01)

NDCDE will reimburse staff for reasonable and necessary expenses paid by the employee personally and directly related to the transaction of state business with the exception of items listed as non-reimbursable in ND OMB Fiscal Policy 501:

<https://www.omb.nd.gov/sites/www/files/documents/financial-transparency/fiscaladminpolicy.pdf>.

Unless pre-authorized to make purchases on behalf of CDE through policy, a job description, or standing supervisor approval, employees should receive supervisor approval before purchasing to ensure that the purchase is authorized and state procurement requirements do not apply. This pre-approval also allows the supervisor to verify with the business manager if CDE is required to make the purchase through a specific vendor that CDE has selected through the competitive purchasing process. As part of the approval process, the supervisor should remind the employee of CDE's tax-exempt status and, if needed, provide the employee with a copy of its tax-exempt certificate to receive this exemption.

To receive reimbursement for an authorized expense, employees are required to complete an Expense Report in Peoplesoft and must include receipts with this request.

End of policy

Adopted: 1/12/24 and reaffirmed 08/02/2024

Amended:

Published where: NDCDE website, CDE-All Staff Teams Channel

Version and effective date: 8/02/2024

Travel Reimbursement & Allowable Travel Expenses (B2da.v01)

Approval

Each department supervisor will have an allocated travel amount in the approved unit budget submitted each year. The director, business manager, and department supervisor shall develop this travel budget, adhering to the following requirements:

1. Travel critical to successful program administration is to be planned and requested.
2. Staff should not be on travel status for more than five working days per trip.
3. An employee must receive approval through the Learning Approval Form in PeopleSoft prior to any travel-related purchases, such as airline tickets, conference fees, travel fees, etc., unless waived by the employee's supervisor.
4. P-cards should be used for all travel expenses such as flights, hotels, registrations, etc. but not food.
5. Airline tickets should be purchased at a reasonable rate and should be refundable, or travel insurance purchased. Generally, economy class tickets and the cost of one checked personal bag will be covered by NDCDE, and any expenditures above these standards (must be documented by the employee with the business need explained and should receive supervisor pre-approval. More information on reimbursable air travel expenses is included in the reimbursement section.
6. Each employee must have a designated work location per [OMB policy 501](#) for purposes of travel reimbursement.

In addition to the requirements listed above, the following are guidelines when traveling for NDCDE business needs:

1. Staff should seek hotels with government hotel rates.
2. Employees should use a state fleet vehicle whenever possible.
3. Travel will be covered for the day before and after the conference or event, if necessary.
4. Weekend travel is not encouraged unless it is required to meet the conference/meeting itinerary.

Prepayment

Conference Registration Fees, Airline Tickets, & Pre-paid Lodging

Registration fees, lodging, and airfare are allowable pre-paid expenses on the agency's purchasing card. To prepay these costs, each employee should work with their department supervisor to purchase these items using a P-Card.

Travel Advances

NDCDE complies with OMB policy 506 (<https://www.omb.nd.gov/financial-transparency/fiscal->

[policies-and-guidelines](#)) on travel advances.

Reimbursement

- For non-P-card purchases, staff may claim reimbursement for travel by completing the Expense Reimbursement process in PeopleSoft. Expense reimbursement requests must be approved by the supervisor, or for supervisors, by the director. The form must be accompanied by necessary receipts to support expenses.
- Requests for lodging while attending workshops and conferences in the employee's city of residence will not be honored.
- If meals are part of a registration fee, the meal per diem cannot be claimed on the Travel Expense Voucher. An exception to this policy can only be requested by the NDCDE business manager by completing an OMB Fiscal Policy Manual Waiver Request.

Airline Price Reductions, Cancellations, and Credits

If an employee needs to cancel the trip, it is their responsibility to contact either the airline or travel agency to seek the credit voucher and notify the CDE business manager of the cancellation immediately

Tickets Purchased with a P-Card

In the event an airline ticket is purchased using a CDE P-card, the ticket price is later reduced, or the trip is canceled, and a full or partial flight credit (i.e., airline points) is issued to the employee, the CDE business manager must be contacted and notified of this change within two weeks of the travel dates unless this deadline is not possible. The employee will be responsible for keeping track of this credit and using it by the airline's required deadline or working with the business manager to transfer it to another employee if possible.

Tickets Purchased by an Employee Requiring Cancellation

In the event an airline ticket is purchased by a staff member and s/he must cancel:

- The cancellation fee can be reimbursed on a travel voucher along with an explanation of the cancellation.
- The employee has two options when requesting reimbursement for the cancelled airline ticket purchased by the employee:
 - The employee may request reimbursement for the airfare on the Peoplesoft Expense Report Form and provide the NDCDE business manager with a copy of the full or partial flight credit (i.e., airline points) to be used for their future department travel.
 - The employee may choose to not request reimbursement for the airfare and use the credit for personal use.

Lodging

Employees are required to seek out and book hotels with government rates for both in and out-of-state travel unless it is not possible. Lodging will be reimbursed in accordance with OMB allowances: <https://www.omb.nd.gov/financial-transparency/fiscal-policies-and-guidelines>.

Luggage

Employees will be reimbursed for the first piece of checked luggage. Additional luggage may be covered by NDCDE if the employee is transporting materials and supplies on behalf of NDCDE (e.g., handouts for a conference or an exhibit display). A receipt is required for reimbursement of this charge. A credit card statement will not suffice as a luggage receipt. Fees for additional checked luggage or overweight luggage will only be reimbursed if a written justification for a business-related purpose is provided. The justification must be written in sufficient detail to permit the determination of the business-related purpose and signed by the employee's supervisor.

Meals

NDCDE complies with OMB policies 207 and 505 concerning meal reimbursement. See <https://www.omb.nd.gov/financial-transparency/fiscal-policies-and-guidelines>.

The person claiming per diem for meals must provide the departure time from home and the return time back home on the expense claim form. Snacks, dietary breaks, receptions, and continental breakfasts are not considered meals; therefore, per diem reimbursement is allowed. If meals are included in registration fees, no further expense for those meals is allowable. However, if an employee is unable to take advantage of such pre-paid meals because of dietary restrictions or other circumstances, they may claim reimbursement. A brief explanation must be provided in the Expense Report form.

Mileage

Employees are encouraged to use the State Fleet vehicles when traveling on department business but can use their personal vehicle when approved by a supervisor. Reimbursement for mileage using a personal vehicle will be at the current [Privately Owned Vehicle \(POV\) Mileage Reimbursement Rate](#) established by the U.S. General Services Administration (GSA).

Travel Reimbursement from Third Party

In instances when NDCDE pays for staff travel, but a third party will be reimbursing for portions of the travel, the reimbursed funds must be returned to NDCDE. It is the responsibility of the employee to complete and submit all necessary paperwork to the third party and the reimbursement must be sent directly to NDCDE. Send notification and copies of the reimbursement information to the NDCDE business manager.

Non-Reimbursable Expenses

- Expenses for personal/non-business-related stops
- Meals paid by a registration fee
- Vehicle Lock-Out Fees
- Gas Receipts, except if part of approved car rental
- Car Rental Expense unless preapproved with justification; See OMB Policy 518
- First class airfare
- Lodging incidentals-movies, snacks, laundry service, etc.
- Alcohol

End of policy

Adopted: 1/12/24 and reaffirmed 08/02/2024

Amended:

Published where: NDCDE website, CDE-All Staff Teams Channel

Version and effective date: 8/02/2024

Employee Protections & Grievances

Section Placeholder

State & Federal Protections

Placeholder

Equal Employment Opportunities (B3aa.v01)

The State of North Dakota, as the employer, requires all applicants for employment and team members of the state be subject to uniform human resource policies and not be subjected to discrimination, intimidation, coercion, or retaliation in any terms and conditions of employment on the basis of an individual's race, color, religion, sex, national origin, age, genetics, sexual orientation, physical or mental disability, status with regard to marriage or public assistance, political opinions or affiliations, or participation in lawful activity off the employer's premises during non-working hours that is not in direct conflict with the essential business-related interests of the state.

Accessibility Accommodations

The state makes its employment process accessible to persons with disabilities. Persons needing accommodation should contact the agency representative identified in the job announcement or HRMS at 701-328-3290 voice or through ND Relay Services toll free 1-800-366-6888. Team members in need of an accommodation should direct their request to their manager or agency leadership.

Violations

Violations of this policy will not be tolerated and are grounds for disciplinary action, up to and including termination of employment. For further information on the applicable laws and corresponding guidelines, team members are encouraged to review the related laws and administrative rules.

References: Equal Pay Act, ADEA, Rehabilitation Act, Civil Rights Act, ADAAA, GINA; NDCC 34-11.1, 14-02.4, 34-06.1, 34-01-17, NDAC 4-07-14-02, 03, 04

End of policy

Adopted: 1/12/24 and reaffirmed 08/02/2024

Amended:

Published where: NDCDE website, CDE-All Staff Teams Channel

Version and effective date: 8/02/2024

Fair Labor Standards Act (B3ab.v01)

The State of North Dakota, as the employer, is required to abide by the federal Fair Labor Standards Act (FLSA). The FLSA establishes minimum wage, overtime pay, recordkeeping, and child labor standards affecting employees in the private sector and in federal, state, and local governments. This policy is not an exhaustive description of state and federal law relating to the FLSA. Team members should consult with CDE's human resources manager or the state Human Resource Management Services when situations arise to ensure compliance with applicable laws.

For purposes of the FLSA, all entities of North Dakota state government are considered one employer. If a team member works for two different employing agencies of the State, both employing agencies must ensure continued compliance with FLSA requirements. Pursuant to the FLSA requirements, each position is identified as exempt or nonexempt, based upon the duties of the position. Each agency will determine the appropriate exemption status for each position.

Nonexempt Employees: Nonexempt employees are subject to the provisions of the FLSA and must be compensated for all hours worked. Overtime is compensated at time and a half for all hours worked over 40 in a week and can be either monetary compensation or compensatory time. Paid time off such as annual leave, sick leave, holidays and other paid leave time are not considered work time for purposes of determining overtime. Employees cannot waive their right to overtime compensation. Nonexempt employees are required to accurately record all hours worked.

Exempt Employees: Exempt employees are exempt from the overtime requirements of the FLSA and are not required to be compensated for overtime. Exempt employees are paid an established monthly salary and are expected to fulfill the duties of their position regardless of hours worked.

Nursing Mothers: The FLSA requires employers to provide reasonable break time for an employee to express breast milk for her nursing child for one year after the child's birth each time such employee has the need to express milk. Employers are also required to provide a place, other than a bathroom, that is shielded from view and free from intrusion from coworkers and the public, which may be used by an employee to express breast milk.

Violations

Management acting directly or indirectly in the interest of an employer in relation to an employee may be held personally liable for wage and hour violations under the FLSA. Violations of this policy will not be tolerated and are grounds for disciplinary action, up to and including termination of employment.

For further information on the applicable laws and corresponding guidelines, team members are encouraged to review the related laws and administrative rules.

References: Fair Labor Standards Act, NDCC 34-01, NDAC 46-02-07, 46-03-01

End of policy

Adopted: 1/12/24 and reaffirmed 08/02/2024

Amended:

Published where: NDCDE website, CDE-All Staff Teams Channel

Version and effective date: 8/02/2024

Genetic Information Nondiscrimination Act (B3ac.v01)

The State of North Dakota strictly prohibits discrimination based on genetic information. The State of North Dakota does not collect, consider, or make employment or benefit decisions based on genetic information. The State of North Dakota does not use genetic information or genetic testing to identify individuals (applicants or team members) who are especially susceptible to general workplace risks, who may become unable to work or who are likely to incur significant health care costs for either themselves or their dependents. Accordingly, applicants for employment or team members of the State of North Dakota will not be required to undergo any genetic testing or reveal genetic information to any state Agency.

FMLA Notice

Managers will ensure the following safe harbor notice is attached to the medical certification when an agency requests medical information to certify a team member's serious health condition under the FMLA.

"The Genetic Information Nondiscrimination Act of 2008 (GINA) prohibits employers and other entities covered by GINA Title II from requesting or requiring genetic information of an individual or family member of the individual, except as specifically allowed by this law. To comply with this law, we are asking that you do not provide any genetic information when responding to this request for medical information. 'Genetic information' as defined by GINA, includes an individual's family medical history, the results of an individual's or family member's genetic tests, the fact that an individual or an individual's family member sought or received genetic services, and genetic information of a fetus carried by an individual or an individual's family member or an embryo lawfully held by an individual or family member receiving assistive reproductive services."

This notice is not required when a team member's immediate family member has a serious health condition.

End of policy

Adopted: 1/12/24 and reaffirmed 08/02/2024

Amended:

Published where: NDCDE website, CDE-All Staff Teams Channel

Version and effective date: 8/02/2024

Modified Duty (B3ad.v01)

The State of North Dakota, as the employer, has established a Modified Duty Program that complies with the Americans with Disabilities Act, helps to minimize Workers Compensation costs, and assists team members who are temporarily unable to perform their position's assigned job duties. This policy applies to all team members regardless of status. NDCDE may, at its sole discretion, provide modified job assignments to injured workers on a temporary basis.

Modified assignments under this policy are specially created temporary job assignments and are not vacant or regular positions within the State's workforce. The availability of such modified assignments depends on the team member's work restrictions and the business needs of the agency. If a modified duty assignment is available, a team member will be permitted to work in a modified duty assignment only after NDCDE receives a written statement from team member's treating health care provider approving the assignment for the injured team member. In general, the NDCDE human resources manager will review the status of the temporary modified duty assignment with the affected team member every 30-90 days, in light of the agency's business needs and the team member's condition, to determine if continuation of the assignment is appropriate.

If a modified duty assignment is offered by the employer and approved by the team member's physician, a team member's refusal to accept the offer of modified duty may affect the team member's right to workers' compensation benefits under applicable law.

Modified assignments are not available to team members on an ongoing basis under any circumstances. The existence of this modified duty policy does not in any way guarantee that modified duty will be available at any given time, or for any particular team member who requests it. If at any point a team member is medically determined to have sustained permanent restrictions, the creation or continuation of a temporary modified duty assignment will not be considered. In that event, NDCDE will review the team member's situation to determine the appropriate steps to be taken, if any, based on existing State and Federal laws, rules, and policies.

Any team member who is determined to have violated this policy will be subject to disciplinary action up to and including termination of employment.

References: Americans with Disabilities Act of 1990 (ADA) and ADA Amendments Act of 2008

End of policy

Adopted: 1/12/24 and reaffirmed 08/02/2024

Amended:

Published where: NDCDE website, CDE-All Staff Teams Channel

Version and effective date: 8/02/2024

Open Records Requirements for Personnel Files

See the Records Policy in the Fiscal and Asset Management section (F2), and the Personnel Files Policy under the Work Environment section, B5a.

There is also a universal policy for Personnel Records located [here](#).

Political Activity (B3ae.v01)

NDCDE recognizes that team members, in their individual capacity, may participate in the political process by supporting political parties, candidates, or causes. However, NDCDE is prohibited from directly or indirectly participating in any political campaign of, support for, or opposition to any candidate. NDCDE may not contribute anything of value, including a team member's time, to political campaigns, publish or distribute materials on behalf of any candidate or party, or engage in any other activity which may be considered in support of or in opposition to any candidate.

Any efforts devoted to political activity must be outside the team member's working hours or a team member must be on annual leave. Team members may personally contribute to a candidate or party of their choice. However, team members may not be compensated or reimbursed by NDCDE or the State of North Dakota for their personal contribution.

Unless specifically authorized by the NDCDE director, any statements made by a team member on public issues are not to be construed as those of NDCDE or the State of North Dakota.

Reference: Hatch Act, 5 U.S.C. § 1501- 1508

End of policy

Adopted: 1/12/24 and reaffirmed 08/02/2024

Amended:

Published where: NDCDE website, CDE-All Staff Teams Channel

Version and effective date: 8/02/2024

Veteran's Preference

See the Recruitment, Selection, & Background Checks Policy, B1a.

Workplace Anti-Harassment (B3af.v01)

The State of North Dakota, as the employer, will not tolerate, condone, or allow any type of harassment to occur within state workplaces or in any other work-related settings. This prohibition applies to every person at a state workplace or present during state-related business activities, including but not limited to state team members, customers, vendors, contractors, or any other person. All team members are empowered with the responsibility to prevent harassment in all state work areas and during all state-related business activities.

Harassment: Any offensive conduct that interferes with an individual's work performance or creates an intimidating or hostile work environment. Unlawful harassment can be verbal, non-verbal, or physical conduct or communication that shows hostility or aversion towards an individual because of a person's race, color, religion, sex, age, genetics, national origin, disability or other legally protected status. Examples may include epithets, slurs, jokes, negative stereotyping, written or graphic materials, posters, calendars, or pictures.

Sexual Harassment: Unwelcome sexual advances, sexual favor requests, or any other conduct or communication of a sexual nature. Sexual harassment may include a range of behaviors and may involve individuals of the same or different gender. Examples of sexual harassment include:

- Unwanted sexual advances or requests for sexual favors.
- Sexual jokes and innuendos or verbal abuse of a sexual nature.
- Leering, massaging, or touching or sexual related comments about another's body.
- Displaying inappropriate sexually suggestive or offensive pictures or objects anywhere in the workplace.

Harassment, of any kind, becomes unlawful when:

1. Enduring or submission to the offensive conduct explicitly or implicitly becomes a term or condition of continued employment, career advancement;
2. Submission to or rejection of such conduct is used as the basis for employment decisions;
3. Conduct has the purpose or effect of interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment; or
4. The conduct is so severe or pervasive to create a work environment that a reasonable person would consider intimidating, hostile, or abusive.

Reporting

Early reporting and intervention are critical and have proven to be the most effective method of resolving actual or perceived incidents of harassment. If a team member observes or experiences harassing conduct in the workplace, the team member should either directly inform the offender that the conduct is offensive and must stop or notify agency leadership about the occurrence. If a team member does not feel comfortable reporting the situation within the employing agency, the team member should contact HRMS to report the situation. All team members shall report harassing behavior they observe or is reported to them.

Managers are responsible to make every effort to provide a harassment-free work environment in their respective work areas. Managers must take immediate action to address and then

report any harassing conduct they observe, experience, or that is reported to them, to a member of the employing agency's senior leadership. If the alleged wrong doer is the manager or a member of senior leadership, the team member should work directly with agency HR or OMB HRMS. Incidents must also be reported to the Risk Management Division of OMB by the manager or HR.

Agency leadership will work with HR / legal counsel to investigate and resolve all reports of workplace harassment appropriately in a timely, thorough, and discreet manner. Failure to report incidents of hostile or inappropriate behavior will subject the team member to disciplinary action up to and including termination of employment.

Resources for Victims

The Employee Assistance Program is available for regular team members who are victims of harassment, sexual harassment, stalking, domestic violence, or dating violence.

Violations

Any person who violates this policy will be subject to disciplinary action, up to and including termination of employment, or be removed from the state work area.

References: Title VII of the Civil Rights Act of 1964, ADEA, ADAAA

End of policy

Adopted: 1/12/24 and reaffirmed 08/02/2024

Amended:

Published where: NDCDE website, CDE-All Staff Teams Channel

Version and effective date: 8/02/2024

Workplace Violence (B3b.v01)

The State of North Dakota, as the employer, maintains a working environment free from violence or the threat of violence. Acts or threats of physical violence, including but not limited to intimidation, harassment, or coercion will not be tolerated.

Reporting Workplace Threats & Violence

Team members must immediately report any incidents of violence, threat of violence, or any behavior that may threaten a team member's safety or the safety of others to appropriate management or law enforcement authorities.

Once a managerial level team member is notified of a violent or threatening situation, he/she must contact the CDE human resources manager (HR). HR will assist in coordinating the proper response and notifying the appropriate personnel/authorities.

Retaliation Prohibition

The State of ND prohibits any form of discipline or retaliation for reporting such incidents and shall handle all complaints promptly.

Reporting Threats to Safety

Team members must report to their manager the existence of anything that may potentially threaten the safety of the team member or other state team members. This includes a restraining order of any kind obtained by the team member against other individual(s) or a restraining order obtained against a team member. Team members are also encouraged to report if they are a victim of domestic violence or if they suspect a coworker may be a victim.

Violations

Any team member who engages in such conduct or who makes false accusations of violence or threats of violence will be subject to disciplinary action up to and including termination or be removed from the state work area. In appropriate cases, the organization may seek criminal prosecution or cooperate with the appropriate authorities.

End of policy

Adopted: 1/12/24 and reaffirmed 08/02/2024

Amended:

Published where: NDCDE website, CDE-All Staff Teams Channel

Version and effective date: 8/02/2024

Grievances (B3c.v02)

The State of North Dakota, as the employer, provides a means for employees to have their complaints or grievances heard and resolved at the level of supervision most directly associated with the employee's work unit. These internal grievance and appeal procedures serve as a supplement to the administrative rules in N.D. Admin. Code chapters 4-07-20, 4-07-20.1, and 4-07-20.2 and provide a complete process for all matters not appealable to Human Resource Management Services ("HRMS").

An employee of the State of North Dakota may file a work-related complaint or grievance by following the procedures outlined in the CDE Policy Manual. If the complaint or grievance is not appealable to HRMS, the decision of the CDE director or designee is final. It is the responsibility of all parties in a complaint or grievance action to be fully aware of the time limits imposed by this policy and the potential consequences of failing to meet those limits. The ability of a non-classified or probationary employee to grieve an employer action does not create a due process entitlement to employment with NDCDE.

Employee Responsibilities & Representation

Employees are responsible for complying with the procedures in this policy and all additional procedures required by the N.D. Admin. Code for filing a grievance or appeal. Prior to implementing the formal grievance procedure, an employee may first consult with CDE's human resource manager or HRMS. An employee may be assisted by a representative of his or her choosing at any point in the process.

Employer Responsibilities

Supervisors and managers must make a good faith effort to resolve an employee complaint or grievance at their level. They must attempt to provide a fair and reasonable resolution to employee complaints or grievances within a reasonable time period. The immediate supervisor may wish to confer with the next higher-level supervisor in the process of resolving the issue. When the resolution sought is not within the authority of the supervisor or manager to grant, the issue must be reviewed with the NDCDE director or designee.

Throughout the grievance procedure, it is the responsibility of the employer to respond to the issues raised in the employee complaint or grievance.

Retaliation against an employee for filing a grievance is strictly prohibited.

Alternative Dispute Resolution or Mediation

Alternative dispute resolution, commonly referred to as mediation, may be used to resolve disputes that occur within the agency. All parties involved in the dispute must agree to the use of mediation before mediation begins. During the time period when employees involved in a dispute are utilizing mediation, the time limits of the internal grievance procedure must be suspended. If a resolution is not agreed to by the participants at the conclusion of the mediation process, the time limits of the agency grievance procedure must be activated. The mediator shall determine the date of conclusion of the mediation process and notify the parties. Mediation records are exempt from open records in accordance with N.D.C.C. §

Time Limits

The steps comprising the internal grievance process contain time limitations. An employee should be allowed a reasonable amount of time to process a grievance during regular working hours without loss of pay. Occasionally, situations will arise beyond the control of management or the employee that will prevent compliance with the time limitations. Time limitations may be extended for employees by the NDCDE director or designee. Requests for extensions must be made in writing and received by the NDCDE director or designee prior to the established deadline.

Personnel Files

CDE shall maintain all documentation concerning grievances in accordance its Personnel Files Policy, B5a.

Prohibition of False Claims

NDCDE may take appropriate disciplinary action against an employee, contractor, or student and/or may take legal action against anyone who knowingly files a false complaint under this policy or a false claim of reprisal, retaliation, or discrimination under this policy.

End of section one of grievance policy

Adopted: 1/12/24

Amended: 07//10/2024

Published where: NDCDE website, CDE-All Staff Teams Channel

Version and effective date: 08/01/2024

Policy Referenced:

[Personnel Files, B5a](#)

Related Policies:

[Grievance Procedures for Employer Actions, B3ca](#)

[Grievance Procedures for Non-Employer Actions, B3cb](#)

[Waiver of Grievance Process, B3cc](#)

Grievance Procedure for Employer Actions (B3ca.v02)

An **employer action** is considered to be a decision to dismiss, demote, or suspend an employee without pay, forced relocation, reduction-in-force, reprisal, or discrimination in employment. Per NDCC 54-06-21, an employee may also file a grievance regarding non-evaluation material placed in the employee's personnel file. A grievance is limited to an internal agency grievance (i.e., step three of this policy does not apply) unless such material is merged into a disciplinary proceeding. The internal agency grievance process is for grieving complaints with the agency up through the NDCDE director.

Eligible Employees:

- a. A regular employee (as defined in NDAC 4/07/20.1-02) is given a formal opportunity to respond prior to a decision to dismiss, demote, or suspend the employee without pay. Following the final decision in the pre-action process, the employee may grieve the decision through the internal grievance process. A regular employee may appeal the NDCDE director's or designee's decision as outlined in step three of this section.
- b. An employee in probationary status may grieve a decision to dismiss, demote, or suspend the employee without pay through the internal grievance process. A probationary employee may not appeal a lawful dismissal, demotion, or suspension without pay from employment through HRMS except claims of discrimination or reprisal. Nothing in this provision changes the at-will employment status of an employee in probationary status.
- c. A non-classified employee may grieve a decision to dismiss, demote, or suspend the employee without pay through the internal grievance procedure. Grievances and appeals from non-classified employee are not appealable beyond the NDCDE director or designee, except in claims of reprisal. Nothing in this policy changes the at-will employment status of a non-classified employee.

There are three steps to the grievance process involving employer actions. Grievances are to proceed until the employee is satisfied, does not file a timely appeal, or exhausts the right to file a grievance or appeal. Failure on the part of the employee to grieve the decision within the time prescribed shall be construed to be acceptance of the determination at that point and the same grievance shall not be accepted thereafter.

Step One: A regular employee who is grieving the result of an employer action may file a written complaint. Unless a waiver of the agency grievance process is obtained under the provisions of Section 3 of this policy, the written grievance must be filed with the NDCDE director or designee within 15 working days from the date of notice of the employer action, from the date of the reprisal action, or from the date of the alleged discriminatory action. The employee must also provide a copy of the grievance to the person who made the decision being grieved. The employee should file the written grievance using Employee Grievance form (SFN 18409). Failure to begin the procedure within the time limitations may cause the employee to lose the right to appeal to HRMS and have their appeal heard by the Office of Administrative Hearings (OAH). The NDCDE director or designee will acknowledge receipt of the grievance within five (5) working days of receipt and request from the person who made the decision a complete copy of all material upon which the decision was based, including any written information provided to management by the employee prior to the decision. Generally,

the information considered will be confined to the information submitted. However, the NDCDE director or designee may determine to further investigate the issue(s).

Step Two: If needed, an investigation will be conducted within 30 working days of the receipt of the complaint. The NDCDE director or designee will notify the employee within five (5) working days of receipt of the complaint if an investigation will be conducted. The NDCDE director or designee will provide a response to the employee within 15 working days following the completion of the investigation report. If it is determined that an investigation is not needed, the NDCDE director or designee will review the written material and determine whether there was a reasonable basis to believe the allegations were true and support the action of management. The NDCDE director or designee will issue a written response within 15 working days of the director's receipt of the written supporting information. The written decision of the NDCDE director or designee ends the internal grievance procedure.

Step Three: The employee, if dissatisfied with the response or action taken by the NDCDE director or designee, or if no response is received from the NDCDE director or designee within the response period, may appeal the complaint to HRMS and have their appeal heard by OAH. The appeal must be filed with the HRMS director by completing an Appeal to HRMS Form (SFN 3096). The appeal form must be delivered, mailed, or transmitted by electronic means and must be received in the HRMS office by 5:00 p.m. within 15 working days of the date of service of notice of the results of the agency grievance procedure or within 15 working days from the date of service of notice of the waiver of the grievance procedure.

The date of service of notice shall be considered to be the date the notice was mailed, or the date transmitted by electronic means, or absent proof of the date of mailing or delivery through electronic means, the date of actual delivery. The NDCDE director or designee shall prepare a certificate of service, or provide reliable means, to show proof of the date of mailing, transmittal by electronic means, or hand delivery. The HRMS director or designee shall within two working days submit a written request to the director of OAH to conduct a hearing on behalf of HRMS and shall forward a copy of the appeal form to the NDCDE director or designee. OAH will consider the appeal in accordance with NDAC 4-07-20.1-08.

End of section two of grievance policy

Adopted: 1/12/24

Amended: 7/10/2024

Published where: NDCDE website, CDE-All Staff Teams Channel

Version and effective date: 08/01/2024

Related Policies:

[Grievances, B3c](#)

[Grievance Procedures for Non-Employer Actions, B3cd](#)

[Waiver of Grievance Process, B3cc](#)

Grievance Procedures for Non-Employer Actions (B3cb.v01)

Non-employer actions are considered instances of actions by customers, vendors, or other third parties in the workplace that are considered to be discriminatory or harassing and the employer had the opportunity to respond but did not act.

The internal grievance process is for grieving complaints with the agency up through the NDCDE director. Internal grievances are to proceed to each successive step until the employee is satisfied with the outcome at that step, does not file a timely appeal, or exhausts the right to file grievance or appeal. Failure of the employee to grieve the agency decision to the next step in the process within the time prescribed shall be considered acceptance of the determination. The grievance will be considered completed and the same grievance shall not be accepted thereafter.

Grievances may be brought directly to the NDCDE director or designee when they involve claimed discriminatory or retaliatory behavior or when the complaint involves the employee's supervisor. The employee may also contact HRMS for assistance with the issue. If needed, a workplace investigation may be conducted within 30 days.

Step One: A employee who has a complaint should first discuss it with their immediate supervisor. If discussion and any subsequent action taken by the immediate supervisor fails to effectively resolve the complaint, the employee may file a written grievance with the immediate supervisor within five (5) working days of the incident or grievable action, or within five (5) working days after informal discussion with the immediate supervisor has failed to resolve the grievance. The employee should file the written grievance using Employee Grievance form (SFN 18409). The immediate supervisor, upon receipt of a written grievance, shall inform the NDCDE director or designee and must respond to the complaint in writing, within five (5) working days of the receipt of the written complaint from the employee.

Step Two: The employee, if dissatisfied with the response or action taken by the immediate supervisor, or if no response is received from the immediate supervisor within five (5) working days after receipt of the employee's written grievance, may continue the formal grievance process by filing the grievance form with the NDCDE director or designee within five (5) working days from receipt of the immediate supervisor's response or within five (5) working days following the supervisor's response period, if no response is received. If the NDCDE director responded to the grievance in step one, the grievance will be filed with the Department of Public Instruction (DPI) under this step by submitting it to the DPI human resources director.

The NDCDE director or person otherwise designated to receive the complaint must receive the written grievance within five (5) working days from the date of service of notice of the immediate supervisor's response. The date of service of notice is the date the notice was mailed, or the date transmitted by electronic means, or absent proof of the date of the mailing or delivery through electronic means, the date of actual delivery. The agency shall prepare a certificate of service or provide reliable means, to show proof of the date of mailing, transmittal by electronic means, or hand delivery. The NDCDE director or person otherwise designated to receive the grievance, upon receipt of a written grievance, shall notify the employee's

supervisor of the receipt of the complaint, properly review the issue, and give a written response to the employee within 10 working days of receipt of the grievance from the employee. This final written decision ends the agency internal grievance procedure.

Investigations

Throughout this process, if needed, an investigation will be conducted within 30 working days of the receipt of the complaint. The grievance deadlines listed above will be suspended while the investigation takes place and the deadline required for notifying the employee of the outcome of the investigation supersedes all grievance deadlines above. The NDCDE director or person appointed to receive the grievance will notify the employee within five (5) working days of receipt of the complaint if an investigation will be conducted. The NDCDE director or person appointed to receive the grievance will provide a response to the employee within 15 working days following the completion of the investigation report.

If it is determined that an investigation is not needed, the NDCDE director or person appointed to receive the grievance will review the written material and determine whether there was a reasonable basis to believe the allegations were true and support the employee's allegation or support the action of management within the deadline listed under the applicable appeal step.

End of section three of grievance policy

Adopted: 1/12/24 and reaffirmed on 7/10/2024

Amended:

Published where: NDCDE website, CDE-All Staff Teams Channel

Version and effective date: 08/01/2024

Related Policies:

[Grievances, B3c](#)

[Grievance Procedures for Employer Actions, B3ca](#)

[Waiver of Grievance Process, B3cc](#)

Waiver of Grievance Process (B3cc.v01)

An agreement to waive the agency grievance procedure and appeal directly to HRMS to have the appeal heard by the Office of Administrative Hearings (OAH) is allowed if both the employee and the NDCDE director or designee agree, in writing, to waive the procedure.

The employee's waiver request must be in writing, as must be the NDCDE director's or designee's approval or denial of the waiver request. The employee must use Employee Request for Waiver of Internal Agency Grievance Procedure form (SFN 53730). The NDCDE director or designee and the employee must sign form SFN 53730 within 15 working days from the date of the employer action. If the waiver is approved, the employee may file a written appeal directly to HRMS to have their appeal heard by OAH in accordance with N.D Admin Code 4-07-20.1-08.

The appeal must be delivered, mailed, or transmitted by electronic means and must be received in the HRMS office by 5:00 p.m. within 15 working days from the date of the approved waiver. An additional 15 working days is not available if the requested waiver is denied. Therefore, the employee should act early to allow a possible waiver denial and still allow time to initiate the internal grievance process within 15 working days of the employer action.

Limitations for Reduction in Force

A regular employee may appeal a reduction-in-force only on the basis that the agency did not utilize a uniform comparative analysis as required by N. D. Admin. Code § 4-07-11-03 or that the reduction-in-force was conducted in a discriminatory manner that would violate the State's policy against discrimination as stated in N.D.C.C § 14-02.4-01. A former regular employee who was reduced in force may appeal a denial of reemployment only on the basis that the agency did not follow N.D. Admin. Code § 4-07-11-07 or that the denial of reemployment was conducted in a discriminatory manner that would violate the State's policy against discrimination as stated in N.D.C.C. § 14-02.4-01. The assessment of whether an individual meets the qualifications necessary for successful performance shall remain with the agency.

End of grievance policy

Adopted: 1/12/24 and reaffirmed on 07/10/2024

Amended:

Published where: NDCDE website, CDE-All Staff Teams Channel

Version and effective date: 08/01/2024

Related Policies:

[Grievances, B3c](#)

[Grievance Procedures for Employer Actions, B3ca](#)

[Grievance Procedures for Non-Employer Actions, B3cb](#)

Other Internal Complaints (B3cd.v01)

Employee complaints about other CDE personnel that do not meet the definitions of employer action or non-employer action under CDE grievance policies shall be handled through the following informal review process—not the formal grievance process.

Complaints should be resolved at the lowest possible level of authority (i.e., with the employee). If the complaint cannot be satisfactorily resolved at that level or if the complainant has a valid reason for not attempting to resolve the complaint at this level, the complaint shall be directed to the supervisor assigned to the employee.

The supervisor shall:

1. Investigate the complaint.
2. Promptly notify the employee if the complaint is to be placed in the employee's personnel file. The decision to place information into any personnel file will be made by the supervisor based on the results of an inquiry or investigation in consultation with the CDE human resources manager and in accordance with law (NDCC 54-06-21) and the Personnel Records Policy, B5a.
3. Schedule a meeting of the employee, the complainant, and the supervisor if deemed appropriate.
4. Provide a response to the complainant within 45 days of receipt of the complaint. Upon conclusion of the investigation, the complainant will be informed as to the outcome of the investigation and the disposition of the complaint. If disciplinary action is determined necessary, CDE's Employee Conduct Policy, B4j, and Employee Discipline Policy, B4k, and state administrative rules on progressive discipline shall apply. If either party is not satisfied with the handling of the complaint, the matter can be appealed to the NDCDE director for final resolution.

Complaints about the CDE director shall be directed to the DPI human resources office, which shall follow this same procedure and is the final resolution step for the director.

End of policy

Adopted: 07/10/2024

Amended:

Published where: NDCDE website, CDE-All Staff Teams Channel

Version and effective date: 08/01/2024

Policies Referenced:

[Personnel Records, B5a](#)

[Employee Conduct, B4j](#)

[Employee Discipline, B4K](#)

Roles, Responsibilities, & Conduct

Section Placeholder

Additional Employment (B4a.v01)

The State of North Dakota, as the employer, has established an additional employment policy that applies to all team members regardless of status. Team members may seek a second job or additional employment opportunity or may consider starting a business provided it will not create a conflict of interest between the team member and the employing agency. (See the Conflict of Interest & Gifts Policy for more details, B4e.)

Team members must inform their manager and the NDCDE human resources manager, in writing or via email, of the additional employment or personal business prior to any work being done for the other employer.

Notification to the employing agency must include the name and location of the additional employer, position, or type of work, and expected work schedule. If the employing agency determines the additional employment is prohibited by statute, a violation of the state, a conflict of interest, or negatively impacts the agency's image, the team member will be required to resign from one of the positions.

Team members who have accepted additional employment may not use paid sick leave provided by the state to work for another employer or personal business. For purposes of the federal Fair Labor Standards Act, all entities of North Dakota state government are considered to be one employer.

If a team member works for two different employing agencies of the State, both employing agencies must ensure continued compliance with FLSA requirements.

Any team member who is determined to have violated this policy will be subject to disciplinary action up to and including termination of employment.

End of policy

Adopted: 1/12/24 and reaffirmed 08/02/2024

Amended:

Published where: NDCDE website, CDE-All Staff Teams Channel

Version and effective date: 8/02/2024

Policy Referenced

[Conflict of Interest & Gifts, B4e](#)

Channels for Communication & Use of Distribution Lists (B4b.v02)

In an effort to streamline communications and ensure that employees do not miss important information, CDE has established the following communication channels and established the following parameters on using them.

Email: All CDE employees receive a state (nd.gov) and an Edutech (k12.nd.us) email address, with the former account typically forwarded to the latter. These email addresses should be used by employees to send out meeting invitations, communicate with external stakeholders or a combination of internal and external stakeholders, send tickets, or communicate across department. The NDCDE leadership team uses email to send out official CDE messages that may need to be shared with external stakeholders (holidays, organization-wide training that will impact schedules, etc.). In addition to organization-wide emails, the leadership team often uses email to communicate with employees outside their departments or inform a small group of employees of a matter specific to them. All CDE staff should be checking email daily.

- **Distribution lists:** CDE has two major internal distribution lists, which our IT and Learning departments maintains: all CDE staff and NDCDE teachers. The leadership team is authorized to use these lists to communicate. CDE staff must receive approval from their department head to use these lists and such approval may be granted on a standing or piecemeal basis, which the leader is responsible for communicating the scope of authority with the employee.

Forms: CDE has a number of forms used by employees or the public to request assistance by someone on the CDE team. Forms that may be used by employees are listed below with a description.

- **Bullying report form:** Please see the Bullying Policy for information on using this form.
- [Employee inquiry form](#): Used by employees to ask anonymous questions of the leadership team.
- **Teacher leave request form:** Please see the Leave Approval, Reporting, & Accrual Policy for information on using this form.
- [Employee support form](#): Created for NDCDE Employees to submit issues to the IT and Learning Teams.

Teams Sites: CDE has two official Teams channels: CDE—All Team Members and NDCDE-Teacher Process.

The information shared on the official CDE Teams sites is as follows:

- **All Team Members:** Posted here are responses to the [employee inquiry form](#), temporary system-wide outages and technical issues, reminders and reinforcement of information that went out to all staff via email, professional

development opportunities and updates from our leadership team that impact the entire organization and are only relevant to the organization internally. All employees are permitted to post on this teams site if adhering to CDE's Employee Conduct Policy. Posts containing complaints are prohibited on this channel.

- **Teacher Process:** Information posted to this Teams channel is exclusively for teachers and is information intended for an internal audience. Here employees will find information about upcoming teacher process meetings; important reminders at peak enrollment times; information on goal-setting and evaluation cycles; LMS, curricular, or vendor updates that impact the majority of teachers; and reinforcement of email messages sent to all teachers via email. All teachers are permitted to post on this teams site if adhering to CDE's Employee Conduct Policy. Posts containing complaints are prohibited on this channel.

Employees who use CDE's channels of communication inappropriately may be subject to disciplinary action depending on the severity of the violation and the amount of disruption it caused up to and including termination.

End of policy

Adopted: 12/4/2024

Amended:

Published where: NDCDE website, CDE-All Staff Teams Channel

Version and effective date: 12/4/2024

Policies referenced:

[Bullying Policy](#)

[Leave Approval, Reporting, & Accrual Policy](#)

[Employee Conduct Policy](#)

Employee Speech (B4ba.v01)

For the purposes of this policy, *speech* includes statements made orally, in writing/print, electronically (e.g., online, through video, text message, etc.) and/or visual mediums (e.g., photographs, videos, etc.).

Speech Made as an Employee

Speech made as a NDCDE employee is not constitutionally protected. NDCDE requires that when staff are acting in their official employment capacity, they shall use sound judgment when making statements pursuant to their official responsibilities and only to the extent that they possess accurate information. Speech made by staff in their official employment capacity shall furthermore be in keeping with the CDE's mission statement and the Employee Conduct Policy, B4j. Employees must not speak or purport to speak on behalf of the agency unless it is a part of their job duties or they are required to do so by request of their employer. Employees must not engage in conduct that would create the impression that s/he speaks on behalf of the agency when not authorized to do so.

Speech made pursuant to official responsibilities that is knowingly false or inaccurate; made with reckless disregard for the truth; that violates the CDE's mission statement; that causes or leads to substantial disruption of the educational or work environment; poses a safety threat to students, staff, or operations; violates the Employee Conduct Policy or other NDCDE policies; or impedes on the agency's interest, including, but not limited to, delivery of public services, may be grounds for disciplinary action (see the Employee Discipline Policy, B4k).

Speech Made as a Private Citizen

When an NDCDE employee make statements as a private citizen about matters of public concern, NDCDE may take disciplinary action if such statements substantially disrupt the educational or work environment. Prior to taking disciplinary action, NDCDE will document the manner in which the speech at issue disrupted the educational or work environment and shall consult with legal counsel to determine if disciplinary action is warranted.

When employees make statements as a private citizen about matters that are not of public concern, NDCDE may take disciplinary action for reasons such as, but not limited to, the speech substantially disrupts the educational or work environment; poses a safety threat to students, staff, or operations; contains content unbecoming to a teacher; or impedes on NDCDE's interest, including, but not limited to, delivery of public services. Prior to taking disciplinary action, NDCDE shall consult with legal counsel to determine if the speech is unprotected (i.e., does not address a matter of public concern).

Other Provisions

NDCDE policies on confidentiality govern on- and off-duty speech of employees. NDCDE also prohibits use of agency-owned or created material such as, but not limited to, its logo without

first obtaining the permission of the NDCDE state director. Failure to obtain such permission may result in disciplinary action (see the Employee Discipline Policy, B4k).

End of policy

Adopted: 1/12/24, reaffirmed 09/10/2024

Amended:

Published where: NDCDE website, CDE-All Staff Teams Channel

Version and effective date: 09/10/2024

Changes to Criminal History Records (B4c.v01)

This policy contains provisions in addition to those governing criminal history record checks upon hire as outlined in the Recruitment, Selection, & Background Check Policy (B1a).

If at any time during employment, a team member is charged with or convicted of a crime he/she must disclose the necessary information to their immediate manager or CDE human resources. Any team member who is determined to have violated this policy will be subject to disciplinary action up to and including termination of employment.

End of policy

Adopted: 1/12/24 and reaffirmed 08/02/2024

Amended:

Published where: NDCDE website, CDE-All Staff Teams Channel

Version and effective date: 8/02/2024

Policy Referenced:

[Recruitment, Selection, & Background Check Policy, B1a](#)

Child Abuse & Neglect Prohibitions, Training, & Reporting (B4d.v02)

Definitions, General Prohibitions, & General Obligations

All CDE employees, regardless of licensure, shall adhere to the North Dakota Education Standards and Practices Board “commitment to the student” outlined in North Dakota Administrative Code 67.1-03-01-02, which includes protecting them from conditions detrimental to their learning, physiological, and psychological well-being.

In addition, all CDE employees are prohibited from engaging in any of the following conduct:

- Abusing a child as defined in North Dakota Century Code (NDCC) section 14-09-22, including violation of sections 12.1-20-01 through 12.1-20-07, sections 12.1-20-11 through 12.1-20-12.3, or chapter 12.1-27.2.
- Committing a crime against a child as defined by NDCC 12.1-32-15 (1a).
- Engaging in corporal punishment as defined by NDCC 15.1-19-02.
- Engaging in bullying as defined by NDCC 15.1-19-17.
- Neglecting a child as defined by NDCC 50-25.1-02 (20).

For purposes of this policy, NDCDE administration is defined as the state director, assistant superintendent, director of learning, dean of students, or human resources manager.

Deterrence

To assist with implementing this policy, all CDE employees will be required to:

- Upon hiring, as a condition of employment:
 - Undergo a state and federal criminal history record check; see the Recruitment, Hiring, & Background Check Policy, B1a, for information on factors that will disqualify an applicant from employment at CDE based on the results of this screening.
 - Review and agree to the North Dakota Education Standards and Practices Board “commitment to the student” outlined in North Dakota Administrative Code 67.1-03-01-02
 - Review this policy and complete the required training specified.
- Review and agree to this policy upon adoption and as otherwise requested by NDCDE administration.
- Complete the training specified in this policy.

Reporting

NDCDE teachers, counselors, and administrators are required to report known or suspected

child abuse or neglect per NDCC 50-25.1-03, and all NDCDE employees are strongly encouraged to report known or suspected child abuse or neglect. The reporter must also inform the NDCDE Student Support Office as soon as possible, which can assist with preparing the mandatory report form. The dean of students shall notify the NDCDE assistant superintendent and state director of all known reports filed under this policy.

Prohibition on Aiding and Abetting Sexual Abuse

See References Policy for details, B1i.

Training

All NDCC staff shall complete mandated reporter training provided by the North Dakota Department of Health and Human Services outlined in NDCC 15.1-19-29, submitting a completion certificate to NDCDE administration through the method it specifies and renewing this training as directed by NDCDE administration. NDCDE will provide all staff with this policy, the North Dakota Education Standards and Practices Board “commitment to the student” outlined in North Dakota Administrative Code 67.1-03-01-02, and detailed information on any definitions referenced in this policy that are not covered in the mandated reporter training to ensure that employees are fully aware of the scope of this policy’s prohibitions.

Violations

A violation of this policy is considered serious and will be treated as an exception to progressive discipline standards contained in North Dakota Administrative Code 04-07-19-04. When a staff member from out of state engages in conduct that violates this policy, regardless of whether the employee is charged or convicted in his/her own state, NDCDE will still proceed with disciplinary action when necessary to protect the best interest of CDE students.

End of policy

Adopted: 1/12/24

Amended: 07/10/2024

Published where: NDCDE website, CDE-All Staff Teams Channel

Version and effective date: 08/01/2024

Additional References:

North Dakota Education Standards and Practices Board “Commitment to the Student,” **North Dakota Administrative Code 67.1-03-01-02**

Policies Referenced:

Recruitment, Hiring, & Background Check, B1a

Conflicts of Interest & Gifts (B4e.v01)

The State of North Dakota, as the employer, must avoid any interest, influence or relationship that might conflict or appears to conflict with the interests of the State, or that might affect one's working judgement. This policy applies to all team members regardless of status. Conflicts of interest will be avoided through open disclosure practices and corrective actions.

Examples and Definitions

Conflict between the duties assigned to the team member and the self-interest of the team member or the team member's immediate family.

- Examples of potential conflict situations include, but are not limited to:
 - a. Ownership, a significant financial interest in, or other relationship with a supplier or vendor to the State.
 - b. Having a financial interest in any business transaction with the State.
 - c. Receipt of gifts of more than a nominal value.
- Gifts: Tokens, meals and refreshments, entertainment, or other benefit of more than a nominal value (i.e., \$50).
- Immediate family: Any member of the team member's immediate family, including a parent, spouse, child, sibling, grandparent, step- (parent, child, siblings), or in-laws (parent, child, and sibling).

Disclosure

A team member with a conflict must disclose the conflicting interest and remove themselves from any related negotiations, deliberations, or decisions; however, employees may state their position and respond to questions when their knowledge may be of assistance. Team members shall promptly disclose any such situation to their manager when an actual or potential conflict may exist.

Exchanges of Items of Value

A team member may not accept or give anything of value for official position, opinion, or action or nonperformance of a legal duty or for purposes of attempting to influence any other public official or team member in the exercise of an official action. A "thing of value" does not mean a campaign contribution properly received and reported in accordance with NDCC 16.1-08.1. Team members may accept meals and refreshments if they are infrequent, of nominal value, and in direct connection with State business. If a team member receives a gift or a benefit of more than nominal value, the team member must report it promptly to their supervisor. The received item(s) must be then returned, shared or donated to a suitable charity.

Violations

Violations of this policy may result in disciplinary action and/or referral to the North Dakota Ethics Commission under NDCC Ch. 54-66.

End of policy

Adopted: 1/12/24 and reaffirmed 08/02/2024

Amended:

Cross-Departmental Collaboration & Coordination (B4f.v01)

The purpose of this policy is to foster a culture of collaboration, teamwork, and effective communication among all departments within NDCDE. Members of the leadership team and supervisors are responsible for monitoring and enforcing this policy within their respective teams.

General Guidelines

Collaborative Mindset: All NDCDE employees are expected to adopt a collaborative mindset, recognizing the value of working together to achieve common goals. Departments are encouraged to share information, resources, and expertise for the benefit of the entire organization.

Communication: Departments should maintain open lines of communication and promptly respond to inquiries or requests from other departments. Regular cross-departmental meetings and updates should be scheduled to facilitate information sharing.

Commitment to Written Processes: Cross-departmental processes and agreements should be documented in writing and included in the organization's process repository (See Process Documentation Policy, A5b) to ensure clarity, consistency, and accessibility to all team members. Any modifications or updates to agreed-upon processes should also be documented promptly.

Problem Resolution: In the event of conflicts or challenges arising from cross-department collaboration, employees are encouraged to address concerns with their immediate supervisors. All parties involved should work collaboratively to find mutually beneficial solutions.

Prohibited Behaviors: Any behavior that hinders or disrupts cross-departmental collaboration is strictly prohibited. This includes but is not limited to:

- Withholding information or resources necessary for collaboration.
- Engaging in disrespectful or unprofessional communication with colleagues from other departments.
- Undermining collaborative efforts intentionally.
- Uncollaborative behavior that otherwise violates the Employee Conduct Policy, B4j.

Disciplinary Consequences

Violations of this policy may result in disciplinary action in accordance with the Employee Discipline Policy, B4k. Disciplinary actions will be determined based on the severity and frequency of the violation, as well as any previous incidents.

End of policy

Adopted: 08/02/2024

[RETURN TO TABLE OF CONTENTS](#)

Amended:

Published where: NDCDE website, CDE-All Staff Teams Channel

Version and effective date: 8/02/2024

Policies Referenced:

Process Documentation, A5b

Employee Conduct, B4j

Employee Discipline, B4K

Drug & Alcohol-Free Workplace (B4g.v01)

The State of North Dakota, as the employer, desires to provide a drug-free, healthful, and safe workplace. Team members are required to report to work in a condition to perform their jobs in a safe, efficient, and satisfactory manner. This policy applies to all team members regardless of status. All employees must sign a drug and alcohol-free workplace acknowledgement form (SFN 16769) at the time of hire.

Any unauthorized or unlawful manufacture, distribution, dispensations, possession, or use of controlled substances or alcohol by any team member at CDE's offices, during hours when employees are working from their virtual workplaces, or in any vehicle used for official state purposes is strictly prohibited. This prohibition applies during all work breaks, during nonworking hours when the effect inhibits the team member's job performance or agency's performance, or while conducting any official business of the state. The use of prescribed drugs is permitted provided it does not impair the team member's ability to perform the essential functions of the job effectively and in a safe manner that does not endanger other individuals, equipment or property in the workplace.

No team member may report for work having the odor of an alcoholic beverage on them or be under the influence of alcohol or drugs. Reporting to work includes logging in online to perform virtual work. A manager may require a team member to leave the workplace or pause online virtual work if the manager determines the team member has reported to work in an inappropriate condition and cannot perform the essential functions of the job effectively, considering safety and the possible negative impact on students. The team member may be required to use annual leave or sick leave. If the manager determines the team member should not operate a motor vehicle, the manager should arrange transportation for the team member. If the team member refuses to accept transportation and insists on operating a motor vehicle, they will be informed by the manager that law enforcement officials will be notified that the team member appears unfit to operate a motor vehicle. Law enforcement officials should then be appropriately notified.

Under the Drug-Free Workplace Act, a state team member who performs work for a government contract or grant must notify the state of a criminal conviction for drug-related activity occurring in the workplace. The report must be made within five days of the conviction.

When participating in social activities sponsored by the state, a state agency, or which are associated with workplace activities, team members are required to conduct themselves in a manner that they do not represent a danger to themselves, other team members, or the general public, or damage the reputation of the state.

To inform team members about important provisions of this policy, the state has established a drug-free awareness program. The program provides information on the dangers and effects of substance abuse in the workplace, resources available to team members, and consequences for violations of this policy. Team members with questions or concerns about substance dependency or abuse are encouraged to use the resources of the Employee Assistance Program. Team members may also wish to discuss these matters or this policy with their

supervisor, the NDCDE human resources manager or HRMS to receive assistance or referrals to appropriate resources in the community.

Any team member who is determined to have violated this policy will be subject to disciplinary action up to and including termination of employment and participation in a substance abuse rehabilitation or treatment program.

References: Public Law 100-690

End of policy

Adopted: 1/12/24 and reaffirmed 08/02/2024

Amended:

Published where: NDCDE website, CDE-All Staff Teams Channel

Version and effective date: 8/02/2024

Dress Code (B4h.v01)

The purpose of this dress code policy is to establish guidelines for a professional and respectful appearance when team members are engaging in virtual interactions, particularly when working with students. As a virtual workplace within a school environment, maintaining a polished and professional appearance helps set a positive example for students and fosters a culture of respect and professionalism.

Team members are expected to use professional judgment and wear clothing that is neat and appropriate for a school setting. Clothing that is excessively casual (e.g., pajamas, workout apparel, or clothing that is torn and stained) or is excessively revealing is strictly prohibited. Any clothing containing messages, graphics, or symbols that are derogatory, offensive, or violate NDCDE policies is not allowed. When attending in-person meetings or presentations, team members shall dress consistent with the setting in which the meeting/presentation is taking place. For example, when testifying at the legislature, employees are expected to wear business formal attire, including a blazer. In cases where specific job requirements necessitate different attire (e.g., physical education or art instructors), exceptions may be made with the approval of the direct supervisor.

Team members shall also maintain their personal grooming and hygiene standards to present a clean and professional appearance.

Team members who violate this policy may be subject to disciplinary action based on the severity of the offense.

End of policy

Adopted: 1/12/24 and reaffirmed 08/02/2024

Amended:

Published where: NDCDE website, CDE-All Staff Teams Channel

Version and effective date: 8/02/2024

Driving While Conducting State Business (B4i.v01)

The State of North Dakota, as the employer, requires that all employees who operate a vehicle while conducting state business must adhere to all policies outlined in the current Department of [Transportation's State Fleet Services Policy Manual](#), which includes procedures for accident reporting. This applies to all vehicles including State Fleet, privately owned, leased, or rented vehicles.

Any employee who is determined to have violated this policy will be subject to disciplinary action up to and including termination of employment.

Reference: [NDCC § 24-02-03.3](#)

End of policy

Adopted: 1/12/24 and reaffirmed 08/02/2024

Amended:

Published where: NDCDE website, CDE-All Staff Teams Channel

Version and effective date: 8/02/2024

Employee Conduct (B4j.v02)

NDCDE is committed to providing a safe, inclusive, and productive online learning environment for its students and staff. This policy outlines the expectations and standards for all staff members to help foster this environment for our students and ensure a positive, collegial, and effective working environment. NDCDE has adopted a number of additional policies found throughout its policy manual, outlining specific expectations for employees. In addition to complying with them, NDCDE employees are required to adhere to the following general conduct standards:

- Performing all duties ethically and with personal accountability, including:
 - Acting with integrity, honesty, and professionalism in all interactions.
 - Adhering to any professional codes of conduct associated with your profession or holding licensure required for your position.
 - Demonstrating fairness and impartiality in decision-making.
 - Taking responsibility for your actions and decisions.
 - Striving for excellence in your work, identifying where improvements can be made, and continuously seeking professional development and ways to make refinements in response.
 - Adhering to deadlines and fulfilling all job responsibilities with diligence.
- Maintaining a student-centered focus, including:
 - Prioritizing the well-being and educational needs of students in all decisions and actions.
 - Fostering a positive and supportive learning environment that promotes student success.
 - Demonstrating empathy and understanding towards the diverse needs of students.
- Working as a team, including:
 - Collaborating effectively with colleagues, recognizing the value of teamwork.
 - Communicating openly and constructively with team members to achieve common goals.
 - Sharing knowledge and expertise to enhance overall team performance.
- Communicating professionally and effectively, including:
 - Engaging in open, honest, and respectful communication with colleagues, students, and parents.
 - Responding promptly to messages and inquiries, fostering a culture of effective communication.
 - Using appropriate and professional language in all written and verbal communication.
- Complying with policies and laws, including:
 - Adhering to all relevant laws, regulations, and policies governing NDCDE as a state

- agency and a public school.
- Familiarizing yourself with NDCDE policies and following them diligently.
- Reporting any potential breaches or violations promptly.
- Adhering to any processes NDCDE or your supervisor has developed to implement policy or law.
- Maintaining a professional online presence, including:
 - Adhering to CDE's policy on social media (B4bb).
 - When attending work-related online meetings:
 - Having a professional and well-groomed appearance, adhering to CDE's dress code policy (B4h).
 - Turning on your camera to foster engagement in online meetings while ensuring your online meeting background contains nothing that is disruptive, derogatory, or otherwise a violation of CDE policy.
 - Ensuring that you conduct your meetings from a space where you can uphold CDE's standards on confidentiality.
- Engaging in constructive conflict resolution, including:
 - Addressing conflicts professionally, seeking resolution through open communication, collaboration, and in accordance with applicable CDE policies and processes.
 - Reporting conflicts to appropriate supervisors or NDCDE human resources, if necessary.
 - Prioritize the well-being of students, colleagues, and the organization when resolving conflicts.

Violations of this code of ethics may result in disciplinary action determined by the severity of the violation and the impact on NDCDE and its students up to and including termination. See NDCDE's Employee Discipline Policy, B4k, for more details.

End of policy

Adopted: 1/12/24

Amended: 07/10/24

Published where: NDCDE website, CDE-All Staff Teams Channel

Version and effective date: 08/01/2024

Policies Referenced:

[Dress Code, B4h](#)

[Employee Discipline, B4k](#)

Employee Discipline (B4k.v01)

NDCDE follows a system of progressive discipline unless an infraction or a violation of a serious nature is committed, including insubordination, theft, falsification of pay records, or assaulting or threatening to harm a manager or team member, student, or other patron and for which the imposition of less severe disciplinary action would be inappropriate. The progressive discipline system is intended to correct a regular team member's behavior by beginning with a less severe appropriate action and progressing to a more severe appropriate action, for repeated instances of poor job performance or for repeated violations of the same or similar rules or standards.

Progressive discipline includes verbal warnings, written warnings, and pre-action that may lead to suspension without pay, demotion, or dismissal. Written warnings, notices of suspension (paid or unpaid), and pre-action must be prepared in consultation with and upon the approval of the CDE human resources manager and CDE state director. The CDE human resources manager should notify the DPI human resources director before issuing a written warning or pre-action letter, and should consult legal counsel prior to issuing a pre-action letter.

A copy of all written disciplinary decisions covered by this policy must be submitted to the team member, and the original copy retained in the team member's personnel file in accordance with the process outlined in the CDE Personnel Files policy, B5a.

Discipline of Regular Classified Employees

A team member who has completed the probationary period may be disciplined only for cause. Progressive discipline shall be used to correct a regular classified employee's job performance or for a violation of rules or standards, unless the infraction or violation is of a serious nature as described above and for which the imposition of a less severe disciplinary action would be inappropriate.

Suspension with Pay

A suspension with pay may be used during an investigation or pending disciplinary action. The NDCDE human resources manager is responsible for notifying the employee of this decision in writing.

Verbal Warning

A verbal warning is intended to change behavior or influence a team member toward improved performance. The verbal warning shall describe the problem, how the behavior or poor performance is detrimental to the discipline and efficiency of the service in which the team member is or was engaged, the performance or behavior expectations going forward, and the consequences if the performance, behavior, or misconduct continues. Verbal warnings must be documented in the manager's notes or records. A copy of the verbal warning shall be given to the team member and NDCDE's human resources manager.

Plan of Improvement

While plans of improvement are not required before taking additional disciplinary measures, following issuance of a verbal warning, if the team member's is not improving satisfactorily, a supervisor may institute a plan of improvement to provide additional guidance to the employee

on the incremental action steps, timelines, and resulting outcomes needed for the employee to meet behavioral or performance expectations.

Written Warning

A written warning may be appropriate when a pattern of unacceptable performance is recognized or misconduct has occurred. A written warning typically follows, but is not required, after a verbal warning has been given. The written warning shall contain the same elements as the verbal warning detailed above, in the form of a letter, memo, or official agency form, and signed by the manager and team member. The written warning must be placed in the team member's personnel file and a copy must be given to the team member.

Pre-Action Notice

NDCDE shall provide a written pre-action notice when the suspension without pay, demotion, or dismissal of a regular team member is being considered. This typically occurs following documented noncompliance with the written warning or when an infraction or a violation of a serious nature is committed by an employee. The written pre-action notice must include:

- a. A statement that NDCDE believes there is cause to take disciplinary action that may result in demotion, suspension without pay, or dismissal of the team member.
- b. An explanation of the allegations against the team member.
- c. A provision for the team member to respond in writing within a minimum of five working days.
- d. A statement regarding the team member's status until a final decision is made.
- e. A statement that a written notice of the final action taken will be provided to the team member.

The NDCDE human resources manager shall determine the method of delivery that best guarantees the team member's receipt of the pre-action notice. The team member will be given access to his or her official personnel file and all information upon which the allegations are based. NDCDE should include as attachments any documents or information upon which the pre-action is based or which support the employer's belief there is cause to take disciplinary action. The team member's response must be in writing and received on or before the time set forth.

Final Action Notice

The team member must be notified, in writing, of the final action to be taken. The final action notice must include either of the following:

- a. If the final action is less than demotion, suspension without pay, or dismissal, a statement must be made explaining the reasons for reducing the intended disciplinary actions. Any stipulations that may apply to continued employment must also be stated.
- b. If the final action taken demotes, suspends, or dismisses the team member, a detailed explanation of the basis for the action must be provided.

The written final notice given to the team member will include an explanation containing the elements described in the pre-action procedure. This notice must also inform the employee of the right to appeal the decision in accordance with the provisions of North Dakota Administrative Code § 407-20.1-03.

The NDCDE human resources manager shall determine the method of delivery that best guarantees the team member's receipt of the final action notice.

Suspension of Employment Without Pay

A suspension without pay may not exceed 30 calendar days. The NDCDE director or designee, with the coordination of the NDCDE human resources manager, must determine the length of this suspension. The suspension must be consistent in severity with the seriousness of the team member's poor performance or misconduct. If the suspended team member is exempt from the overtime provisions of the Fair Labor Standards Act, the appointing authority may make deductions from pay for unpaid disciplinary suspensions of one or more full days. The NDCDE human resources manager must review all suspensions prior to implementation.

Demotion

A team member may be demoted for inefficiency, misconduct or other cause. A demotion may be to a lower classification, a lower salary grade, or both. The NDCDE human resources manager will give the team member written notice of the demotion following the pre-action procedure and an explanation of the appeal process.

Dismissal from Employment

This is the most severe disciplinary action and is intended as a final action. This level of discipline will normally be taken when previous disciplinary actions have been ineffective or severe misconduct. Dismissal from employment may be used earlier in the disciplinary process when it is necessary and consistent with the performance and misconduct. The written notice given to the team member will include an explanation containing the elements described in the pre-action procedure.

Reference: NDAC 4-07-19-02

End of policy

Adopted: 1/12/24 and reaffirmed on 07/10/2024

Amended:

Published where: NDCDE website, CDE-All Staff Teams Channel

Version and effective date: 08/01/2024

Policy Referenced:

[Personnel Files, B5a](#)

Job Descriptions (B4l.v01)

It is the policy of NDCDE to provide clear job descriptions for each employee, outlining their roles, responsibilities, and expectations. Supervisors are responsible for enforcing and maintaining job descriptions. Employees are required to perform all duties outlined in their respective job descriptions.

Required Components in Job Descriptions

The job description will include, but is not limited to:

- Title and department of the position
- Employee's classification grade and category
- Knowledge, skills, and abilities (KSAs) required
- Primary responsibilities and duties and percentage of time dedicated to each assigned area of responsibility
- Reporting relationships and supervisory responsibilities (if applicable)
- A provision that employees are required to perform other duties as assigned

Repository

NDCDE maintains a central repository of all job descriptions. Supervisors are responsible for providing copies of job descriptions to the NDCDE human resources manager to upload to this repository.

Upon Hire

Supervisors are responsible for providing a copy of the job description to the employee and ensuring that all duties listed are reviewed and needed training provided during the orientation process. For more information on this process see the Acknowledgements Upon Hire (B1b) and Onboarding & Commencement of Duties Policies (B1g).

Annual Review

Supervisors are responsible for reviewing and updating job descriptions annually or as needed due to changes in the employee's role. The annual review process includes a discussion between the supervisor and the employee to ensure the job description accurately reflects the employee's current responsibilities. Any necessary revisions to job descriptions will be documented by the supervisor and sent to the NDCDE director and human resources manager for review and approval. If the update results in a need for a reclassification, the job description and reclassification request are submitted by the NDCDE human resources manager to HRMS.

Employee Responsibilities

Employees are expected to familiarize themselves with their job descriptions and seek clarification from their supervisors if any aspect is unclear. Employees are required to perform all duties and responsibilities outlined in their job descriptions to the best of their abilities. Any concerns about the feasibility or appropriateness of assigned duties should be promptly communicated to the supervisor.

Scope of Authority:

Employees are expected to operate within the scope of authority defined by their job descriptions. Overstepping the assigned scope of authority, or undertaking duties not outlined in the job description without prior authorization, may result in disciplinary action.

If employees believe a modification to their job description is necessary due to changes in responsibilities, they should communicate this to their supervisors for evaluation and consideration.

Instances of employees overstepping the defined scope of authority will be investigated by the appropriate supervisor. Supervisors are required to review the job description with an employee who overstepped his/her authority to explain why the actions were outside the employee's role and if overstepping continues, the employee will be subject to disciplinary action.

End of policy

Adopted: 1/12/24 and reaffirmed 08/02/2024

Amended:

Published where: NDCDE website, CDE-All Staff Teams Channel

Version and effective date: 8/02/2024

Policies Referenced:

[Acknowledgments Upon Hire, B1b](#)

[Onboarding & Commencement of Duties, B1g](#)

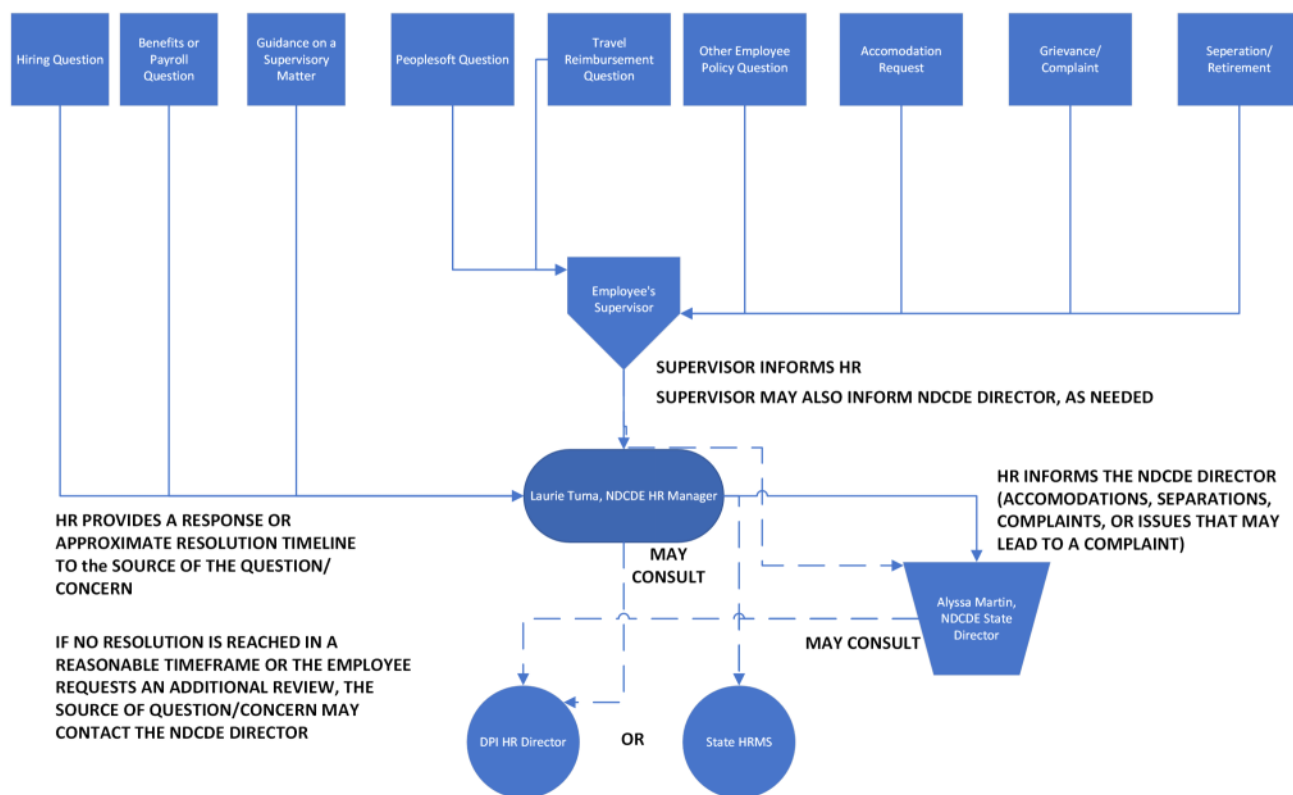
Referrals to Human Resources (B4m.v01)

NDCDE recognizes the need to foster a collaborative and supportive work environment that upholds the well-being of its employees. This policy aims to provide clear guidance on the channels employees should utilize when seeking assistance from our in-house human resources (HR) manager. Additionally, it outlines procedures for matters that may be referred to external HR departments within the state system.



HUMAN RESOURCES REFERRAL PROCESS

TYPE OF CIRCUMSTANCE



End of policy

Adopted: 1/12/24 and reaffirmed 08/02/2024

Amended:

Published where: NDCDE website, CDE-All Staff Teams Channel

Version and effective date: 8/02/2024

Teacher Expectations (B4n.v02)

Unless otherwise specified, this policy applies to all NDCDE teachers, full and part-time. In addition to requirements pertaining to teachers in state and federal law, Education Standards and Practices Board administrative rules, state laws and administrative code governing state employees, and NDCDE's personnel policies, NDCDE teachers are expected to comply with the following requirements:

- **Be present and available to students:** Teachers will communicate with students when and how they can be reached, including a regular weekly schedule outlining when the teacher is available to meet with students. Teachers will communicate any changes to this schedule with their direct supervisors.
- **Create a positive online learning atmosphere for students,** including setting clear expectations, regularly interacting with students and their learning coaches, maintaining discipline, ensuring the virtual classroom is a safe space, accommodating student plans (i.e., 504s, IEPs, ILPs, and behavior intervention plans), implementing and documenting interventions, monitoring student progress and participation, and providing students with constructive feedback that is intended to strengthen their degree of proficiency in course learning outcomes.
- **Be actively engaged during meetings** and attend them in a location where one can fully participate. To comply, when meeting with students, teachers must have their cameras on, be prepared with an agenda and intended outcomes, facilitate the discussion, actively listen, and conduct the meeting in a space that allows for confidentiality. When meeting with colleagues and supervisors, teachers must have their cameras on, contribute to the discussion, and be in a distraction-free environment, unless making their supervisor aware of any reason that they would need an exception granted to these standards.
- **Regularly review** the NDCDE Workload and Extra Duty Pay policy (B2ag); Leave Approval, Reporting, and Accrual Cycle policy (B2bh); and Acceptable Use policy (A6b) to ensure compliance with the agency's work hours, leave, and technology use requirements.

Teachers' direct supervisors will assist with complying with this policy by reviewing it with teachers as needed, outlining strategies to help implement it, and coaching a teacher when an administrator identifies a need to change current practices to better align with these expectations.

End of policy

Adopted: 1/12/24

Amended: 07/10/2024

Published where: NDCDE website, CDE-All Staff Teams Channel

Version and effective date: 08/01/2024

Policies Referenced

[Workload and Extra Duty Pay, B2ag](#)

[Leave Approval, Reporting, and Accrual Cycle, B2bh](#)

[Acceptable Use, A6b](#)

Smoking & Tobacco Use (B4o.v01)

The State of North Dakota, as the employer, prohibits smoking and the use of tobacco by its team members within state agency workplaces and in any other work-related settings, including virtual work environments and inside any State Fleet vehicle.

Definitions

- Smoking means inhaling, exhaling, burning, or carrying any lighted or heated cigar, cigarette, or pipe, or any other lighted or heated tobacco or plant product intended for inhalation, in any manner or in any form. Smoking also includes the use of an e-cigarette which creates a vapor, in any manner or any form, or the use of any oral smoking device.
- Tobacco: Any product made or derived from tobacco that is intended for human consumption, including any component, part, or accessory of a tobacco product. This includes, among other products, cigarettes, cigarette tobacco, roll-your-own tobacco, electronic cigarettes, vaporizers, and smokeless tobacco.

Reference: NDCC 23-12-09

End of policy

Adopted: 1/12/24 and reaffirmed 08/02/2024

Amended:

Published where: CDE-All Staff Teams Channel

Version and effective date: 8/02/2024

Work Hours & Attendance (B4p.v01)

The NDCDE Workloads & Extra Duty Pay Policy, B2ag, outlines expectations on the number of hours each employee is required to work weekly. The Teacher Expectations Policy, B4n, contains information on teachers setting their work schedules.

The purpose of this policy is to complement those listed above and establish guidelines for all staff on attendance and work reporting in our virtual workplace, which operates with flexible hours. The aim is to ensure accountability, collaboration, and overall productivity within the organization.

Setting Schedules

Employees are granted flexibility in determining their work hours. While flexibility is encouraged, employees are required to obtain supervisor approval for their proposed work schedules, and the supervisor may adjust these schedules based on organizational needs. Supervisors will provide direction to employees on how they are required to communicate their schedules with others (e.g., including work hours in email signature blocks). Changes to approved schedules must be communicated to and approved by the supervisor in advance unless an unforeseen circumstance requires the employee to change his/her schedule, in which case the employee will inform his/her supervisor as soon as possible.

Attendance & Status Updates in Teams

Employees are required to update their status in Teams to signal their availability during working hours. The status should accurately reflect whether the employee is "Available," "Away," "Busy," "In a meeting," or any other relevant status to inform colleagues of their availability for collaboration.

Virtual meetings should be prioritized, and attendance is expected unless otherwise communicated.

Accountability

Employees are accountable for adhering to their agreed-upon work schedules and making reasonable efforts to be available during working hours.

Employees who are consistently unavailable during agreed-upon work hours without valid reasons may be subject to disciplinary action.

Enforcement

Supervisors and managers are responsible for monitoring attendance and work reporting within their teams. Disciplinary actions for violations of this policy may be taken based on the severity and frequency of the violation, considering any extenuating circumstances.

End of policy

Adopted: 08/02/2024

Amended:

Published where: CDE-All Staff Teams Channel

Version and effective date: 8/02/2024

Policies Referenced:

[NDCDE Workloads & Extra Duty Pay, B2ag](#)

[Teacher Expectations, B4n](#)

Workloads

See the Workloads & Extra Duty Policy, B2ag.

Work Environment

Friday, January 05, 2024 9:07 PM

Section Placeholder

Personnel Files (B5a.v01)

Only one official personnel file is maintained per team member. This file is under the control of the CDE human resources manager. CDE supervisors may maintain written notes or records of an employee's performance separate from the personnel file for the purpose of preparing evaluations or possible disciplinary action, which are generally housed in CDE's Human Resources SharePoint site.

CDE will enforce this policy to the extent it does not conflict with law, in which case law shall supersede.

Accessing Personnel Files

Team member personnel files are open records except as delineated in law, which is summarized below. This summary may not be all encompassing, and the CDE human resources manager should consult legal counsel if uncertain of whether a requested personnel record is open, exempt, or closed.

A record of access must be in each personnel file. [SFN 17770](#) Team Member Records Access Form is used for that purpose. The NDCDE human resources manager and/or supervisors do not complete this form ***when inserting the following documents in the personnel file: salary, insurance, medical, tax, workforce safety and insurance, pretax benefits, deferred compensation information, or employment forms.***

Per law, the employee or the employee's designated representative must be permitted to examine the employee's official personnel file by appointment during normal business hours. The employee must be permitted to reproduce at the employee's expense any material in the employee's file. CDE waives charging for these copies when the employee is requesting the material to prepare a grievance or appeal.

Content of Personnel Files

Per state law (NDCC 44-04-18.1 and 54-06-21):

- No documents that address an employee's character or performance may be placed in the file unless the employee has had the opportunity to read the material. The process for documenting employee receipt of such documentation is outlined in law.
- No anonymous letters are to be placed in a team member's file.
- The employee has the right to answer any material filed and any answer must be attached to the file copy. The employee's answer to material filed may not be used as the basis for any subsequent adverse personnel action. If any material is found to be without merit or unfounded through an established grievance procedure, it must be immediately removed from the file and may not be used in any subsequent actions or proceedings against the employee.
- An employee may file a grievance regarding non-evaluation material placed in the employee's personnel file. See CDE's grievance policies for more details.
- Administrators are encouraged to place in the employee's file information of a positive nature, including any such material received from outside competent and responsible sources, indicating special competencies, achievements, performances, or contributions of a professional or civic nature.
- Except as otherwise specifically provided by law, personal information regarding a public employee contained in an employee's personnel record or given to the state or a political subdivision by the employee in the course of employment is exempt, meaning that the information shall only be disclosed with a justified need approved by the CDE director and human resources manager. "Personal information" means a person's month and day of birth; home address; home telephone number or personal cell phone number; photograph; medical information; motor vehicle operator's identification number; public employee identification number; payroll deduction information; the name, address, telephone number, and date of birth of any dependent or emergency contact; any credit, debit, or electronic fund transfer card number; and any account number at a bank or other financial institution. Information regarding the type of leave taken by an employee is exempt,

although the amount of leave taken or accrued, and the dates of the leave taken, is public record. Information regarding leave applied for but not yet taken is exempt until the leave is taken.

- Records relating to a CDE's internal investigation of a complaint against a public employee for misconduct are exempt until the investigation of the complaint is complete, but no longer than seventy-five calendar days from the date of the complaint.

Items Excluded from the Personnel File & Maintained Separately

- **Criminal history records** will be maintained separately from the personnel file and are prohibited from being disseminated to any party by NDCDE (NDCC Ch. 12-60).
- Any record of a public employee's **medical treatment or use of an employee assistance program (EAP)** is not to become part of that employee's personnel record and is confidential and, except as otherwise authorized by law, may not be used or disclosed without the written authorization of the employee (NDCC 44-04-18.1). Such files shall remain in the exclusive control of the NDCDE human resources manager. Exceptions to the confidentiality requirements for medical and EAP records are as follows:
 - Managers may be informed of a team member's medical restrictions on work duties.
 - First aid/safety personnel may be informed of a team member's medical status or history, as appropriate.
 - Government officials investigating compliance must be provided access or information on request.
- Unless one of the exceptions above applies, medical information may not be released without the written consent of the team member. Medical records must be retained for the term of employment plus six years.
- **Grievance Records**
Records, reports, and correspondence regarding a team member's grievance shall be retained in a file separate from their personnel file.

End of policy

Adopted: 1/12/24, reaffirmed: 09/10/2024

Amended:

Published where: CDE-All Staff Teams Channel

Version and effective date: 09/10/2024

Risk Management

Placeholder

Designated Medical Provider (B5ba.v01)

The State Risk Management Division (RMD) and Workforce Safety & Insurance administer the State agency workers' compensation account. This allows RMD to designate healthcare providers to treat workplace injuries and illnesses. WSI may not pay for medical treatment by another provider unless a designated provider refers you or you have selected a different physician prior to injury. Emergency care is exempt from the designated provider agreement.

Employees may elect to be treated by a different provider by completing a [“Designated Medical Provider” form \(SFN 53758\)](#) prior to the occurrence of an injury, also available in the PeopleSoft Employee Self Service Portal.

End of policy

Adopted: 09/10/2024

Amended:

Published where: CDE-All Staff Teams Channel

Version and effective date: 09/10/2024

Employee Health & Safety (B5bb.v01)

NDCDE's policy is to provide a work environment free of hazards that may cause physical harm or illness to team members and patrons. Each team member is responsible for working in a safe and efficient manner and complying with all regulations, standards, and special safety concerns. Failure to adhere to the policy may result in disciplinary action up to and including termination of employment.

Due to each department's unique operations, including whether or not employees report to a physical workplace, each department may establish and maintain its own safety as needed and will continually review and update them as conditions warrant.

NDCDE primarily employs individuals who work remotely in home environments. As such, it has developed and adopted a general safety and an ergonomic program to educate and train team members on the basic principles of ergonomics, safe workplace practices, and proper body mechanics, which they are required to observe **regardless** of where they are working and include:

- Maintain a clean, orderly, and safe work area that is free from hazards at all times.
- Perform work in a safe manner so as not to jeopardize oneself or others in the work area.
- For those with physical responsibilities, use protective equipment safe materials.
- If working at an NDCDE or other state facility, identify and become familiar with the Emergency Plan, Evacuation Procedures, Procedures for Life Safety Threats, and other general safety issues in the event of an emergency.
- Drivers and passengers of motor vehicles must wear seat belts; drivers must act in a safe manner at all times and adhere to speed limits and traffic laws.
- Report immediately all safety threats, violations, and incidents, using the protocol outlined below.
- Complete designated safety training.
- Follow department-specific safe operating procedures that are relevant to workplace operations.
- Submit a ticket to the NDCDE help desk anytime NDCDE-issued technology equipment has or appears to pose a safety threat (e.g., frayed cord or overheating battery).
- Complete Risk Management's training and policy review and acknowledgements annually.

Manager/Supervisor Responsibilities

- Inform team members of the safest manner in which to perform work and of safety policies and procedures.
- Ensure that all team members working in a NDCDE or other state facility are provided with current material that addresses the Emergency Plan, Evacuation Procedures, Procedures for Life Safety Threats, and other general safety issues, and ensure that all such team members receive periodic training in Evacuation Procedures, Procedures for Life Safety Threats, and other general safety issues.
- For those performing physical work, ensure that all protective equipment and safe materials are used.
- Enforce all safety and accident prevention policies and procedures.
- Investigate and report immediately all safety threats, violations, and incidents, using the

protocol outlined below.

- Establish, provide, and enforce department-specific safe operating procedures that are relevant to workplace operations. Provide training annually and at the time of hire to each team member.

Safety Inspections

The NDCDE risk management coordinator will inspect worksites, materials, and equipment to ensure physical work areas are free of hazards; take immediate corrective action to eliminate hazardous conditions. The NDCDE IT Department will ensure that all technology equipment issued to employees is free of hazards and will replace any such equipment when it has verified has or may pose a safety threat (e.g., frayed cord, overheating battery, etc.) and advise the employee on proper disposal of the old equipment.

Security Requirements & Safety Coverage for Remote Workers

See the Teleworking Policy, B5c.

Communicable/Contagious Diseases

Non-Discrimination

NDCDE will not discriminate against any job applicant or team member based on the individual having a communicable disease. Applicants and team members shall not be denied access to the workplace solely on the grounds that they have a communicable disease. NDCDE reserves the right to exclude a person with a communicable disease from the workplace facilities, programs, and functions if the organization finds that, based on a medical determination, such restriction is necessary for the welfare of the person who has the communicable disease and/or the welfare of others within the workplace.

Temporary Illnesses

NDCDE realizes that team members with contagious temporary illnesses, such as influenza, colds and other viruses, need to continue with normal life activities, including working. In deciding whether a team member with an apparently short-term contagious illness may continue to work, NDCDE considers several factors. The team member must be able to perform normal job duties and meet regular performance standards. Managers are encouraged to remind team members that NDCDE provides paid sick leave to cover absences due to contagious temporary illnesses.

If the team member typically reports physically to work, in the judgment of the manager, the team member's continued presence must pose no risk to the health of the team member, other team members, and customers. Generally, if the employee poses a physical risk, the manager will ask the employee to work remotely if the employee is well enough to perform his/her duties.

NDCDE's decisions involving persons who have communicable diseases shall be based on current professional medical judgments concerning the disease, the risks of transmitting the illness to others, the symptoms and special circumstances of each individual who has a communicable disease, and a careful weighing of the identified risks and the available alternative for responding to a team member with a communicable disease.

If a team member disputes the manager's determination that the team member is unable

to perform work due contagious temporary illnesses, the team member must submit a statement from his or her attending health care provider that the team member's continued employment poses no significant risk to the team member, other team members, or customers.

Pandemic Protocol

In the event of a declaration of a pandemic by the North Dakota Department of Health, NDCDE will ask each employee to work remotely, using the NDCDE facility on a limited basis for tasks that require physical work such as mailing equipment, coordinating with the NDCDE business manager to limit the number of employees in the office simultaneously.

Confidentiality of Medical Information

A team member's health condition and medical information are personal and confidential. NDCDE will take necessary and appropriate action to respect the rights of privacy and confidentiality of any team member.

Dissemination of information concerning an individual with a communicable disease will occur as provided under Federal and State law. Knowledge of a team member's medical condition is restricted in the workplace to:

- Managers and managers to assist them in providing reasonable accommodations.
- First Aid and safety personnel if the disease may require emergency medical treatment.
- Government officials investigating Americans With Disability Act (ADA) or civil rights compliance.

Assistance with Contagious Disease Questions

Team members should contact their manager or division director if they have questions or concerns about contagious, infectious illness at work. The manager or division director should contact the NDCDE human resources manager or risk management coordinator if team members have concerns about the possible contagious, infectious nature of an illness. These employees will consult with HRMS and with appropriate medical resources about the concerns and an appropriate response, including technical assistance regarding reasonable accommodation.

Reporting Accidents

All team members must ensure all safety threats, accidents, incidents, and near misses which result, or reasonably could have resulted, in a work injury or third-party claim are reported to the NDCDE risk management coordinator who shall assist the employee with using the Risk Management Division online incident reporting system within 24 hours of the incident if applicable. The risk manager coordinator will inform the NDCDE director of the reported issue. Team members should also inform their supervisors of the report. If an injured team member wishes to file a workers compensation claim, it will be his/her responsibility to file a First Report of Injury form (SFN 2828), which can be completed electronically at www.workforcesafety.com. When a First Report of Injury form is submitted to WSI, a team member will receive a quick reference guide from WSI to assist them with the workers compensation process.

Training

In addition to the training requirements listed under manager responsibilities above, all new

team members must receive training on the online Incident Reporting System, and existing team members must annually receive reminders or training on these requirements. All team members must be informed of workers' compensation benefits and how to file a claim. The NDCDE risk management coordinator will determine additional required annual risk management training and will work with the NDCDE professional development coordinator to inform employees of the required training and ensure it is completed with a reasonable timeframe.

Employees who refuse to complete required risk-management training after being given a reasonable opportunity to do so may be subject to disciplinary action.

Failure to Follow Safety Protocols

Employees who have been found to have intentionally disregard safe work practices may be subject to disciplinary action commensurate with the impact of such decisions.

Risk Management Coordinator

The NDCDE risk management coordinator is Steve Ring, business manager, 701-298-4846 steve.ring@k12.nd.us.

End of policy

Adopted: 09/10/2024

Amended:

Published where: CDE-All Staff Teams Channel

Version and effective date: 09/10/2024

Emergencies (B5bc.v01)

The NDCDE risk management coordinator is responsible for developing emergency response policies and procedures, including those related to responding to safety threats in the NDCDE facility and evacuating it in the event of applicable emergencies. Policies concerning securing and evacuating the NDCDE facility are found in the Fiscal and Asset Management section of the NDCDE Policy Manual.

Employees are strongly encouraged to use local emergency assistance services when an incident in their virtual workplace poses a major threat to their health or safety. Following such emergencies in remote workplaces, employees should report the incident using the protocol contained in the Employee Health & Safety Policy, B5bb.

End of policy

Adopted: 10/30/2024

Amended:

Published where: CDE-All Staff Teams Channel

Version and effective date: 10/30/2024

Policies Referenced:

Employee Health & Safety Policy, B5bb

Fiscal and Asset Management Section, Section F

Policy Referenced:

[Employee Health & Safety \(B5bb.v01\)](#)

Risk Management Training

See all required training listed in the Employee Health & Safety Policy, B5bb.

Working in Inclement Weather (B5bd.v01)

All NDCDE employees have the ability to work remotely. If inclement weather is forecasted, NDCDE employees who report to the physical office should pre-plan to ensure their laptops and any other needed equipment and supplies are available to work remotely. While NDCDE may close its physical office due to inclement weather, employees will be expected to work online, adhering to their normal schedules. If a team member who is authorized to work remotely chooses to adjust their schedule or opts not to work during inclement weather, they must take annual leave.

If the NDCDE business manager, in consultation with the state director, determines that the [physical](#) office will be closed due to inclement weather, the business manager will send alerts to all staff who regularly report to the physical office, notifying them of the closure.

A team member who has been pre-approved for annual leave during an office closure, will be charged leave accordingly. If a team member is released early from work by agency leadership and is unable to work remotely, their pay will not be reduced for hours they were unable to work.

Reference: NDAC: 4-07-08

End of policy

Adopted: 09/10/2024

Amended:

Published where: CDE-All Staff Teams Channel

Version and effective date: 09/10/2024

Teleworking (B5c.v01)

Objective

Teleworking allows team members to work at home, on the road or in a satellite location for all or part of their work week. Teleworking is a major component of the New Workplace. Teleworking does not change the terms and conditions of employment with the state of North Dakota. Telework is considered a privilege and not a right for NDCDE employees.

Designating Telework Positions

With the goals of maximizing team member flexibility and the use of off-site work locations, the NDCDE director will work with their managers and individual team members to determine which positions would be required to work full-time or part-time in an on-site location.

Primary Work Locations

Primary work locations for state team members may be exclusively in-office, exclusively from home, or some agreed upon combination:

- Home: Work is performed on average three (3) or more days per week at home.
- State Facility: Work is done exclusively from a state facility
- Hybrid: Work is performed on average of three (3) or more days per week at a state facility.
- Mobile/On the Go: Work is performed on mobile devices or in the community/district and on the move. The workplace may change frequently.

Equipment & Supplies

See the NDCDE Fiscal and Asset Management section, including the Teleworking Equipment and Supplies Policy (F4b).

Security & Safety when Teleworking

Team members are expected to maintain their remote workspace in a safe manner, free from safety hazards. Workers' compensation coverage will be provided for the team member while in the teleworking arrangement. However, the state otherwise assumes no liability for injuries occurring to the team member while teleworking. The team member may not allow members of the public, vendors, or clients into their personal residence to conduct public business and is responsible for and assumes any liability for any injuries sustained by visitors to his or her work site.

Teleworking team members need to follow the same agency requirements for a safe work environment with proper ergonomics.

Consistent with the organization's expectations of confidentiality and information security for team members working at the office, telecommuting team members will be expected to ensure the protection of confidential materials and student information. Steps include the use of locked file cabinets and desks; regular password maintenance; use of the VPN; holding confidential meetings, including those with students, in an area where privacy can be assured; and any other measures appropriate for the job and the environment.

Time Worked

See the NDCDE Work Hours and Attendance Policy, B4p.

Childcare/Eldercare

Teleworking is not designed to be a replacement for appropriate childcare or eldercare. Although an individual team member's schedule may be modified to accommodate childcare or eldercare needs, the focus of the arrangement must remain on job performance and meeting business demands. Teleworking team members are encouraged to discuss expectations of teleworking with members of their household.

Disruptions in Remote Work Environment

Employees who have regular disruptions in their remote work environment and are unable to remedy them when requested by a supervisor may be required to begin report to the NDCDE office or another state-owned work space, if such arrangements are feasible. If such arrangements are not feasible, the employee will be subject to disciplinary action up to termination if the disruptions persist.

Telework as an Accommodation

When requested by a team member, teleworking may be considered as a reasonable accommodation under the Americans with Disabilities Act. The NDCDE human resources manager shall initiate an interactive process with the team member to determine the type of accommodation needed. To determine if any or all job duties can be performed at home, the human resources manager must ensure that essential functions of the position have been identified and consideration given to the feasibility of teleworking on a full-time, part-time, or intermittent basis. Upon recommendation of the human resources manager, the NDCDE director may waive certain teleworking eligibility requirements, modify the teleworking policy, or waive or modify other workplace policies to allow a team member with a disability to work from home as a means of reasonable accommodation. Team members will not be able to telework, as an accommodation, if it prevents the team member from performing the essential functions of the job or causes undue hardship to the agency. The agency director has the right to select the most effective accommodation even if it is not the one preferred by the team member.

End of policy

Adopted: 07/10/2024

Amended:

Published where: CDE-All Staff Teams Channel

Version and effective date: 08/01/2024

Policies Referenced:

[Teleworking Equipment Supplies, F4b](#)

[Work Hours and Attendance, B4p](#)

Training, Performance, & Recognition

Placeholder

Awards (B6a.v01)

Service Awards

The content of this policy is taken directly from [ND Administrative Code \(NDAC\) § 04-07-18](#), which will supersede if in conflict with this policy or when this policy is silent.

The years of service awards apply to all regular and appointed employees who have completed the below identified milestones of full-time employment with the state of North Dakota. Employees who have left state employment and return will begin to accumulate time, which is added to the previous years of service to determine service awards.

Following the completion of:	Service Award
3 years	Certificate or plaque, and a gift not to exceed a value of \$25.
5 years	Certificate or plaque, and a gift not to exceed a value of \$50.
10 years	Certificate or plaque, and a gift not to exceed a value of \$100.
15 years	Certificate or plaque, and a gift not to exceed a value of \$150.
20 years	Certificate or plaque, and a gift not to exceed a value of \$200.
25 years	Certificate or plaque, and a gift not to exceed a value of \$250.
30 years	Certificate or plaque, and a gift not to exceed a value of \$300.
35 years	Certificate or plaque, and a gift not to exceed a value of \$350.
40 years	Certificate or plaque, and a gift not to exceed a value of \$400.
45 years	Certificate or plaque, and a gift not to exceed a value of \$450.
50 years and every five-year increment thereafter	Certificate or plaque, and a gift not to exceed a value of \$500.

Service awards may be postponed or withheld if there are documented problems with an employee's performance.

Employee and Teacher of the Year

NDCDE will recognize outstanding employees annually through two awards: Employee of the Year and Teacher of the Year. The criteria for these awards and the procedure governing the selection process can be found here: [2024 Employee Awards Criteria.docx](#). The social committee is responsible for maintaining and updating these criteria as needed.

Retirement Awards

For the purposes of this award program, a minimum of 15 years of State service is required, with a condition that no employee may be recognized for more than one (1) retirement. The employee will receive the following:

- A retirement certificate and/or a plaque signed by the Governor.
- A gift with a value not to exceed \$200.
- Recognition through a farewell coffee party, where other employees and friends may extend congratulations and wish the person well on their retirement, may be provided upon agreement of the employee and the agency.

Retirement awards may be withheld if there are documented problems with an employee's performance.

Employees who retire or depart from NDCDE with a minimum of 15 years: NDCDE will contribute \$10 for every year of service toward the retirement party to a maximum of \$300. The minimum will be \$150, as 15 years of service is required to qualify for a retirement/departure party. If expenditures do not total the amount allotted, only those expenses incurred will actually be paid by NDCDE. Expenses for a retirement/departure party above the amount allotted by the agency are the responsibility of the Social Committee or other sources.

NDCDE will not provide cash to an employee as part of a service or retirement award program. An agency may, however, provide a gift certificate.

Funding

Expenditures for the service award program are to be charged to each agency's budget. The dollar values of the gifts will be reviewed periodically for appropriateness.

Administration

Agencies must administer their service award programs consistent with this state program. Agencies may select vendors at their discretion but may not exceed the indicated dollar values for individual service or retirement award program.

End of policy

Adopted: 10/30/2024

Amended:

Published where: CDE-All Staff Teams Channel

Version and effective date: 10/30/2024

Performance Evaluations & Bonuses (B6b.v03)

The State of North Dakota, as the employer, conducts performance evaluations with employees to ensure employees are adequately performing the assigned job duties and to provide a basis for employee development discussions and salary administrative actions.

The performance evaluation process is an ongoing discussion between an employee and the direct supervisor to establish a clear understanding regarding:

1. The essential job functions of the position;
2. How the employee's job contributes to the objectives of the department/agency/state;
3. How the employee and supervisor will work together to sustain, improve, or build on existing employee performance;
4. How job performance will be measured;
5. Identification and removal of barriers; and
6. Identification of development plan to learn and grow.

All non-probationary classified State employees will have a performance evaluation completed at least annually.

At CDE, all employees will be evaluated based on the following categories of performance:

Performance Areas	Resource	Values/Permission to Play Alignment
Demonstrates adherence to NDCDE's mission, values, and commitment to job-applicable strategic initiatives to help execute its vision	NDCDE Playbook and Cognia Map	All
Contributes to a high-quality learning environment based on specific performance standards or metrics derived from applicable NDCDE's framework for online educational quality	NDCDE Framework High-Quality Online School (2).pdf	Quality conscious, student-centered, passionate about education, fearless innovators, flexibility fluent
Uses all software and technology expected of the employee when carrying out the functions in the job description	Job description, specifically KSAs	Barrier breakers; technology adept; flexibility fluid
Cultivates collaborative relationships with those inside and outside the organization	Job description	Considerately collaborative; bridge builders

when executing job responsibilities		
Performs all functions in each area of the job description	Job description	Self-directed problem solver; quality conscious; considerably collaborative
Engages in ongoing professional development and completes action steps aligned with individual goals and NDCDE strategic initiatives when appropriate	Peoplesoft annual goals; Peoplesoft record of pd; Cognia action plan	Passionate about education, fearless innovators

Employees will be scored in each area and an overall rating assigned based on the employee's total/total points possible. An employee receiving an overall needs improvement rating must be placed on a performance improvement plan, which may be added to an existing plan of improvement or written warning if one is currently in use for the employee.

Supervisors are strongly encouraged to use the following rubric to rate employee performance:

4: Excels—90 to 100%	3: Achieves—75-89%	2: Developing—60 to 75%	1: Needs Improvement, 59% or below
Employee not only executes this function/exhibits this attribute but also approaches it with a desire to contribute beyond what is expected by a). finding and acting on refinements to improve efficiency, b). assisting others with their execution of the performance area, or c). expanding upon the scope of performance area through the introduction and execution of supervisor-approved initiatives to spur innovation.	Employee regularly executes this function/exhibits this attribute with thoroughness, timeliness, and fidelity, as applicable, demonstrating, through action, an understanding of the role s/he plays in helping the organization reach targets or expectations of quality associated with the performance area.	Employee executes this function/exhibits this attribute with inconsistent quality, often resulting in others having to take on additional work to ensure a task is completed or a relationship is maintained or a supervisor needing to provide ongoing training to help the employee cultivate the skills necessary to perform satisfactorily.	Employee does not execute this function/exhibit this attribute; plan of improvement is needed.

Annual Timeline

- **July - August:** Priorities are set within the agency. Job descriptions are reviewed to ensure the information is current.

- **September - October:** Employees complete their key goals, outcomes, and development planned for the next 12 months. The supervisor and employee review the information together.
- **November - March:** Supervisor meets with the employee to discuss career aspirations, progress towards goals, as well as a check-in on performance. This discussion should be documented as part of the performance appraisal.
- **April-May:** Employee completes self-reflection and supervisor completes a formal evaluation.
- **May- June:** Employee begins implementing feedback from the annual evaluation. Supervisor meets with the employee to monitor performance and continue to support the employee's work on initiatives and goals. This discussion should be documented as part of the performance appraisal.

Bonuses

In accordance with NDCC 54-06-30, NDCDE will award bonuses to employees beginning in December 2024 and annually thereafter if the agency's budget allows. In order for employees to be eligible for a bonus, they must meet the eligibility requirements in state law:

- The employee has held a position in state government for at least one year before a bonus is paid;
- The employee's overall annual performance evaluation satisfies the agency's performance bonus program criteria for receiving a bonus; and
- The employee is a full-time or part-time regular non-probationary employee holding a regularly funded non-temporary position.

In addition to these criteria, the employee's supervisor must notify the state director by no later than December 1 if the employee is still performing at the same level as when the employee was evaluated in April or May and if the employee's performance has changed, the supervisor shall conduct an interim performance review for purposes of determining the employee's bonus.

Bonuses shall be awarded based on an employee's performance rating as follows:

- Excels: \$1500
- Achieves: \$1000

In years where CDE does not have the budget to pay bonuses at these rates, the CDE business manager may adjust the tiers based on what is fiscally feasible or may recommend no bonuses. The CDE director will review and approve the business manager's recommendations.

Conditional Performance Evaluation Requirements

- A **probationary status employee** will receive a performance evaluation at the end of

probationary period. The agency may extend the initial period of probation for up to six (6) months if the employee is not meeting performance standards. The agency must notify the probationary employee in writing of the decision to extend, the reason for extension, and the length of the extension. The agency must notify the employee within 15 working days of completion of the probationary period of the agency's decision to extend the probationary period. Alternatively, a probationary employee who is not meeting performance standards may be separated from employment at will if they do not successfully complete the initial probationary period or the extended probationary period.

- If an employee's **supervisor changes** during the evaluation cycle, both supervisors share responsibility for the yearly evaluation. It is the responsibility of the new supervisor to assure the performance evaluation is completed within the required timeline, and it is the responsibility of the former supervisor to provide feedback for the appropriate portion of the evaluation.

Performance Evaluation Disputes

Performance evaluations are not grievable beyond the next level supervisor unless the evaluation is combined with a demotion, dismissal, reduction in pay, or if the employee alleges discrimination or retaliation in the evaluation. Such allegations are grievable through the grievance process of the employing agency.

End of policy

Adopted: 11/15/2023

Amended: 08/06/24; 12/16/24

Published where: CDE-All Staff Teams Channel

Version and effective date:

Team Member Appreciation (B6c.v01)

NDCDE supervisors may develop methods to recognize the accomplishments of their team members, especially on dedicated appreciation days (e.g., administrative professional day, teacher appreciation day); however, no state funds may be used for these purposes. The supervisor may check with the social committee on the availability of non-public funds raised by this committee to recognize employees, but there is no guarantee that social committee funds will be available for this purpose. Such funds, if available, should be used to purchase items of less than a nominal value as defined by the OMB HRMS Policy Manual as less than \$60 per person.

End of policy

Adopted: 10/30/2024

Amended:

Published where: CDE-All Staff Teams Channel

Version and effective date: 10/30/2024

Separation (B7.v01)

The State of North Dakota, as the employer, strives to ensure that team member separations, including resignations, retirements, and dismissals, are handled in a professional manner with minimal disruption to the workplace. Team members are expected to notify their manager, in writing, of their intent to resign or retire. Team members are expected to inform supervisors of their plans or intent to resign or retire a minimum of two weeks in advance of their final day of employment or as early as possible to facilitate replacement planning and training. The supervisor will notify the NDCDE director and the human resources manager by sending a copy of the resignation or retirement letter and any other pertinent information. The supervisor should also encourage the team member to contact appropriate resources such as the North Dakota Public Employees Retirement System (NDPERS) and NDCDE human resources as soon as possible.

The NDCDE director (or designee) has final authority to modify the separation date.

Dismissal

Supervisors must consult NDCDE human resources prior to taking any action related to the dismissal of a team member. There are many considerations connected with dismissal, also known as "discharge," of a team member. The Employee Discipline policy discusses this in greater detail. Veterans have additional appeal rights over non-veteran probationary team members. Veterans may request a hearing pursuant to the veteran's preference law.

Return of Property

When a team member separates from employment, all agency property must be returned, including but not limited to computers, laptops, monitors, books, furniture, headphones, work related documents, building keys, magnetic access cards, state identification, and credit cards within two weeks in accordance with the return process communicated by the NDCDE IT Department and/or human resources manager.

Benefits

The team member's basic life insurance and health insurance premiums will be paid by the State one month beyond the month of last date of employment. The team member may elect COBRA continuation for their health, dental, and vision insurances. Life insurance is eligible for conversion from the group plan to an individual policy. The team member should visit the NDPERS website (ndpers.nd.gov) for more information regarding the status of benefits upon separating employment.

Final Pay

Team members separating employment will be paid through the last day identified in the notification letter. If the team members receive a monthly salary, it will be prorated for the month. The wage payment will be made on the next regular payroll for the team member. Payment of unused annual leave, applicable sick leave and compensatory hours will be made on the supplemental payroll, which falls on or about the 10th of the month following the month of leaving employment (supplemental payroll).

Transfer to Another State Agency

A team member who transfers between agencies with time off between the date the team member leaves a position and the date the team member begins employment in the new position must take annual leave or leave without pay in order to avoid a break in service. The team member who transfers to a different state agency must make arrangements for leave with the exiting and receiving agency prior to the effective date of the transfer.

End of policy

Adopted: 09/10/2024

Amended:

Published where: CDE-All Staff Teams Channel

Version and effective date: 09/10/2024

Reduction-in-Force (B7a.v01)

Administrative Code 4-07-11-01

To extent that this policy conflicts with state administrative code, administrative code supersedes. The reduction-in-force policy will be initiated when it has been determined by the NDCDE director that a reduction-in-force is necessary because of a reduction in funding, lack of work, curtailment of work, or because of reorganization.

When a reduction-in-force is necessary, the NDCDE director will:

- Determine the work unit to be affected by the reduction-in-force.
- Determine the number of positions to be reduced and the classification(s) affected.
- Review vacant positions within the designated work unit and the designated classification(s) for possible elimination.
- Reduce temporary employees performing the same or similar work in the designated work unit. No regular employee may be separated from employment due to a reduction-in-force when there are temporary employees in the designated work unit performing the same or similar work or when there are probationary employees with the same job classification in the designated work unit.
- Reduce probationary employees in positions assigned the same classification as those designated for reduction in the designated work unit.
- Conduct a written reduction-in-force analysis if more than one regular employee occupies positions in the designated work unit with the same classification targeted to be reduced. If a position to be eliminated is the only position in the work unit assigned a single classification, no reduction-in-force analysis is necessary but this fact must be documented. A reduction-in-force analysis must show a comparison of the employees' knowledge, skills, length of classified service, other experience, and level of performance with the knowledge, skills, and experience determine necessary to accomplish the work to be done following the reduction-in-force. The analysis and related documentation must be maintained to the applicable records retention schedule—see the ["Reduction-In-Force \(RIF\) Analysis Worksheet" \(SFN 17168\)](#).

The NDCDE director will provide to regular employees identified for a reduction in force through the above analysis notification at least two (2) weeks prior to acting upon it. More time is desirable when possible. If notification cannot be delivered in person, a certified letter must be sent to the last known address of the employee. Written notification must include the reason(s) for the reduction-in-force, notice of grievance and appeal procedures found under the NDCDE Grievances Policy, and outplacement services available to the employee. In addition, the NDCDE director shall place a copy of the written notification in the personnel file and ensure that the termination of employment is recorded as a reduction-in-force for payroll purposes.

A reduction-in-force may not be used as a substitute for addressing disciplinary issues and must be made in a nondiscriminatory manner in accordance with [North Dakota Century Code \(NDCC\) § 14-02.4-01](#) and any Federal civil rights laws.

An employee who was in a classified position that was reduced has the right to file a grievance or appeal in accordance with [North Dakota Administrative Code \(NDAC\) § 4-07-20.1-07](#) on the basis that NDCDE did not utilize a uniform comparative analysis by [NDAC § 4-07-11-03](#) or that the reduction-in-force was conducted in a discriminatory manner.

The NDCDE director shall determine any outplacement services and the extent of those services made available to employees who lose employment due to a reduction in force. Such services should be provided within a reasonable time period prior to and/or following termination of employment and may take the form of the following:

- Assistance in preparing resumes and employment applications;
- Excused leave for job interviews;
- Use of phone services;
- Referrals to other employers; and/or
- Services from ND Job Service, Public Employees Retirement System, Human Resource Management Services (HRMS), and resources available to help the unemployed.

Reemployment Following Reduction-in-Force

An individual who has lost employment to a reduction-in-force within NDCDE shall be considered an internal applicant for all positions within NDCDE for which the individual applies and shall be offered reemployment if all of the following conditions are present:

- A regular position vacancy in the same classification or a lower classification in the same series occurred and the vacancy will be filled by someone other than a current employee.
- The individual meets the qualifications determined by NDCDE to be necessary for successful performance of the position and successfully completes any required examinations specified by NDCDE including an oral interview(s).
- No more than one (1) year has lapsed since the individual lost employment due to reduction-in-force.
- The individual is not currently employed in a regular position in state service.

An individual who has lost employment due to a reduction-in-force and was denied reemployment has the right to file a grievance or appeal in accordance with [NDAC § 4-07-20.1-07](#) only on the basis that NDCDE did not follow [NDAC § 4-07-11-07](#) or that the denial of reemployment was conducted in a discriminatory manner. The assessment of whether an individual meets the qualifications necessary for successful performance shall remain with NDCDE.

End of policy

Adopted: 09/10/2024

Amended:

Published where: CDE-All Staff Teams Channel

Version and effective date: 09/10/2024

Academic Progress

Section Placeholder

Course Length & Due Dates (C1a.v02)

NDCDE has established default 20-week enrollment windows for all courses, except for dual credit, and credit recovery, and other courses specially denoted as automatically extended.

Adjusting Course Length

Except for dual credit, NDCDE may shorten a course's length at a learning coach's or school's request on a case-by-case basis if NDCDE administration, in consultation with the teacher of record, deems this to be in the student's best interest. This adjustment, if approved, will be reflected on an individual student's pacing guide. However, NDCDE will not reduce a course to less than five weeks in length. This minimum is set to provide adequate time for student and teacher interaction, assignment completion, and grading.

Due Dates

NDCDE offers self-paced courses that generally do not contain assignment due dates; however, NDCDE may require assignment due dates or require the incremental submission of assignments (e.g., every two weeks, a certain number of submissions by weeks 5, 10, and 15) in courses where students must demonstrate a progression of skill over time resulting from education that they are receiving in a course—requirements that must be developed by a course content expert, receive the approval of the director of curriculum, must be applied uniformly across sections of the same course, and must be published on the course homepage and with the impacted assignment(s). Course gradebooks will need to be updated to reflect due dates based on the student's start date.

End of policy

Adopted: 07/10/2024

Amended:

Published where: NDCDE website, CDE-All Staff Teams Channel

Version and effective date :07/10/2024

Pacing & Satisfactory Progress (C1b.v02)

Course Pacing and Progress

Students who enroll with NDCDE in online courses are expected to follow their online assignment calendar ([pacing guide](#)) or teacher-provided calendar for their course(s). Students are expected to stay on pace by completing their assignments throughout the duration of their course(s). To do so, students should expect to engage in 1-2 hours of work per day, per course.

NDCDE has requirements on course length, which are outlined in the Course Length Policy, C1a.

Monitoring Progress

NDCDE will monitor student activity in a course upon initial active enrollment. If there have been no activity minutes logged by the student, within the first 7 days of initial course enrollment, the student, learning coach, guardian/parent, course enroller, and teacher will receive a notification via email alerting them of this inactivity and information on dropping the course. Throughout the duration of the course length, students who do not stay on pace will be notified via multiple means by NDCDE.

Failure to Maintain Satisfactory Academic Progress

Within the first nine weeks of a course, if a student consistently fails to maintain satisfactory academic progress based on the guidelines in the pacing chart, the instructor of record or NDCDE administrator may request a review by the dean of students or assistant superintendent. This administrator shall review the student's academic record and may initiate a conversation with the student's NDCDE teacher, school, learning coach, or parent to discuss the feasibility of the student completing. Upon this review, if the NDCDE administrator determines that the student cannot successfully complete, s/he shall determine if a hold or extension would provide students with the time needed to complete or if a drop/withdrawal would be in the student's best interest.

Before finalizing this decision, if the student is a North Dakota resident, NDCDE shall work with the student's school or learning coach (for homeschooled students) to determine the student's current total course load and the number of combined hours in which the student is engaged in instruction (assuming each NDCDE course requires one hour per day). Jointly, they should develop a schedule/course list that ensures the student has a full day of instruction as defined by 15.1-06-04 (4) and that does not exceed this definition by more than one hour for elementary students, one and one-half hours for middle school students, and two hours for high school students. NDCDE may place a course on hold or withdraw students from courses to meet these guidelines, and in the case of withdrawals will issue a 50% refund when making unilateral withdrawal decisions under this policy (See Refunds Policy for more details, F1ea). The NDCDE administrator may also determine that the student requires a short or long-term extension, but NDCDE will not waive long-term extension fees unless such an extension is a necessary accommodation under IDEA or Section 504 of the Rehabilitation Act. The NDCDE administrator shall notify all impacted parties his/her decision in writing and place a notation in the student information system, and his/her decision is final and binding.

End of policy

Adopted: 07/10/2024

Amended:

Published where: NDCDE website, CDE-All Staff Teams Channel

Version and effective date: 08/01/2024

Policies Referenced:

Course Length & Due Dates (C1a.v02)

Refunds (F1ea.v01)

Completions (C1c.v02)

Reporting Completions

NDCDE teachers are required to complete students in a timely manner following the student's submission of all assignments and the conclusion of all the instructor's grading activity. Instructors shall follow the NDCDE Grading Policy (C1d) when a student has reached his/her course end date and still has incomplete work.

The NDCDE assistant superintendent and director of learning is responsible for providing teachers with instructions on completing students and working with the IT Department to provide teachers with a system for helping identify students who are close to completing.

Availability & Dissemination of Completion Certificate

Once a completion is reported, the student, learning coach, and parent can access it in the NDCDE student information system for 180 days. After this time, a completion certificate may be requested by a student, parent, or school by contacting NDCDE. The student, parent, or learning coach is responsible for downloading the completion certificate and providing it to the student's school, if applicable, for purposes of receiving credit for taking the NDCDE course.

Content of the Completion Certificate

NDCDE completion certificates list the final overall percentage and letter grade that the student earned based on the NDCDE grading scale. If the student attends a school, it is up to the school, per its policy, to determine whether to use the percentage or letter grade when accepting the course from NDCDE.

End of policy

Adopted: 07/10/2024

Amended:

Published where: NDCDE website, CDE-All Staff Teams Channel

Version and effective date: 08/01/2024

Policy Referenced:

[Grading, C1](#)

Grading (C1d.v02)

The following policy is intended to provide clarity to instructors, students, and learning coaches on the criteria NDCDE uses for evaluating student performance and aims to assign a designation to a student that accurately represents their learning gains as a result of taking a NDCDE course. It furthermore establishes the criteria NDCDE will use to determine grades as it transitions to competency-based education.

Criteria Used to Compute Grades

The following may be included when determining student grades: course assignments, quizzes, tests, projects, presentations, and applied demonstrations of skills. NDCDE courses are currently designed to weight these assessment and evaluation methods to help certify the extent to which students have achieved all the outcomes/standards they are intended to measure overall. NDCDE teachers are encouraged to notify the director of curriculum when they believe that grade weighting needs adjustment to place more emphasis on certain types of assessments or other methods of evaluating students. To ensure uniformity in grading, instructors are prohibited from adjusting grade book weighting without the approval of the director of curriculum.

As NDCDE transitions to competency-based education, each area measured on these assessments will be aligned to course standards and the frequency and level at which students perform in relation to each standard evaluated will be used determine their proficiency in each standard based on a proficiency scale outlined in rubrics developed for each standard.

Grading Scale

NDCDE students will receive an overall grade intended to represent their summative level of learning in a course, using the following scale. In courses where NDCDE has transitioned to competency-based education, the letter grade will be computed using the competency-based education crosswalk outline below.

Letter Grade	Points	Percent Grade	Average Overall Competency Level in all Standards
A	4.0	93-100%	3.7-4.0
A-	3.666	90-92%	3.5-3.69
B+	3.333	87-89%	3.3-3.49
B	3.0	83-86%	3.0-3.29
B-	2.666	80-82%	2.5-2.9
C+	2.333	77-79%	2.25-2.49
C	2.0	73-76%	2.0-2.24
C-	1.666	70-72%	1.7-1.9
D+	1.333	67-69%	1.5-1.69

D	1.0	63-66%	1.25-1.49
D-	0.666	60-62%	1.0-1.24
F	0.0	Less than 60%	Under 1.0
Withdrawal (passing or failing)	0.0		

Competency-Based Scale

Competency Level	Description
4	Mastery
3	Proficient
2	Developing
1	Beginning

Rounding

Instructors are encouraged to round to the nearest whole percentage when determining letter grades. If an instructor chooses not to round, s/he shall document the reasons why in the student information system, which must be related to evidence that a student has not earned the higher grade based on their level of performance/proficiency in course-essential standards.

Incomplete Grades

At the student's end date, if a hold or extension has not been requested and approved, s/he will receive a zero for any work not completed, which will be factored into the student's final letter grade. In courses that have transitioned to competency-based education, the student will still receive information on their level of proficiency in all areas the instructor was able to measure based on the work submitted.

Course Retakes

When a course is repeated, both courses are entered on the NDCDE transcript, but only the course with the highest grade will be counted toward the cumulative grade point average. For more information on retakes, see Policy C1f.

Drops and Withdrawals

The NDCDE transcript will not include courses that students dropped within the drop deadline (i.e., drop-grace period) (see Drops & Withdrawals Policy for details, C2b). Students who withdraw from courses after the drop deadline will receive a withdrawal demarcation on their transcript. Based on the assignments submitted, students will receive a withdrawal passing (WP) if they were earning a D- or above or a withdrawal failing (WF) if earning a F.

Enrolled School's Transcription of Final NDCDE Grade

NDCDE prepares a completion certificate for the learning coach or parent to send to the local school district. The NDCDE Completions Policy, C1c, outlines the information provided to the school on this certificate and guidance on transcription of the student's CDE grade.

End of policy

Adopted: 07/10/2024

Amended:

Published where: NDCDE website, CDE-All Staff Teams Channel

Version and effective date: 08/01/2024

Policy Referenced:

[Retakes \(C1f.v02\)](#)

[Completions \(C1c.v02\)](#)

[Drops & Withdrawals \(C2b.v02\)](#)

Grading Grievances (C1da.v02)

A student, learning coach, or parent who believes that a grade, typically the final letter grade, has been assigned in an unreasonable, discriminatory, arbitrary, or capricious manner or that is the result of a clerical mistake may, after attempting to request a review and correction by the teacher of record, contest the grade using the following procedure. The complainant may bypass a review by the instructor of record when the reason for the appeal is based on a claim that the grade was assigned in an unreasonable or discriminatory manner. For the purposes of this policy, a teacher acted unreasonably if it is perceived that s/he refused to listen to or acted dismissively when the student, parent, or learning coach brought forward a grading concern or question.

Appeal Process

- Appeals must be initiated within five business days of receiving the grade. Failure to timely present the grievance in accordance with this procedure shall be deemed to be a waiver of the grievance process.
- Appeals may be filed in writing (via email or on a designated form), must be filed with the director of learning or assistant superintendent, and must cite one of the reasons listed above as a basis for the grievance. Ideally, appeals should be accompanied by supporting evidence to assist the administrative team with the review.
- The administrator receiving the grievance shall initiate an investigation upon receipt of a grievance filed in accordance with the procedure listed above. The administrator shall review grading criteria, the grade book, and the student's graded assignments and tests. The administrator should consult with the teacher of record and the student during this process. If the teacher of record or student is unable to respond to the administrator within five business days, the administrator may proceed with reaching a decision without consulting these sources. An exception to this is when a teacher is on a short-term personal or sick leave. The administrator should allow up to seven business days to meet with the teacher to discuss the concern and inform the complainant that the investigation timeline has been extended; if a meeting with the teacher cannot take place within this timeframe, the administrator may proceed with reaching a decision.

If a complaint is content-specific (e.g., allegation that a teacher is marking correct answers wrong), the administrator investigating the complaint must consult with a content expert on the complaint, which is typically the teacher of record or another teacher licensed in the content area if the teacher of record is unavailable as described above.

Based on the findings, the administrator shall render a decision, informing the teacher of record, the student, learning coach, and parent. The administrator shall also document the reasons for his/her decision and provide this documentation to the assistant superintendent (if not the decision maker) and NDCDE director. The administrator shall also place a notation in the student information system indicating if s/he has changed a grade and provide the reasons why. If the grade being contested is the final grade and the administrator has decided to change it, s/he shall submit a ticket to the NDCDE help desk to change the grade in Genius and update the completion certificate. The administrator should send the updated completion certificate to the student, learning coach, parent,

and teacher of record.

- If the administrator uncovers an issue with the course as a result of this review, such as unclear instructions or inappropriate point values associated with assignments, s/he should notify the instructor of record, other impacted teachers, and the LMS/Curriculum department to initiate a course update.

Final Determination

The administrator's decision to affirm or alter a grade shall be final and binding. The administrator's decision is based on his/her professional judgment and has no impact on the teacher of record's licensure.

Guidelines Guiding Decision-Making

To help reach a decision under this policy, and depending on the nature of the grading grievance, an administrator may need to perform the following analysis:

- Ensure that the course contains clear assignment directions and grading guidelines, such as rubrics or standards for determining grades on each major assignment.
- Determine if the point values associated with the course assignments were appropriate based on the nature of the assignments.
- Review if the grading was done within a reasonable timeframe or if any delays may have impacted the fairness of the evaluation.
- Review the reports associated with plagiarism detection to ensure no false positives or other inaccuracies that may have resulted in a reduction in the student's grade.
- Examine the clarity and specificity of feedback provided to the student.
- Review the gradebook to ensure it was set up correctly and calculating grades appropriately.
- Compare the scores and feedback of the student contesting his/her grade with those of other students to ensure consistency.

End of policy

Adopted: 1/18/24

Amended: 7/10/2024

Published where: NDCDE website, CDE-All Staff Teams Channel

Version and effective date: 08/01/2024

Measuring Student Outcomes (C1db.v01)

NDCDE is committed to transitioning to competency-based education (CBE). As such, and during the transition, in addition to grades, NDCDE teachers may provide students, parents, and learning coaches with information on the student's level of proficiency in each learning outcome/standard associated with the course(s) in which the student is enrolled. NDCDE encourages parents and learning coaches to share this additional information, when provided, with the school to increase the school's awareness of specific areas of progress the student made while attending NDCDE, help the school quickly identify areas in which the student needs further support to grow, and strengthen the continuity of the student's educational experience when s/he transitions back to the school for additional education in the content area.

End of policy

Adopted: 07/10/2024

Amended:

Published where: NDCDE website, CDE-All Staff Teams Channel

Version and effective date: 08/01/2024

Graduation Requirements (C1e.v01)

This policy only applies to students who have been admitted to the NDCDE diploma program. For these students, NDCDE's graduation requirements are as follows, and once students meet these requirements, NDCDE will confer a diploma.

Subject	Requirements
<u>English/Language Arts</u> NDCDE allows specialty English courses to be taken in place of a standard English Language Arts course to meet graduation requirement, which are designated online: https://www.cde.nd.gov/information/policies-resources/english-language-arts-courses-and-graduation-credit-requirements .	4 units
<u>Social Studies</u> <ul style="list-style-type: none"> • American History • American Government • Economics with Financial Literacy • Any other social studies, which may include civics, civilization, 1 unit or geography and history, multicultural studies, ND studies, psychology, sociology, and world history. 	3 units <ul style="list-style-type: none"> • 1 unit • 1/2 unit • 1/2 unit • 1 unit or 2 half-units
<u>Foreign/Native American Language, Fine Arts, or Career and Technical Education</u>	3 units
<u>Science</u> <ul style="list-style-type: none"> • Physical Science • Biology • Any other science OR <ul style="list-style-type: none"> • Biology • Chemistry • Physics 	3 units <ul style="list-style-type: none"> • 1 unit • 1 unit • 1 unit or 2 half-units • 1 unit • 1 unit • 1 unit
<u>Mathematics</u> <ul style="list-style-type: none"> • May take approved Computer Science Course (Not currently offered at NDCDE.) 	3 units <ul style="list-style-type: none"> • 1 unit
<u>Physical Education</u> <ul style="list-style-type: none"> • Physical Education (One half of the Physical Education requirement may be met by taking Health.) 	1 unit <ul style="list-style-type: none"> • 1 unit
<u>Electives</u>	5 units
<u>ND Civics Test</u>	No units

Beginning August 1, 2025 all students will be required to have 1 credit of cybersecurity. This credit can fulfill 1 credit towards the CTE requirements or 1 credit toward the Elective requirements.

Number of Required Credits at NDCDE

Per Cognia recommended educational practices, high school students must complete 25% (i.e., 25% standard) of their credits through NDCDE to be eligible for a diploma. NDCDE may waive this requirement for students who transfer to NDCDE with credits from an accredited school or GED-equivalent credits (see Transcription of External Credits Policy, C2h) whose circumstances prevent the student from completing his/her diploma at a traditional school due to health, safety, disciplinary exclusion from a school, or other valid reason approved by the NDCDE counselor, which shall be documented and maintained in the student's educational record. These students' incoming credits must be reviewed and approved in accordance with NDCDE's Transcription of External Credit Policy, C2h.

Homeschool Designation on Diplomas

NDCDE has also created an exception to the 25% standard for homeschooled students. Per NDCC 15.1-23-17 (2) and Cognia recommended educational practices, if a homeschooled student enrolls in the NDCDE diploma program and has less than 25% of high school graduation requirements remaining with all incoming credits reviewed and accepted under the Transcription of External Credit Policy, C2h, NDCDE will add a homeschool designation to the student's diploma upon completion of NDCDE's graduation requirements.

Optional High School Curriculum Requirements

If after completing at least two years of high school (approximately 11 units), a student has failed to pass at least one-half unit in 3 subject areas, that student may request that the student's advisor, guidance counselor, or principal meet with the student and the student's parent(s) to determine if the student should be permitted to pursue an optional high school curriculum, in place of the requirements set forth above. If a student's parent consents, in writing, to the student pursuing the optional high school curriculum, an alternative plan may be considered in accordance with NDCC 15.1-21-02.3.

End of policy

Adopted: 07/10/2024

Amended:

Published where: NDCDE website, CDE-All Staff Teams Channel

Version and effective date: 08/01/2024

Policy Referenced:

[Transcription of External Credit \(C2h.v01\)](#)

Retakes (C1f.v02)

This policy applies when a student has previously attempted a NDCDE course and did not complete it (dropped or withdrew) or received a failing grade at the course end date, whether default or extended. If these students would like to resume or retake the course, they must reenroll and **will not** receive credit for any work previously completed. If the student's school district paid the original cost of the course, the district must complete the re-enrollment process and is authorized to decide if they will assess the cost of the retake to the student's family. The decision to allow a retake is at the school's discretion if it paid the original course cost.

The process for transcribing retakes is outlined in the Grading Policy, C1d.

NDCDE reserves the right not to grant retake requests to students who have violated its policies, including the Academic Honor Code Policy, A6, unless the student is enrolled in the NDCDE diploma program and needs the course to graduate. It may stipulate additional conditions to which a student who violated its policies must adhere to retake the course such as using a NDCDE-approved learning coach and/or remote proctoring service.

End of policy

Adopted: 07/10/2024

Amended:

Published where: NDCDE website, CDE-All Staff Teams Channel

Version and effective date: 08/01/2024

Policies Referenced:

Academic Honor Code & Integrity (A6a.v02)

Grading (C1d.v02)

Enrollment

Section Placeholder

Admission to NDCDE (C2a.v01)

Per its Nondiscrimination Policy, NDCDE shall not discriminate in the admissions process and will be open and accessible at all times to any child subject to the following restrictions and provided the following criteria are met:

Ages of Attendance

NDCDE complies with student age restriction requirements contained NDCC 15.1-06-01. NDCDE enrollment staff shall be trained on these restrictions, will notify an enroller when they are not met, and notify the NDCDE business office to issue a refund to the enrolling party.

NDCDE does not administer readiness tools to determine an underage student's eligibility for first grade. Such students must furnish NDCDE proof of completing kindergarten in order to be approved for early entry to first grade.

When capacity allows, as determined by the state director, NDCDE may allow North Dakota resident adults who are 21 or older to enroll in its diploma program. See the Admissions to the Diploma Program Policy for more details, C2aa.

Residency

NDCDE shall admit students who meet its age requirements regardless of their place of residency provided that it has the capacity to educate them. When NDCDE has limited capacity due to staffing or other limited resources, it shall prioritize the enrollment of North Dakota students and may limit or deny enrollment to students living out of state based on the number of remaining open slots available in the requested course and projections on the number of in-state students likely to enroll in it.

If limiting enrollment to in-state students still prevents NDCDE from serving new in-state enrollments, NDCDE may cap course enrollments, placing in-state students on a first come, first served basis and issuing a refund when it cannot admit a ND student.

To verify residency, NDCDE will accept as accurate the student's home state designated on the enrollment application.

Information Required during Enrollment Process

To enroll in a NDCDE course, the enroller must submit a completed enrollment form, which includes the providing following information:

- Preferred start and end dates. See NDCDE's policy on Course Length & Due Dates for more details, C1a.
- Student's name, email address, city and state of residency, date of birth, and whether the student has a IEP, 504 Plan, or Individual Language Plan.
- Parent's name and contact information, including an email address.
- For school-enrolled students, local school information and local school administrator's name, title, phone number, and email address
- Designation of a learning coach and a phone number and email address for this coach. See NDCDE's policy on Learning Coach Expectations for more details, D1.

Tuition Payment

Per NDCC 15-19-01, NDCDE charges tuition to enroll in NDCDE courses. Parents or guardians of students who are not enrolled in a North Dakota school district or who otherwise choose to pay for the NDCDE course must pre-pay at the time of completing the admission process to be enrolled in NDCDE courses. ND school districts are not required to pre-pay tuition in order to enroll their students in NDCDE courses. For more information on NDCDE billing processes, see policy F1e.

Dual Credit

In order to be eligible for dual credit courses, students must meet the criteria in NDCC Chapter 15.1-25, receive the approval of their parent/guardian and school, be admitted into the post-secondary institution awarding the college credit, and meet any course-specific eligibility requirements.

End of policy

Adopted: 07/10/2024

Amended:

Published where: NDCDE website, CDE-All Staff Teams Channel

Version and effective date: 08/01/2024

Policies Referenced:

[Non-Discrimination \(A6d.v01\)](#)

[Admission to Diploma Program \(C2aa.v01\)](#)

[Course Length & Due Dates \(C1a.v02\)](#)

[Learning Coach Expectations, D1](#)

[Tuition & Billing \(F1e.v01\)](#)

Admission to Diploma Program (C2aa.v01)

Per its Nondiscrimination Policy, NDCDE shall not discriminate in the admissions process to its diploma program. The NDCDE diploma program is open to all North Dakota students who meet the age requirements in the Admission to NDCDE Policy, C2a, and to out-of-state students who are under the age of 21 if NDCDE has capacity to admit them.

As a condition of admission, NDCDE requires students to:

- Complete a diploma program application
- Agree to the terms and conditions of this program posted on the NDCDE website.
- Submit transcripts to demonstrate their readiness for high school and to assist NDCDE with placing a student in the appropriate courses. See the Transcription of External Credit Policy for more details, C2h.

Adult Students

When capacity allows, as determined by the state director, NDCDE may allow North Dakota resident adults who are 21 or older to enroll in its diploma program if they meet the following requirements per NDCC 15.1-26-01:

- Do not have a certificate of graduation from a school providing secondary education; or
- Have not reached a level of education equivalent to that required for a certificate of graduation to be issued

End of policy

Adopted: 07/10/2024

Amended:

Published where: NDCDE website, CDE-All Staff Teams Channel

Version and effective date: 08/01/2024

Policies Referenced:

[Non-Discrimination \(A6d.v01\)](#)

[Admission to NDCDE \(C2a.v01\)](#)

[Transcription of External Credit, C2h](#)

Drops & Withdrawals (C2b.v02)

Drops

NDCDE courses may be dropped for a full refund within 24 hours of enrolling. NDCDE courses may be dropped for a refund, less a processing fee, if the request is made within 10 business days of enrollment using the request process outlined on the NDCDE website. Dropped courses do not appear on student transcripts.

Withdrawals

NDCDE courses are open to withdrawal by request up to ten weeks after enrollment. Withdrawals will be transcribed per the NDCDE Grading Policy, C1d. After this time, students are encouraged to seek a hold or extension should they not be able to complete within the allotted 20-weeks.

Missing Drop/Withdrawal Deadlines

Failure to drop, withdraw, extend, or complete a course within the guidelines detailed above will result in a final course grade being issued in accordance with the NDCDE Grading Policy, C1d.

Exceptions

If a student experiences a major life event such as the loss of a family member, significant personal illness or injury, loss of housing, etc., the student may petition the assistant superintendent for a withdrawal after the 10-week deadline. A decision to grant the withdrawal and a determination of whether to issue a refund is at the sole discretion of the assistant superintendent. The state director will make these determinations in the assistant superintendent's stead.

Refunds

NDCDE has a refund policy associated with requests made under this policy, Policy F1ea.

End of policy

Adopted: 07/10/2024

Amended:

Published where: NDCDE website, CDE-All Staff Teams Channel

Version and effective date: 08/01/2024

Policies Referenced:

[Grading, C1d](#)

[Refunds, F1ea](#)

Holds & Extensions (C2c.v01)

Course Holds

If a student is experiencing a personal hardship (extenuating circumstances out of their control, medical issues including mental health, etc.) and is unable to work on a course(s) for an interval of one week or more, the course enrollment(s) of the student may be placed on a one-time hold in each course enrolled, for the duration of the needed hold, which may be applied retroactively and will not exceed 20 weeks.

If a student is experiencing a medical hardship that was not addressed with a course hold prior to impacting their coursework, there is the potential to apply a retroactive medical extension with the submission of dated paperwork.

A one-time hold of 20 weeks for each course requested and approved will begin on the date the hold is put in place in NDCDE's Student Information System.

While the hold is in place the student will not have access to the course or regular communication from the teacher and will retain all progress and time remaining in the course prior to the hold.

All course hold requests must be submitted and approved by the individual who purchased the enrollment on behalf of the student. If more than one course is put on hold, they can be reinstated at the same time or in a staggered reinstatement to provide more flexibility for the student, as decided by the academic team.

Course Hold Reinstatements

If a student was placed on a previous course hold and is ready to be reinstated and resume NDCDE coursework, the requester of the hold should submit a reinstatement request. If early reinstatement is not requested, NDCDE administration will send out communications and automatically reinstate the enrollment at the end of the 20-week hold.

Once the course is reinstated, the student will have the same number of days left in the course as they had when the hold was put in place. In the event that an extension may be needed, the individual who enrolled the student in a course may review the options below and make a formal request.

Short-Term Extensions

The following policy applies for requests to extend a course for up to 14 days beyond the 20-week default course end date. The short-term extension request form must be initiated and completed by the enroller of the course at least 48 hours before the scheduled end date.

Elementary students may be granted a one-time, short-term, extension of up to fourteen (14) days beyond the scheduled end date of the course when a student has unforeseen circumstances that will prevent the student from completing a course by its scheduled end date and the instructor of record confirms that a short-term extension will provide the student a reasonable time to complete the course with fidelity.

Middle and high school students may be granted a one-time, short-term, extension of up to fourteen (14) days beyond the scheduled end date of the course when the student has completed at least **70%** of the coursework with fidelity **and** unforeseen circumstances prevent the student from completing a course at its scheduled end date.

Long-Term Extensions

A course, except for Credit Recovery, Dual Credit and those specially denoted as automatically extended, may be purchased and extended once per course for an additional 20-weeks, within 10 business days of the completion certificate notice. Long-term extensions allow a student to receive credit for all work already completed and to receive a final grade at the end of the 40-week period or upon completion, whichever occurs first.

North Dakota school districts that paid the original course cost will be responsible for paying the extension fee. It is at their discretion as the course enroller to determine whether to initiate an extension request.

Exceptions

NDCDE recognizes that the needs of local school districts may, in rare circumstances, warrant exceptions to the limitations and duration of holds and extension requests under this policy. A school administrator may request an exception to this policy by contacting the dean of students or assistant superintendent who shall consider the impact on students and NDCDE teacher workloads, when determining whether to grant the request and shall document the reason for denying or approving the request and other terms and conditions, ensuring this information is communicated with all impacted stakeholders.

End of policy

Adopted: 07/10/2024

Amended:

Published where: NDCDE website, CDE-All Staff Teams Channel

Version and effective date: 08/01/2024

Course Loads (C2d.v01)

NDCDE does not restrict the number of credits in which a student is simultaneously enrolled; however, NDCDE may adjust a student's course load if not making satisfactory progress. See the Pacing & Satisfactory Progress Policy for details, C1b.

End of policy

Adopted: 07/10/2024

Amended:

Published where: NDCDE website, CDE-All Staff Teams Channel

Version and effective date: 08/01/2024

Policy Referenced:

[Pacing & Satisfactory Progress \(C1b.v02\)](#)

Pre-Requisites (C2e.v02)

NDCDE offers a number of sequenced courses, with the first in the series intended to provide foundational knowledge and skills necessary for success in advanced coursework. The NDCDE curriculum team in consultation with instructional content experts are responsible for identifying advanced NDCDE courses that require a pre-requisite and specifying which foundational courses fulfill such requirements. This information will accompany the course in the NDCDE online store.

Verification

NDCDE does not require documentation that a student has met pre-requisite requirements but may require students to confirm they have met these requirements at the beginning of the advanced course through an acknowledgement or verification requirement placed at the beginning of the course in the LMS. Students will be required to complete the acknowledgment/verification process within 10 days of enrolling, and those failing to do so or not providing sufficient verification will have their enrollments placed on hold with a referral made to the dean of students to determine, in consultation with the student's school, if the student should be dropped for a refund, allowed to progress, or remain on hold until proper verification is submitted.

Referral to Foundational Course

If a NDCDE teacher identifies that a student in an advanced course with prerequisites is struggling within the first five weeks of the course, s/he should contact the dean of students to initiate a conversation about moving the student to the foundational prerequisite course at no cost and with no academic penalty to the student.

End of policy

Adopted: 07/10/2024

Amended: 12/4/2024

Published where: NDCDE website, CDE-All Staff Teams Channel

Version and effective date: 08/01/2024

Student Classifications (C2f.v01)

Full-Time v. Supplementary Status

Because NDCDE is North Dakota's only state-wide virtual school and because NDCDE is not a charter school (charter schools are prohibited in North Dakota) all students who enroll at NDCDE come by way of other schools –public, private, or home schools– and are considered supplementary learners. As such, NDCDE has no full-time students. As a supplementary educational provider, NDCDE relies on local public school districts to provide legally mandated services and supports to resident students, and NDCDE assists with those services and supports to the extent feasible given NDCDE's delivery model and as otherwise legally required.

High School Classifications

For purposes of determining diploma program students' eligibility for certain programs and courses (such as dual credit), NDCDE will use the following criteria to classify students admitted to our diploma program:

- Freshmen: Earned less than 5.5 credits.
- Sophomore: Earned a minimum of 5.5 credits.
- Junior: Earned a minimum of 11 credits.
- Senior: Earned a minimum of 16.5 credits.

End of policy

Adopted: 07/10/2024

Amended:

Published where: NDCDE website, CDE-All Staff Teams Channel

Version and effective date: 08/01/2024

Instructional Time & Credit Equivalency (C2g.v02)

Credit Hour Equivalency

All NDCDE courses (unless stated otherwise) are one-half-unit courses and are equivalent to one semester (1/2 credit) and are expressed in Carnegie Units.

NDCDE uses requirements in NDCC 15.1-21-03 to evaluate its coursework and ensure that instructional time (as defined below) equates to one semester (i.e., half unit) of credit. Per this law, a full unit of credit equals 120 hours for each high school unit and 150 hours for natural sciences and each CTE unit, and consequently, a half unit must equate to 60 hours for all high school courses except those classified as natural sciences and CTE courses, which must equate to 75 hours per semester. While NDCDE analyzes its curriculum to estimate the number of hours associated with each course, this is an estimation and the amount of time that students dedicate to the course may vary because NDCDE delivers instruction in an asynchronous, self-paced format.

Instructional Time

NDCDE purchases its curricular content from vendors, reviewing it before purchasing and offering it to students in accordance with its Selection and Revision of Curricular Content Policy, E3. When the NDCDE analyzes high school curricula, they shall estimate the number of hours needed for students to complete a course based on the following criteria associated with formulating the total instructional time.

- The total time needed to watch course videos, calculated at a 1:1 ratio
- The amount of time needed to review written course content in the LMS, which varies by the intended target age and by the complexity of the course content
- The amount of time needed to review external course content links (e.g., reading an article, listening to a podcast, or watching an external instructional video)
- The estimated amount of time needed to complete online course activities designed to reinforce learning
- The amount of time needed to complete course assessments taken online
- The average amount of time students spend engaged with NDCDE teachers on course content based on historical data collected on similar courses

The amount of time needed to complete course assignments (i.e., homework) and study, which is work students complete on their own outside the online classroom, is separate from the estimated instructional time count and not included in the definition of instructional time.

After making a determination of a course's instructional time, the NDCDE review team will ensure that this estimate meets state requirements for high school instructional time and may decide to add to content and activities to the course to meet these standards if short. If adding additional content is not feasible, the review team will disapprove of using the course.

End of policy

Adopted: 07/10/2024

Amended:

Published where: NDCDE website, CDE-All Staff Teams Channel

Version and effective date: 08/01/2024

Policy Referenced:

[Selection & Revision of Curricular Content \(E3.v01\)](#)

Transcription of External Credit (C2h.v01)

This policy only applies to students who have been admitted to the NDCDE diploma program.

From Schools

NDCDE will accept and transfer credits from other accredited secondary schools. Accredited schools include those approved by state departments of education and/ or those that maintain regional or national accreditation. An official transcript from the accredited secondary school must be received by NDCDE in order for credits to be transferred. The NDCDE guidance department will then determine the acceptance and transfer of these credits after a thorough review of a learner's education history from regionally accredited institution(s), which may include matching course titles, descriptions, and/or outcomes from high school courses at the student's previous schools to those offered by NDCDE to ensure that appropriate academic benchmarks are met before NDCDE transcribes the credit.

When NDCDE is uncertain of whether the student has met certain academic benchmarks, NDCDE will require the student to complete the appropriate assessment to determine if it will transcribe credit.

Unless not included on the transcript, when accepting incoming credits, NDCDE will use the letter grade reported by the accredited school. If the school only reports a percentage or competency level of a student on the transcript, NDCDE shall use its grading scale to determine the letter grade associated with the incoming credit.

From Homeschooled Students

Per NDCC 15.1-23-17, NDCC will transcribe credit earned through home education provided that the student's parent or guardian provides NDCDE a description of the course material covered in each high school subject, a description of the course objectives and how the objectives were met, and a transcript of the child's performance in all high school courses completed provided that NDCDE determines that the content, rigor, and objectives are similar to those covered in the equivalent NDCDE course. Upon review of this information, if NDCDE is uncertain of whether a homeschooled student met academic benchmarks associated with any high school course the student completed at home, NDCDE will require the student to complete the appropriate assessment to determine if it will transcribe credit. NDCDE will place a homeschool designation on the transcription for any credit it transcribes from this source.

GED Credit

NDCDE will accept GED scores of 145 or more in each subject area in lieu of high school credits for its diploma students. In these cases, the NDCDE diploma student's transcript will contain a special designation that such credits were earned through GED testing. The following table will be used to determine the number of credits awarded.

GED scores	Credits Awarded
English GED score of 145 or more	4 units of English awarded

Social Studies GED score of 145 or more	3 units of Social Studies credit awarded
Science of 145 or more	3 units of Science credit awarded
Math of 145 or more	3 units of Math awarded

Students receiving this credit and wishing to earn a diploma through NDCDE must fulfill all remaining NDCDE graduation requirements. See Graduation Requirements Policy, C1e.

End of policy

Adopted: 07/10/2024

Amended:

Published where: NDCDE website, CDE-All Staff Teams Channel

Version and effective date: 08/01/2024

Policy Referenced:

[Graduation Requirements \(C1e.v01\)](#)

Tuition

See the Fiscal and Asset Management section for the Tuition & Billing Policy (F1e) .

Student Rights & Responsibilities (C3.v01)

Student Rights

NDCDE respects and, to the extent applicable, affords to its students all rights granted to them under state and federal law. Because of its role as a supplementary educational provider and due to the virtual modality of instruction, the methods and contexts in which NDCDE extends these rights may vary from traditional schools, may be limited, or nonexistent. For example, because students login and work on their NDCDE courses on their own schedules and do not attend the courses physically, aspects of NDCC 15.1-19-03 authorizing student prayer and religious speech "before" or "after" the school day "to the same extent a student may voluntarily speak or participate in secular speech" would not apply at NDCDE, but provisions protecting such speech "during" the school day (i.e., when a student is working on his/her CDE course) would apply. NDCDE encourages students to review protections for students contained in state law (Title 15.1 of NDCC) and protected by the U.S. Department of Education Office of Civil Rights, and contact the dean of students or assistant superintendent if they have questions on how NDCDE grants students the rights contained in these laws. Where law requires a public school to adopt a specific policy to inform and enforce certain student rights, NDCDE has adopted such a policy, placing it in Section A if the rights extend to students and employees or other groups and placing it in Section C if it pertains specifically to students.

Student Responsibilities

Students who enroll in a course at NDCDE are typically also enrolled in a physical school. These students must comply with the policies of their local schools and NDCDE policies while enrolled, which NDCDE will prominently display on our website and which may be displayed in NDCDE courses, as applicable. NDCDE may report student violations of its policies to the student's school to help local school officials determine if additional follow-up action is needed, especially when a student is taking the NDCDE course in school as part of their plan of study.

Students are also expected to put forth genuine effort to complete their NDCDE courses with fidelity, including following the recommendations and instructions provided to them by teachers and learning coaches intended to help them grow academically and protect the integrity of the online learning environment. NDCDE is also expected to communicate with their instructors in a timely manner, responding to emails and other forms of communication as soon as reasonably possible and keep their instructors informed about factors impacting their progression in online courses.

Location of Policies

NDCDE will post policies governing student rights and responsibilities in a prominent place to help ensure students can easily access and review them. NDCDE may require students to acknowledge receipt of certain policies when required by law or when it deems such a confirmation essential to ensure student compliance and effective operations of the NDCDE educational program.

End of policy

Adopted: 10/30/2024

Amended:

Published where: NDCDE website and CDE-All Staff Teams Channel

Version and effective date: 10/30/2024

Accommodations (C3a.v01)

North Dakota state and federal law requires school districts to develop and carry out IEPs, 504 Plans, and language services for students who reside in their districts, including service plans for homeschooled students. As a supplementary educational provider, NDCDE assists with implementation of these plans to the extent feasible in a virtual learning environment.

Individualized Education Plans (IEPs)

- Public school district responsibilities:
 - Monitoring to identify and correct noncompliance with IDEA
 - Timely collection and reporting of data, including data to report on the indicators in the State Performance Plan/Annual Performance Report
 - Establishing and maintaining qualifications to ensure that personnel necessary to carry out the purposes of IDEA
 - Child Find
 - Ensuring that each eligible child with a disability has FAPE available to him or her in accordance with 34 CFR-§§300.101 and 300.17 2.
 - Implementing the evaluation and eligibility requirements in 34 CFR-§§ 300.300-300.311; 3.
 - Carrying out the IEP requirements in 34 CFR-§§300.320 through 300.324, including those governing IEP content, IEP Team participants, parent participation, when IEPs must be in effect, consideration of special factors, the development, review, and revision of IEPs, secondary transition services and participation in State and districtwide assessment programs; and
 - Implementing the requirements in 34 CFR-§§300.114 through 300.117, regarding education in the least restrictive environment, including ensuring the availability of a continuum of alternative placements to provide special education and related services.
- How NDCDE assists schools with IDEA implementation:
 - Requires schools or parents (for homeschooled students) to provide NDCDE with the student's IEP (service plan for homeschoolers), analyzes it, determines which accommodations it can provide virtually and shares this information with the student, parent/guardian, learning coach, and school.
 - Works with the school to receive clarification when needed on implementing the IEP. NDCDE instructors are authorized to communicate directly with the school for ongoing consultation, but if students are enrolled in multiple courses, teachers are encouraged to channel these questions through the dean of students who can then ensure all the student's teachers are provided with the clarification sought.
 - To comply with the Child Find mandate, NDCDE teachers who suspect that a student is in need of special education services notify the dean of students who then makes

a referral to the local school.

- Distributes the full IEP and the list of accommodations provided by NDCDE to each of the student's NDCDE teachers.
- Upon request, provides the school district with records of communications with the student's parents or guardians.
- Provides academic progress to school districts through its student information portal.
- Provide summaries for IEP team meetings on student progress and teacher observations unless NDCDE administration approves and documents an exception to the teacher attending the accommodations meeting.
- Refer disputes related to implementation of the IEP to the local school district that administers the plan.

504 Plans

Because NDCDE's services are considered supplemental to a student's primary education and because local school districts are responsible for implementing Section 504 of the Rehabilitation Act for all resident students, including homeschooled students, NDCDE will support districts in implementing Section 504, using the same procedures as it follows for IEPs. It relies on and will refer a student to the complaint procedures developed by local school districts when a student or parent alleges that Section 504 was violated. In the absence of such a grievance policy in the student's school district or in conjunction with the grievance filed through the school, the student may file a grievance related to implementation of their 504 Plan using the Non-Discrimination & Harassment Grievance Procedure for Students, C3d.

Recommended Review of IEPs and 504 Plans during the Enrollment Process

For students wishing to enroll in an NDCDE course, NDCDE encourages the district to convene the IEP team or Section 504 committee meetings to determine, with appropriate accommodations, if the virtual program is appropriate for the student to receive FAPE. The IEP or Section 504 plan should then be revised to include the services, aids, supports, accommodations, and modifications that will be required in a virtual program, considering the list of accommodations NDCDE can provide (listed below) and the support the district can provide locally. If the team/committee determines that the virtual program is not appropriate to confer FAPE, even with accommodations, it may recommend that the student not enroll at NDCDE. Such a determination is subject to the parents' rights and procedural safeguards under applicable state and federal law.

Individual Language Plans (ILPs)

According to federal and state legislation, school districts are required to provide appropriate language services to assist students who lack English language proficiency due to the influence of a language other than English. Under NDCC 15.1-38-03, local school districts are required to determine if students require English language learner services and shall convene a team to review the student's language and educational needs. Based on the review, the team may develop an individualized language plan. NDCDE will review the ILP during the enrollment process and work with the schools in implementing these plans to the extent feasible, notifying the student, parent, and school of the services it can offer. In addition, if an NDCDE teacher

identifies a student who may benefit from an ILP, the teacher will notify the dean of students, who will refer the matter to the student's school, English Learner Coordinator, or school district of residence.

NDCDE Accommodations

While the IEP or 504 team decides on the appropriate scope of accommodations, NDCDE has developed [a list of common accommodations](#) provided online to help guide these decisions. Accommodations are an exception to any NDCDE standards and policies concerning course and academic integrity safeguards.

References:

[Dear Colleague Letter on Online and Virtual Schools and the Individuals with Disabilities Education Act \(IDEA\)](#)

[Frequently Asked Questions About the June 29, 2010, Dear Colleague Letter” \(FAQ\)](#)

[ND DPI Special Education webpage](#)

[Section 504 Subpart D](#)
[Section 504 Regulations](#)

End of policy

Adopted: 08/02/2024

Amended:

Published where: NDCDE website, CDE-All Staff Teams Channel

Version and effective date: 08/02/2024

Policy Referenced:

[Non-Discrimination & Harassment Grievance Procedure for Students \(C3d.v01\)](#)

Attendance (C3b.v01)

As a virtual, asynchronous, self-paced supplementary educational provider, NDCDE has not established student attendance requirements. It uses pacing guides to track student progress in courses and strongly encourages teacher outreach whenever students are falling behind.

However, NDCDE recognizes that as a partner to schools and school districts, students taking a NDCDE course may be doing so to fulfill requirements under law related to a full day of instruction (NDCC 15.1-06-04 (6)) and to meet compulsory attendance requirements (NDCC Ch. 15.1-20). To assist in complying with these standards, NDCDE provides learning coaches with access to pacing guides and students' activity in our learning management system per NDCC 15.1-20-01 (4). Furthermore, NDCC strongly encourages students to login to their NDCDE courses daily and spend at least one hour per day per course reviewing content and completing online activities and assignments. Students should also be studying and completing NDCDE homework outside of this time.

End of policy

Adopted: 08/02/2024

Amended:

Published where: NDCDE website, CDE-All Staff Teams Channel

Version and effective date: 08/02/2024

NDHSAA & Extracurricular Participation (C3c.v01)

As a supplementary and virtual education provider, NDCDE is not a member of the North Dakota High School Activities Association (NDHSAA). Students who are enrolled in the NDCDE diploma program who wish to participate in a NDHSAA activity must file a statement of intent to homeschool with their school district of residence. They may then participate in their local school district's extracurricular program under the terms outlined in NDCC 15.1-23-16 and local school board policy.

NDCDE will not make a determination of a student's eligibility to participate in extracurricular activities. To assist North Dakota School districts with determining student eligibility to participate in extracurricular activities, NDCDE will grant learning coaches and school district administrators access to student pacing guides, LMS activity, student records, and grades and encourages local districts to develop policies on how these metrics will be used alone or in combination to make eligibility determinations. Beyond supplying data that it regularly makes available to learning coaches and schools, NDCDE is not responsible for interpreting local school district policies or combining, computing, or developing reports containing student data to assist schools with determining extracurricular eligibility.

End of policy

Adopted: 09/10/2024

Amended:

Published where: NDCDE website, CDE-All Staff Teams Channel

Version and effective date: 09/10/2024

Non-Discrimination & Harassment Grievance Procedure for Students (C3d.v01)

While this policy has been developed for student use, NDCDE will consult legal counsel on the appropriate investigation and response process to be used when an employee brings forward a complaint of discrimination or harassment and will advise the employee on the process NDCDE will use to respond.

Prohibitions

NDCDE prohibits discrimination and harassment of students based on all the protected classes outlined in its Non-Discrimination Policy (A9). More specifically, NDCDE prohibits:

- Discrimination based on sex and sexual harassment as defined below.
- Disability-based discrimination and harassment that is sufficiently serious to deny or limit a student's ability to participate in or benefit from the recipient's education programs and activities (i.e., creates a hostile environment).
- Racial or national origin discrimination and harassment that is sufficiently serious to deny or limit a student's ability to participate in or benefit from the recipient's education programs and activities (i.e., creates a hostile environment).
- Discrimination based on a student's age except when age is necessary to operate NDCDE programs and activities

Duty to Respond

When NDCDE has actual knowledge of sexual harassment or knows or reasonably should have known other forms of harassment described above took place in any of its programs or activities, it shall respond promptly and supportively to persons alleged to be victimized, resolve allegations promptly and accurately under a predictable, fair grievance process that provides due process protections to alleged victims and alleged perpetrators, and effectively implement remedies for victims. If an investigation reveals that the harassment created a hostile environment, NDCDE will take prompt and effective steps reasonably calculated to end the harassment, eliminate the hostile environment, prevent its recurrence, and, as appropriate, remedy its effects.

Definitions

- Actual knowledge: means notice of sexual harassment or allegations of sexual harassment to NDCDE's Title IX Coordinator or any NDCDE official who has authority to institute corrective measures on behalf of NDCDE, including any of its employees. This standard is not met when the only official with actual knowledge is the respondent.
- Complainant: an individual who is alleged to be the victim of conduct that could constitute sexual harassment
- Education program or activity includes locations, events, or circumstances over which NDCDE exercised substantial control over both the respondent and the context in which the sexual harassment occurred
- Discrimination on the basis of race, color, or national origin includes discrimination based on a person's actual or perceived race, color, national origin, ethnicity, or ancestry. This

includes discrimination based on the country, world region, or place where a person or his or her ancestors come from; a person's limited English proficiency or English learner status; or a person's actual or perceived shared ancestry or ethnic characteristics, including membership in a religion that may be perceived to exhibit such characteristics (such as Hindu, Jewish, Muslim, and Sikh individuals).

- Document filed by a complainant means a document or electronic submission (such as by e-mail or through an online portal provided for this purpose by NDCDE) that contains the complainant's physical or digital signature, or otherwise indicates that the complainant is the person filing the formal complaint.
- Formal complaint: a document filed by a complainant or signed by the Title IX Coordinator alleging sexual harassment against a respondent and requesting that NDCDE investigate the allegation of sexual harassment
- Person with a disability means a person with a physical or mental impairment that substantially limits a major life activity; has a record of such an impairment; or is regarded as having such an impairment.
- Racial and national origin harassment is unwelcome conduct based on a student's actual or perceived race or national origin. Harassers can be students, school staff, or even someone visiting the school, such as a student or employee from another school. Racial and national origin harassment can take many forms, including slurs, taunts, stereotypes, or name-calling, as well as racially-motivated physical threats, attacks, or other hateful conduct. NDCDE will also investigate complaints that students were subjected to ethnic or ancestral slurs; harassed for how they look, dress, or speak in ways linked to ethnicity or ancestry (e.g. skin color, religious attire, language spoken); or stereotyped based on perceived shared ancestral or ethnic characteristics.
- Respondent: an individual who has been reported to be the perpetrator of conduct that could constitute sexual harassment.
- Title IX Coordinator: The employee designated by a recipient to coordinate its efforts to comply with Title IX responsibilities.
- Sexual Harassment: Any of three types of misconduct on the basis of sex, all of which jeopardize the equal access to education that Title IX is designed to protect:
 - Any instance of quid pro quo harassment by a school's employee;
 - Any unwelcome conduct that a reasonable person would find so severe, pervasive, and objectively offensive that it denies a person equal educational access;
 - Any instance of sexual assault (as defined in the Cle1y Act), dating violence, domestic violence, or stalking as defined in the Violence Against Women Act (VAWA).
- Supportive measures: individualized services reasonably available that are nonpunitive, non-disciplinary, and not unreasonably burdensome to the other party while designed to ensure equal educational access, protect safety, or deter sexual harassment

Title IX & Non-Discrimination Coordinator Contact Information

NDCDE's Title IX & Non-Discrimination Coordinator is:

Dr. Alyssa Martin (interim)

NDCDE State Director

Alyssa.martin@k12.nd.us

701-630-1234

3435 56th St S #200, Fargo, ND 58104

NDCDE will notify students and employees, applicants for employment, parents or legal guardians of elementary and secondary school students, and all unions, of the name or title, office address, e-mail address, and telephone number of the Title IX Coordinator. NDCDE will also prominently display on its websites and in its handbooks the required contact information for the Title IX Coordinator.

The Title IX Coordinator is also responsible for responding to reports of all other forms of discrimination and harassment.

Dissemination of this Policy

NDCDE will notify students and employees, applicants for employment, parents or legal guardians of elementary and secondary school students, and all unions, of this policy through publication of it on its website and inclusion of it in all its handbooks. Whenever possible, NDCDE will request confirmation of receipt of this policy to demonstrate compliance with policy dissemination responsibilities.

Reporting, Grievance, and Investigation Procedures

Process	Sexual Harassment	Other Forms of Discrimination & Harassment
Initial Response	<p>Whenever NDCDE has actual knowledge of sexual harassment, it will treat complainants and respondents equitably by offering supportive measures to a complainant, and by following a grievance process described below before the imposition of any disciplinary sanctions or other actions that are not supportive measures against a respondent. The Title IX Coordinator must promptly contact the complainant to discuss the availability of supportive measures, consider the complainant's wishes with respect to supportive measures, inform the complainant of the availability of supportive measures with or without the filing of a formal complaint, and explain to the complainant the process for filing a formal complaint.</p> <p>The Title IX Coordinator will respect the complainant's wishes about whether or not a formal complaint will be filed unless the Title IX Coordinator determines that signing a formal complaint to initiate an investigation is necessary in light of the known</p>	<p>Any person who believes she or he has been subjected to discrimination on the basis of disability, age, or race ethnicity may file a grievance. NDCDE will also investigate discrimination when an employee, student, parent, or other stakeholder reports indicators that a discriminatory hostile environment exists. NDCDE employees will receive training on knowing these signs and are required to report them.</p> <p>When NDCDE investigates indicators of a hostile environment, it will use an informal review process and put in measures to adequately to redress the hostile environment if found.</p>

	<p>circumstances given the severity of the accusations or the potential for the alleged behavior to persist and perpetuate to other NDCDE students or staff.</p>	
Reporting Procedure	<p>Any person may report sexual harassment, whether or not the person reporting is the person alleged to be the victim of conduct that could constitute sexual harassment, in person, by mail, by telephone, or by e-mail, using the contact information listed for the Title IX Coordinator, or by any other means that results in the Title IX Coordinator receiving the person's verbal or written report. Such a report may be made at any time, including during non-business hours, by using the telephone number or e-mail address, or by mail to the office address, listed for the Title IX Coordinator.</p> <p>At the time of filing a formal complaint, a complainant must be participating in or attempting to participate in the education program or activity at NDCDE.</p> <p>Where the Title IX Coordinator signs a formal complaint, the Title IX Coordinator is not a complainant or a party during a grievance process, and must comply with requirements for Title IX personnel to be free from conflicts and bias.</p> <p>A complaint must be filed within 180 days of the last act of sexual harassment.</p> <p>The Title IX Coordinator will institute supportive measures if not already in place upon receipt of a formal complaint and will determine if emergency removal measures are necessary.</p> <p>The Title IX Coordinator determines if</p>	<p>Grievances must be submitted to the Non-Discrimination Coordinator within 45 days of the date the person filing the grievance becomes aware of the alleged discriminatory action. A complaint must be in writing, containing the name and address of the person filing it. The complaint must state the problem or action alleged to be discriminatory and the remedy or relief sought.</p>

	<p>the formal complaint should be dismissed or investigated within 15 business days upon receipt. A complaint will be dismissed if not timely filed, if the allegations would not constitute sexual harassment as defined in § 106.30 even if proved, did not occur in NDCDE's education program or activity, or did not occur against a person in the United States. The Title IX Coordinator will refer complaints that occurred in a local school's activities or programs to that school for processing. The Title IX Coordinator may refer dismissed complaints to the appropriate NDCDE administrator for review and action under other NDCDE policies.</p>	
<p>Grievance Procedure: General Assurances</p>	<p>NDCDE will treat complainants equitably by providing remedies any time a respondent is found responsible, and treat respondents equitably by not imposing disciplinary sanctions without following the grievance/investigation process.</p> <p>NDCDE will review all evidence objectively and will not make credibility determinations based on a person's status as a complainant, respondent, or witness.</p> <p>NDCDE will ensure the Title IX Coordinator, investigator, decision-maker, or any person designated by NDCDE to implement this policy, not have a conflict of interest or bias for or against complainants or respondents generally or an individual complainant or respondent.</p> <p>All these NDCDE employees responsible for implementing this policy will receive appropriate training to serve in these roles, including all training required by law. This material will be available for inspection upon request.</p> <p>NDCDE assumes the respondent is not responsible for the alleged conduct until a determination regarding responsibility is made at the conclusion of the grievance/investigation process.</p> <p>NDCDE will use the preponderance of evidence standard to determine responsibility when a complaint is filed.</p> <p>NDCDE will not use, rely on, or seek disclosure of information protected under a legally recognized privilege, unless the person holding such privilege has waived the privilege.</p> <p>The burden of gathering evidence and burden of proof will remain on</p>	

	<p>NDCDE, not on the parties involved in the complaint investigation process.</p> <p>NDCDE will not use a formal hearing to resolve complaints received under this policy.</p> <p>NDCDE must keep confidential the identity of complainants, respondents, and witnesses, except as may be permitted by FERPA, as required by law, or as necessary to carry out the proceedings under this policy.</p> <p>NDCDE provide equal opportunity for the parties to present fact and expert witnesses and other inculpatory and exculpatory evidence.</p> <p>NDCDE will not restrict the ability of the parties to discuss the allegations or gather evidence (e.g., no “gag orders”)</p>	
Investigation Procedure	<p>The Title IX Coordinator will appoint an investigator to review formal complaints that have not been dismissed within 10 business days.</p> <p>Within five business days of appointing the investigator, the Title IX Coordinator will send a written notice of the allegations and information on the investigation procedure, including investigator's contact information, the decision maker's contact information, and the roles and responsibilities of these individuals, to both parties.</p> <p>The investigator shall prepare an initial list of evidence to gather and witnesses to interview and send this information to both parties in writing. Within this notice, the investigator will specify that both parties have an equal opportunity to name witnesses, including fact and expert witnesses, and provide other inculpatory and exculpatory evidence. The investigator will interview both parties or request written statements from them based on questions prepared by the investigator. The parties are both entitled to use and have present an advisor of their choosing during this process.</p> <p>Once the investigator has gathered all evidence and interviewed all parties, s/he will provide both parties an equal</p>	<p>The Non-Discrimination Coordinator (or her/his designee) shall conduct an investigation of the complaint. This investigation will be informal, but it must be thorough, affording all interested persons an opportunity to submit evidence relevant to the complaint.</p> <p>The Non-Discrimination Coordinator will maintain the files and records of NDCDE relating to such grievances.</p> <p>The Non-Discrimination Coordinator will make appropriate arrangements to ensure that persons involved in the investigation are provided other accommodations, if needed, to participate. The Non-Discrimination Coordinator will be responsible for such arrangements.</p>

	<p>opportunity to inspect and review any evidence obtained as part of the investigation that is directly related to the allegations raised in a formal complaint, including the evidence upon which NDCDE does not intend to rely in reaching a determination regarding responsibility and inculpatory or exculpatory evidence whether obtained from a party or other source, so that each party can meaningfully respond to the evidence prior to conclusion of the investigation. Prior to completion of the investigative report, the recipient must send to each party and the party's advisor, if any, the evidence subject to inspection and review in an electronic format or a hard copy, and the parties must have at least 10 days to submit a written response, which the investigator will consider prior to completion of the investigative report.</p> <p>The investigator will then create an investigative report that fairly summarizes relevant evidence and, at least 10 days prior to referring the report to the decision maker, send to each party and the party's advisor, if any, the investigative report in an electronic format or a hard copy, for their review and written response.</p> <p>The full investigation process shall be completed within 60 business days unless there is good cause for a delay, and the investigator sends written notice to the complainant and the respondent of the delay or extension and the reasons for the action. Good cause may include considerations such as the absence of a party, a party's advisor, or a witness; concurrent law enforcement activity; or the need for language assistance or accommodation of disabilities.</p>	
Decision Making	<p>The investigator will refer his/her report to the decision maker. The decision maker shall be appointed by the Title IX Coordinator at the outset of the process. The decision-maker(s), who cannot be the</p>	<p>The Non-Discrimination Coordinator will issue a written decision on the grievance no later than 30 days after its filing. The decision will be supported by</p>

same person(s) as the Title IX Coordinator or the investigator(s), must issue a written determination regarding responsibility.

Upon receipt of the investigation report and within five business days, the decision-maker will notify each party in writing of the opportunity to submit written, relevant questions that a party wants asked of any party or witness, provide each party with the answers, and allow for additional, limited follow-up questions from each party. The notice will stipulate that questions and evidence about the complainant's sexual predisposition or prior sexual behavior are not relevant, unless such questions and evidence about the complainant's prior sexual behavior are offered to prove that someone other than the respondent committed the conduct alleged by the complainant, or if the questions and evidence concern specific incidents of the complainant's prior sexual behavior with respect to the respondent and are offered to prove consent. This question and answer period will take place over 15 business days, with the first set of questions due to the decision maker by both parties within 3 business days. This 15-day deadline may be extended by the decision maker if s/he cannot get ahold of a witness, and the decision maker shall notify both parties of such an extension in writing. The decision-maker(s) will also explain to the party proposing the questions any decision to exclude a question as not relevant.

The decision maker will then issue a final determination, which shall include:

- Identification of the allegations potentially constituting sexual harassment as defined in [§ 106.30](#).
- A description of the procedural steps taken by NDCDE during the formal complaint process through the determination, including any notifications to the parties, interviews

all the evidence gathered and reviewed as part of the investigation process.

with parties and witnesses, site visits, methods used to gather other evidence, and hearings held;

- Findings of fact supporting the determination;
- Conclusions regarding the application of NDCDE policies to the facts;
- A statement of, and rationale for, the result as to each allegation, including a determination regarding responsibility, any disciplinary sanctions NDCDE imposes on the respondent, and whether remedies designed to restore or preserve equal access to the NDCDE's education program or activity will be provided by NDCDE to the complainant; and
- The procedures and permissible bases for the complainant and respondent to appeal.

The decision maker will provide the written determination to the parties simultaneously. The determination regarding responsibility becomes final either on the date that the recipient provides the parties with the written determination of the result of the appeal, if an appeal is filed, or if an appeal is not filed, the date on which an appeal would no longer be considered timely.

The decision maker also provides his/her findings to the Title IX Coordinator who is then responsible for implementation of the decision when it takes effect.

Reasons for dismissal: The decision maker must dismiss allegations of conduct that do not meet the Title IX definition of sexual harassment or did not occur in a school's education program or activity against a person in the U.S. Such dismissal is only for Title IX purposes and does not preclude NDCDE from addressing the conduct in any manner the school deems appropriate.

<p>Appeals</p>	<p>NDCDE will offer both parties an appeal from a determination regarding responsibility, and from a school's dismissal of a formal complaint or any allegations therein, on the following bases: procedural irregularity that affected the outcome of the matter, newly discovered evidence that could affect the outcome of the matter, and/or Title IX personnel had a conflict of interest or bias, that affected the outcome of the matter. This appeal will be filed with the NDCDE Human Resources Director (unless s/he has a conflict in which case the Title IX Coordinator will designate another NDCDE administrator to receive the appeal) within 10 days of the parties receiving notice of the outcome of the investigation.</p> <p>The NDCDE Human Resources Director upon receipt of an appeal will:</p> <ul style="list-style-type: none"> • Notify the other party in writing when an appeal is filed and implement appeal procedures equally for both parties; • Give both parties a reasonable, equal opportunity to submit a written statement in support of, or challenging, the outcome within 10 days of receiving the notice of appeal; • Issue a written decision describing the result of the appeal and the rationale for the result; and • Provide the written decision simultaneously to both parties. 	<p>The person filing the grievance may appeal the decision of the Section 504 Coordinator by writing to the NDCDE Human Resources Director within 15 days of receiving the Non-Discrimination Coordinator's decision. The Human Resources Director shall issue a written decision in response to the appeal no later than 30 days after its filing.</p> <p>The availability and use of this grievance procedure does not prevent a person from filing a complaint of discrimination on the basis of disability with the U. S. Department of Health and Human Services, Office for Civil Rights.</p>
-----------------------	---	---

Description of Supportive Measures

These measures, instituted by the Title IX Coordinator at the outset of actual notice or a formal complaint of sexual harassment, are non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, and without fee or charge to the complainant or the respondent. These same measures may be instituted for discrimination and harassment complaints that do not allege sexual harassment. Such measures are designed to restore or preserve equal access to the NDCDE's education program or activity without unreasonably burdening the other party, including measures designed to protect the safety of all parties or

NDCDE's educational environment, or deter harassment. Supportive measures may include counseling, extensions of deadlines or other course-related adjustments, modifications of work or class schedules, mutual restrictions on contact between the parties, changes in work locations, leaves of absence, increased security and monitoring of student and employee's online activity, and other similar measures. NDCDE must maintain as confidential any supportive measures provided to the complainant or respondent, to the extent that maintaining such confidentiality would not impair the ability of NDCDE to provide the supportive measures.

Retaliation Prohibited & Confidentiality Assurances

- **Confidentiality:** NDCDE must keep confidential the identity of complainants, respondents, and witnesses, except as may be permitted by FERPA, as required by law, or as necessary to carry out a proceedings under this policy .
- **Retaliation:** NDCDE prohibits any form of retaliation under this policy. Examples include intimidation, threats, coercion, or discrimination because the individual has made a report or complaint, testified, assisted, or participated or refused to participate in any manner in an investigation under this policy. Complaints alleging retaliation may be filed using the procedures in this policy. Charging an individual with a code of conduct violation for making a materially false statement in bad faith under this policy does not constitute retaliation; however, a determination regarding responsibility, alone, is not sufficient to conclude that any party made a bad faith materially false statement.

Description of Disciplinary Responses

Any disciplinary response recommended under this policy shall be commensurate with the findings of wrongdoing and with the disciplinary remedies available to NDCDE as outlined in the applicable policy: Student Discipline (C3ea) or Employee Discipline (B4k).

End of policy

Adopted: 10/21/2024

Amended:

Published where: NDCDE website, CDE-All Staff Teams Channel

Version and effective date: 10/21/2024

Policies Referenced:

[Employee Discipline \(B4k.v01\)](#)

[Student Conduct \(C3e.v01\)](#)

Related Policies:

[Bullying \(A6c.v01\)](#)

[Non-Discrimination \(A6d.v01\)](#)

[Accommodations \(C3a.v01\)](#)

Student Conduct (C3e.v01)

Purpose, Scope, & Relationship to Other Student Conduct Standards

This policy aims to establish standards for student behavior when taking a course or engaged in any activity related to enrollment at the North Dakota Center for Distance (NDCDE). NDCDE has established several standalone policies containing specific behavior expectations for students related to Acceptable Use, the Academic Honor Code, Bullying, and Non-Discrimination & Harassment.

While the specific policies outline many expectations and prohibitions related to student conduct, this policy aims to provide additional general expectations intended to guide behavior but may not be all-encompassing. NDCDE reserves the right to address any student behavior that it deems inappropriate, even if not explicitly mentioned in this policy.

Dissemination

NDCDE will publish all student conduct policies online in locations highly visible and regularly visited by students and in the Student Handbook. Teachers and administrators may also review any of these policies with students whenever deemed necessary to ensure understanding and compliance.

Expected Behavior

- **Respect:** When interacting with NDCDE teachers and staff, student shall listen without interrupting, use polite language when communication orally and in writing, monitor their tone to ensure it is courteous, receive teacher feedback non-defensively, respond to their teachers in a timely manner, not attempt to breach or otherwise compromise NDCDE technology, and when on camera, use body language to show they are paying attention and are receptive to what they are hearing. Students will also follow the instructions and directives given to them by their teachers and learning coaches. More specific expectations related to showing respect when completing academic work are outlined in the Academic Honor Code Policy, A6. More information concerning acceptable technology use is contained in the Acceptable Use Policy, A7.
- **Honesty:** Students will be truthful in all their activity associated with being an NDCDE student and interactions with NDCDE teachers, learning coaches, and staff. More specific expectations related to honesty in academic work are outlined in the Academic Honor Code Policy, A6.
- **Adhering to Privacy Expectations:** Students shall respect the privacy of others by not recording meetings, not taking screenshots or sharing discussion posts and other student work, and will not share personal information that belongs to other NDCDE students. Students shall also follow all privacy requirements in the Acceptable Use Policy, A7.
- **Respecting Copyright Laws and Intellectual Property:** All NDCDE course content is copyrighted, and students must only access and use it within the NDCDE learning management system. Students must properly cite the work produced by others and by artificial intelligence when use of such resources is allowed by the teacher. For more

information, see the Academic Honor Code Policy, A6.

Prohibited Behavior

A violation of this or any policy governing student conduct may be subject to disciplinary action under the Student Discipline Policy, C3ea.

- **Causing Disruption to the Online Learning Environment:** Any negative student behavior that causes or results in the following is considered disruptive and is prohibited:
 - NDCDE needing to change policy or procedure;
 - Causes a temporary interruption to the services that NDCDE offers;
 - NDCDE needing to put new protections in place for a teacher(s), staff, or students;
 - Causes a teacher to prematurely end a meeting with a student or make changes to a course.
- **Disrespectful and offensive behavior:** This prohibited behavior occurs when a student is rude, unresponsive, inattentive, argumentative, hostile, derogatory, belittling, offensive, harassing, discriminatory, or insubordinate, meaning intentionally ignoring or violating a directive given to them by a NDCDE teacher, administrator, or learning coach.
- **Illegal activity:** Students who engage in or make reference to engaging in illegal activity (such as in an assignment), or reveal plans to engage in illegal activity will be subject to disciplinary action and referred to law enforcement. This includes drugs and alcohol use.
- **Impersonation:** NDCDE prohibits any attempt to impersonate another student, a learning coach, school staff member, parent, a NDCDE staff member, teacher, or administrator.
- **Threatening Behavior:** Students who make reference to committing violence, reveal plans to commit violence, or display a firearm or weapon in a threatening manner while on camera will be subject to disciplinary action, immediate referral to their schools, and, depending on the nature and severity of the threat as determined by the NDCDE dean of students in consultation with the state director or designee, may be referred to law enforcement.
- **Violating Privacy Rights:** This behavior includes compromising information and/or work that belongs to someone else by posting it online or otherwise sharing it with others. It also includes recording or taking screenshots of online meetings or classes without permission of the teacher.
- **Violating Copyright Laws & Unauthorized Use of Intellectual Property:** Violations in these areas are addressed in the Academic Honor Code Policy, A6.

Reporting Procedure:

Students, teachers, learning coaches, or staff who witness or become aware of a conduct violation should promptly report it to the dean of students or designee who shall determine if the teacher or s/he should respond, reviewing relevant information with the NDCDE teacher such as behavioral intervention plans and accommodation plans as necessary. The dean of students or designee may also refer this matter to the student's school district when the student engaged in the misconduct at school, when a student's behavioral intervention or

accommodation plan may need updates in response to the behavior, when NDCDE determines a new learning coach may need to be assigned, or when the student's conduct may threaten or negatively impact the school/district. In addition, NDCDE maintains records of student misconduct, which are available to school officials who have access to the student's information in the NDCDE student information system. The dean of students may also refer student misconduct to law enforcement when s/he believes the student has violated the law or poses a threat to public safety. For out-of-state students, NDCDE will make referrals based on a perceived violation of North Dakota law.

End of policy

Adopted: 07/10/2024

Amended:

Published where: NDCDE website, CDE-All Staff Teams Channel

Version and effective date: 08/01/2024

Policies Referenced:

[Academic Honor Code & Integrity \(A6a.v02\)](#)

[Acceptable Use \(A6b.v02\)](#)

[Student Discipline \(C3ea.v01\)](#)

Student Discipline (C3ea.v02)

NDCDE has developed this policy to ensure that the online learning environment is safe for students and teachers, a place focused on academic achievement and growth, and a place that supports students with overcoming barriers that may hinder their success. This policy takes a learning-based and relational approach to student behavioral issues whenever possible and relies on the support and coordination with the student's local school to provide a more comprehensive response. It outlines the criteria used to help guide appropriate responses to student behavior and a set of responses that NDCDE can use given its role as a supplementary educational provider.

Reporting and Decision-Making

Teachers shall report all behavioral concerns and student policy violations in the student information system and notify the dean of students. The dean of students shall review the documentation and determine the appropriate response, notifying the teacher who reported the concern, including any need for the teacher to implement the response to the situation. The dean of students shall document his/her decisions on responding to reported behavior in the student information system.

Factors Considered in Determining the Disciplinary Response

The dean of students is encouraged to develop a disciplinary response matrix that lists common policy violations, assigns a response level, contains referral and support services, and any disciplinary consequences. In most cases, however, the matrix and the following criteria must be considered together to properly classify and respond to student behavioral issues.

The dean of students or designee, when determining the level of NDCDE's response to student behavioral issues shall consider the following factors.

- The extent to which the behavior disrupted NDCDE operations
- The extent to which the behavior negatively impacted others
- The student's age, disability status, and other developmental factors
- The student's prior record of NDCDE policy violations and whether the actual violation constitutes a pattern or new form of prohibited behavior.
- Whether the student admitted to the violation. Confessions will generally result in the violation being downgraded in severity.
- The degree to which the student understands the policy violated.
- Whether the behavior at issue is addressed in the IEP/504 and associated interventions contained therein
- Whether the student recently experienced any personal hardship or trauma to NDCDE's knowledge.

Response Levels and Associated Actions

NDCDE classifies student behavior into three categories, which are described below, including typical response steps.

- **Minor violations:** These are typically first offenses that may disrupt the student's learning but have little to no impact on others and the learning environment at NDCDE. Such

violations are referred to the classroom teacher. The classroom teacher is authorized to respond to these violations using any of the following measures and should consult the dean of students if uncertain of which are appropriate:

- Meeting with the student, parent, and learning coach individually or together to ensure the student has an opportunity to tell his/her side of the story.
 - Reviewing any applicable policy with the student to help strengthen understanding and prescribing any additional education or training in order for students to further build or demonstrate awareness (e.g., writing a short policy summary, plagiarism training).
 - Referring the student to his/her school counselor or the NDCDE counselor for guidance on coping skills and intervention strategies such as social emotional learning and requiring verification that such meetings took place.
 - Implementation of consequences in the teacher's classroom policy (e.g., asking student to demonstrate proficiency in another way when caught cheating).
 - Requiring a change to the student's learning environment or other accountability measures (e.g., requiring the learning coach to record the student when taking a test, weekly teacher check ins, requiring the student's learning coach to review communication before it is sent to the teacher).
 - Referral to the local school to update the student's behavioral intervention plan, if applicable.
- Moderate violations: These are repeated violations that have moderately disrupted the student's learning or minorly impacted others' ability to use and deliver NDCDE services or resulted in the need to make minor changes to the learning environment at NDCDE. These violations are handled by the dean of students or designee, who may consult NDCDE teachers or director of learning in helping determine the appropriate responses from the following remedies:
 - The dean of students meets with the student, his/her parent, and the learning coach. These meetings may take place individually or together to best ensure that the student has an opportunity to tell his/her side of the story.
 - The dean of students reviews any applicable policy with the student to help strengthen understanding and prescribing any additional education or training in order for students to further build or demonstrate awareness (e.g., writing a short policy summary, plagiarism training).
 - The dean of students may refer the student to his/her school counselor or the NDCDE counselor for guidance on coping skills and intervention strategies such as social emotional learning and requiring verification that such meetings took place.
 - The dean of students may report the student's behavior to his/her school to assess if local district policy has been violated and to update or create a behavioral intervention plan at the school's discretion.
 - The dean of students informs the student of any classroom policy violated and the consequences.
 - The dean of students may adjust the amount of time the student is authorized to take the course and/or make adherence to pacing guides mandatory, including assignment submission deadlines.
 - The dean of students may require a change to the student's learning environment or other accountability measures (e.g., a new learning coach, requiring the learning

coach to record the student when taking a test, requiring the student to take tests in a specific location, weekly dean of students or counselor check ins, requiring parents or learning coaches to attend all meetings with the student and/or monitor all student communication).

NDCDE will take the necessary internal changes needed to deter such behavior in the future (e.g., changing an assignment, adjusting classroom policies).

- Major violations: These violations have resulted to a major disruption to the student's learning, to the NDCDE learning environment, or had a significant impact on other's ability to provide NDCDE services or take NDCDE classes. The dean of students is responsible for determining appropriate responses to such behavior, which may include:
 - Implementation of one or multiple steps under minor and moderate violation headings above.
 - Requiring the student, parent, and learning coach to meet with the assistant superintendent.
 - Required notification sent to the student's school.
 - Prohibiting a student from extending the course.
 - Withdrawing a student from the course or course(s) in which the violation occurred and making a determination about when a student is eligible to re-enroll. If the dean of students decides students will be able to re-enroll after a short waiting period (10 days or less), this will be considered a suspension with notice only provided to the student. If the dean of students decides the student's actions warrant removal for more than 10 days, the student will be entitled to an expulsion hearing. During this hearing, NDCDE will determine if a student will be suspended, expelled, or subject to other disciplinary action. NDCDE deems a student to be expelled when it determines that a student has engaged in conduct that warrants expulsion* and cannot re-enroll during the fiscal year or for three months (whichever is greater). Re-enrollment decisions must factor in whether and when the student needs the course to graduate. If a student reenrolls in the course at issue, s/he will receive no credit for prior coursework.
 - Referring any perceived violations of the law to local law enforcement. NDCDE will consult legal counsel beforehand to ensure FERPA compliance during this referral.

*Conduct leading to a decision to expel must fit into one of the following categories: insubordination, habitual indolence, disorderly conduct, or for violating NDCDE's prohibition on violent and threatening behavior, including displaying weapons in a threatening way.

Before taking any measure that would result in a change of placement for a student on an IEP, the dean of students shall consult the state director who shall confer with legal counsel and the student's school.

Due Process

Before taking any action resulting in a temporary change of placement (e.g., student is removed from a NDCDE course for 10 days or less), the dean of students shall prepare a notice to the student, learning coach, and parent. In the notice, the student and parent will be informed of the opportunity to respond to the findings verbally (via an online

meeting) or in writing within 3 days of issuing a notice of the administrator's decision. After receiving such a response from the impacted student/parent, the dean of students shall review the initial findings to determine if any change is appropriate and reissue the findings if applicable.

For any long-term change of placement (defined above as an expulsion), the assistant superintendent shall provide the student with a due process hearing held in accordance with subsection 2 of NDCC section 15.1-19-10, and NDCDE's expulsion procedure (below). Students will be suspended from taking coursework while an expulsion proceeding is underway.

Expulsion Procedure

Notice: When contemplating expelling a student, NDCDE will notify the student, parent, and learning coach as follows:

- NDCDE will clearly, fully, and in plain language outline the behavioral issues and policy violations so that the student and parent can prepare a defense.
- The notice will contain a virtual hearing date not to exceed 10 days from the issuance of notice, unless a postponement is requested or agreed to by the parent.
- The notice will outline the student's/parent's rights, including the right of the student and parent to attend the hearing, present evidence, select and interview witnesses, ask questions of NDCDE witnesses, and be represented by legal counsel or another advocate at the parent's expense.
- All evidence NDCDE has gathered to support the reason for expulsion or the deadline for providing it, and a deadline for the parent/student to supply NDCDE with the evidence it plans to present. These deadlines should be at least three days prior to the hearing.
- The right to waive the hearing and for the hearing officer to make a decision based on the information NDCDE has gathered.

The Hearing: The hearing is an informal process. It is used to determine whether the reasons offered for the proposed expulsion are supported by the evidence. The following standards shall govern the hearing.

- **The hearing officer:** The assistant superintendent shall be the hearing officer, who will listen to all the evidence presented and make a decision concerning expulsion. If the assistant superintendent has a conflict of interest, s/he shall designate another NDCDE administrator to serve as the hearing officer who was not involved in investigating or responding to the conduct at issue, such as the director of learning.
- **NDCDE representative:** The dean of student shall be present at the hearing to supply evidence on behalf of the school. NDCDE also reserves the right to have legal counsel attend the hearing to represent the school.
- **The hearing location and recording:** All hearings will be held virtually and recorded. NDCDE will retain a copy of the recording for at least six years after the expelled student reaches the age of 18 years and will make a copy of the recording available to the parent/eligible student upon request.
- **The hearing will open with the hearing officer asking for both the student/parent and NDCDE representatives to provide all the documents they would like to submit as evidence, number them, and to identify all witnesses, which shall be added to a witness**

list. The hearing officer will then administer an oath to all witnesses and ask the parents/students to decide if they would like witnesses to attend the entire hearing or be placed in a virtual waiting room until they are called to testify.

- The hearing officer will then announce the reason for the hearing, and outline the process for conducting the hearing: NDCDE presents its evidence and witnesses first and the student's representative will have an opportunity to ask question of NDCDE witnesses. The student's representative will then present evidence and witnesses, and NDCDE will have an opportunity to ask questions of the student's witnesses. Each party will then be able to provide a summary of their evidence and advocate for the hearing's outcome at the end of the hearing.
- The hearing officer will then conclude the hearing by providing a timeline for reaching a decision, which should be no more than three days.

Decision-making: The hearing officer must make a decision based on the evidence presented. This decision is twofold: did the student engage in the conduct alleged and is the proposed response appropriate.

After the Hearing:

- **Notice to the student/parents/representative:** The hearing officer will prepare a written summary of his/her decision based on the evidence and send it to the student, parent, and representative. This explanation must be clear and specific enough so that the student, parent, and representative understands the basis for the hearing officer's decision. The notice will contain information on when any disciplinary action takes effect and a notice that the disciplinary decision will be suspended if the parent/student decides to appeal to the state director. The notice will provide information on how to initiate the appeal.
- **Appeal to the state director:** The parent/student must appeal to state director within three days of receiving the hearing officer's decision. The state director will schedule and hold an appeal hearing within five days of receiving this request. The state director will follow the same hearing notification and hearing procedure as delineated in this policy. The state director's decision is final and binding.

Delay of Disciplinary Responses

If a student completes a course before response measures intended to be taken under this policy can be instituted, NDCDE may defer issuing a completion certificate until the student has finished all required actions, or NDCDE may carry over required response steps to the student's next enrollment if NDCDE administration deems this action more appropriate.

End of policy

Adopted: 07/10/2024

Amended: 12/4/2024

Published where: NDCDE website, CDE-All Staff Teams Channel

Version and effective date: 08/01/2024

Related Policy:

[Academic Honor Code & Integrity \(A6a.v02\)](#)

Student Freedom of Expression (C3f.v01)

NDCDE does not sponsor student publications as defined by NDCC 15.1-19-25. The only forums for student expression at NDCDE take place in the virtual classroom through submission of assignments, communication with instructors, and other learning activities. Within these courses, instructors will provide clear instructions on the expected content of assignments and the standards they will use for grading them. Within the parameters of these instructions, students have freedom of expression when submitting academic work so long as they follow the instructions and they do not violate the Student Conduct Policy, C3e.

Student expression that contains the following will be deemed an automatic violation of the Student Conduct Policy, and the instructor shall follow the disciplinary referral process therein:

1. Content that is profane or pornographic
2. Content that is slanderous or libelous in nature
3. Content that infringes or may infringe on the privacy rights of others
4. Content that violates federal or state law
5. Content that promotes violence, terrorism, or other illegal activities
6. Content that is reasonably forecasted to materially and substantially disrupt the educational environment
7. Content that violates or incites the violation of NDCDE policy
8. Content that poses safety threat to students, staff, or others

The above list is not exhaustive. The Student Conduct Policy contains additional expectations related to student communication to ensure a respectful, safe, and productive learning environment.

End of policy

Adopted: 09/10/2024

Amended:

Published where: NDCDE website and CDE-All Staff Teams Channel

Version and effective date: 09/10/2024

Policy Referenced:

[Student Conduct \(C3e.v01\)](#)

Student Policy Exceptions (C3g.v01)

As a virtual school with no students in physical attendance and a supplementary education provider to homeschooled and district-enrolled students, certain policy requirements in state law intended to protect student's physical health and safety or that only apply in a physical school facility do not apply to NDCDE, and consequently, NDCDE has not adopted a policy. Furthermore, NDCDE is designated as an approved school by the North Dakota Department of Public Instruction (DPI). It is not classified as a public school district, exempting it from additional policy requirements in law. These exceptions are as follows:

- Religious displays (NDCC 15.1-06-17.1)
- Significant contagious disease and universal precautions (NDCC 23-07-16.1 and ND Administrative Code 33-06-05.2-02) NOTE: NDCDE has adopted a policy on this topic for employees, Employee Health & Safety, B5bb.
- Open enrollment (NDCC 15.1-31-06)
- Concussion management program (NDCC 15.1-18.2-04)
- Possession of a weapon (15.1-19-09) NOTE: NDCDE's Student Conduct policy does address displaying a weapon in a threatening manner.

NDCDE does not receive funds under the Every Student Succeeds Act (ESEA) and therefore does not have applicable policies related to these federal laws.

Whenever the NDCDE director identifies a provision in state or federal law that typically applies to a public school and for which NDCDE appears to be exempt based on the modality in which it delivers education or based on its status as a DPI-approved school or supplementary education provider, the director will consult with legal counsel and receive confirmation of the exemption, which will then be added to this policy upon confirmation.

End of policy

Adopted: 08/02/2024

Amended:

Published where: NDCDE website, CDE-All Staff Teams Channel

Version and effective date: 08/02/2024

Verifying Identity (C3h.v02)

Schoolwide Requirements

NDCDE requires the submission of identifying student data such as a name and date of birth by a parent or school official at the time of enrollment. It furthermore requires the enroller to identify a learning coach who is responsible for ensuring that the enrolled student is completing the work.

Responding to Suspected Impersonation

When a teacher has reason to suspect that a student is having someone else complete his/her coursework due to a change in performance, change of tone or voice in communication, unwillingness to meet on camera to discuss academic issues, etc., the teacher shall notify the dean of students of the concerns, document them in the student information system, and contact the learning coach to review the protocols being used to ensure the enrolled student is performing the work. If the teacher is still concerned about identity verification issues after this discussion, s/he may start requiring the learning coach to take a picture of the student holding an ID and email it to the teacher immediately before the student starts a test, may require the student to turn on his/her camera and provide proof of identity by showing an ID, or may work with the dean of students to devise other additional, age appropriate safeguards to verify identity.

Students who do not complete their own work are in violation of the Academic Honor Code & Integrity Policy, A6.

NDCDE will review this policy regularly and may implement additional school-wide safeguards to help verify student identity as needed.

End of policy

Adopted: 08/02/2024

Amended: 08/06/24

Published where: NDCDE website, CDE-All Staff Teams Channel

Version and effective date: 08/02/2024

Policy Referenced

[Academic Honor Code & Integrity, A6a](#)

Related Policy:

[Student Privacy: FERPA \(A6e.v01\)](#)

Student Support Services & Safety

Section Placeholder

Behavioral Intervention Plans (C4a.v01)

District Enrolled Students

While NDCDE does not require schools to submit behavioral intervention plans for students, schools may provide this information, and NDCDE may request it if there is a substantiated need as verified by the dean of students. This allows NDCDE to understand the norms and expectations of these plans, but our ability to help implement these plans may be limited in a virtual setting. These plans may be reviewed by the dean of students or a designee who may make recommendations to the school district concerning them if warranted, but the district is responsible for determining if these modifications are appropriate.

When a student exhibits repeated patterns of behavior that interfere with or disrupt his/her ability to learn online, the NDCDE teacher shall inform the dean of students, who will in turn inform the student's school, recommending a functional behavioral assessment. As part of this process, NDCDE will provide relevant details to help guide this assessment if the district decides to proceed, including:

- A summary of the problematic behavior and observations about what may be causing it, including any learning activities or learning environment distractions
- The behavior that NDCDE would like the student to exhibit instead of the behavior at issue and incremental steps or goals that may help students meet these expectations
- Any steps that the school or parent could use to help correct the problematic behavior and help the student develop the attributes needed to be a successful online learner

Homeschooled Students

For homeschooled students, if the dean of students identifies the need for a behavioral intervention plan, s/he shall refer the student to his/her home district to conduct a functional behavioral assessment. If the district determines that it is not legally required to develop a behavioral intervention plan for a homeschooled student and therefore is unable or unwilling to provide this service, the NDCDE dean of students will provide the student's family with a list of resources to assist them with developing this plan. The student's course may be placed on hold while the plan is being developed to ensure that appropriate measures and safeguards are in place to help the student be successful online. NDCDE's student conduct and discipline policies continue to apply while the student is actively taking classes.

End of policy

Adopted: 09/10/2024

Amended:

Published where: NDCDE website and CDE-All Staff Teams Channel
Version and effective date: 09/10/2024

Related Policy:

[Student Conduct \(C3e.v01\)](#)

Counseling & Mental Health (C4b.v02)

Anytime a student appears to or expresses personal or mental health concerns, NDCDE teachers are strongly encouraged to complete the NDCDE counseling referral form or contact the Student Support Office. NDCDE's in-house counselor shall then review the student's information and determine the appropriate outreach and intervention strategies, which may include referral to the student's local school or to local resources in the student's community. An exception applies when a teacher suspects child abuse or neglect. In these cases, s/he must also follow mandatory reporting requirements as delineated in law, NDCC 50-25.1-03, and in NDCDE's policy, Child Abuse & Neglect Prohibitions, Training, & Reporting, B4d. An exception also applies in an emergency situation that constitutes an immediate threat of harm (e.g., self-harm, suicidal ideation). In these cases, the NDCDE employee shall report the issue using 911 immediately and inform the Student Support Office of this report.

End of policy

Adopted: 10/30/2024

Amended:

Published where: NDCDE website and CDE-All Staff Teams Channel

Version and effective date: 10/30/2024

Policy Referenced:

Child Abuse & Neglect Prohibitions, Training, & Reporting, B4d

Policy Referenced:

[Child Abuse & Neglect Prohibitions, Training, & Reporting \(B4d.v02\)](#)

Student Custody (C4d.v01)

NDCDE assumes that both of a student's parents or legal guardians have shared decision making in their child's educational decisions and equal access to student educational records unless NDCDE receives legal documentation in the form of a court order restricting such rights. NDCDE is not responsible for interpreting this documentation or for ensuring it is up to date. Once this documentation is on file, if a parent/guardian makes a request contrary to it, NDCDE will consult with the student's school (if applicable) or its legal counsel before responding and if this source cannot provide clear guidance, NDCDE will inform the parent/guardian that it cannot honor the request until it receives updated and clear documentation from a court.

Requests to Teachers

Teachers who receive requests from parents who reference custody matters and are requesting a role in educational decision making or access to educational records shall refer these inquiries to the dean of students or assistant superintendent for resolution.

End of policy

Adopted: 09/10/2024

Amended:

Published where: NDCDE website and CDE-All Staff Teams Channel

Version and effective date: 09/10/2024

Related Policy:

Learning Coach Expectations (D1.v02)

A learning coach is an adult who works actively with students in their environment and at their academic level to ensure success with distance education. Learning coaches are designated at the time of enrolling a student and must meet the following criteria unless NDCDE administration grants an exception.

Students enrolled in a school, enrollment paid by the school:

Learning coaches must be approved by the student's school of record. Learning coaches should be employed by the school or be an adult outside of the student's immediate family approved by the school to serve as a learning coach. The school may appoint a parent to serve as a learning coach when it deems this to be necessary.

Homeschooled students and students enrolled in a school, enrollment paid by parent:

For these students, the parent shall designate a learning coach outside of the student's household unless the student is an elementary student or has extenuating circumstances such as living in a remote area that would prevent access to such a learning coach. NDCDE may inquire about the reason for appointing a household member as a learning coach and may require a learning coach change when an applicable policy is violated by a student or learning coach.

Additional qualifications and scope of responsibilities

Learning coaches must be willing and able to provide the following services to students:

- Provide a secure, supervised, distraction-free environment
- Provide assistance to the student at his or her academic level
- Act as a communication point between the student and the NDCDE instructor(s) and faculty
- Monitor and support the student's pacing and activity in the course
- Encourage the student to seek support from the NDCDE teacher
- Communicate with the NDCDE teacher as needed
- Assist with student work submission and troubleshoot technology issues with NDCDE tech support as needed
- Confirm arrival of printed course materials and secure supplies as required for the course
- Ensure academic integrity in coursework and exams
- Manually enter the test password; passwords are never to be given to students
- Remain with the student during the entire testing period
- Monitor and confirm that password-protected assessments are completed in one sitting, as they are time-sensitive
- Ensure that there is no use of any resource on exams/tests unless specified by the NDCDE instructor and maintain a direct visual on the students' device for the duration of the exam
- Elementary only: Be present at required weekly meetings between the student and NDCDE teacher

Right to reassign a learning coach

NDCDE reserves the right to request a new learning coach if the above requirements are not fulfilled. A student's enrollment will be placed on hold while the new learning coach assignment is taking place.

End of policy

Adopted: 07/10/2024

Amended:

Published where: NDCDE website, CDE-All Staff Teams Channel

[RETURN TO TABLE OF CONTENTS](#)

Version and effective date: 08/01/2024

Related Policy:

[Academic Honor Code & Integrity \(A6a.v02\)](#)

Media Relations (D2.v01)

The NDCDE state director is the agency's liaison with the public news media. All contacts and releases concerning policies and regulations, matters of public interest, or potentially controversial topics will be handled or cleared by the state director or designee. When authorized by the state director, NDCDE employees may respond in their official capacity to questions from the news media. Speech made in a state employee's official capacity is governed by the NDCDE policy on employee speech.

End of policy

Adopted: 10/30/2024

Amended:

Published where: NDCDE website and CDE-All Staff Teams Channel

Version and effective date: 10/30/2024

Policy Referenced:

[Employee Speech \(B4ba.v01\)](#)

Public Complaints about Personnel (D3.v01)

To promote compliance, high-quality education, and adherence to its ethical standards, NDCDE has established this policy to review outside complaints from the public about NDCDE staff.

Filing Procedure

Complaints about NDCDE employees from the public must be submitted in writing, cite the basis of the concern including any policy or standard believed to be violated, be submitted within 30 calendar days of the incident that was the basis of the complaint, and submitted directly to the person who is the subject of the complaint unless harassment, discrimination, or retaliation is alleged. The complainant and accused shall use informal methods such as a meeting to work through the complaint and arrive at a resolution in a timely manner.

Appeals and Investigation

When a resolution cannot be reached in a timely manner or when a complaint alleges harassment, discrimination, or retaliation, the complainant shall direct the complaint to the employee's supervisor. Complainants who are escalating a complaint from the employee to supervisor level have ten business days to file with the supervisor. Complaints alleging harassment or discrimination will be processed under the applicable policy, including timelines therein. If the complainant is unsure of who is the employee's supervisor, s/he should contact the NDCDE human resources director to request this information.

The supervisor shall investigate the complaint within 30 business days unless this deadline is superseded by another specific NDCDE policy or unless additional time is needed to gather all needed information, in which case, the supervisor shall notify the complainant in writing of the need for, and the anticipated duration of, this extension.

Upon conclusion of the investigation, the complainant will be informed as to the outcome of the investigation in accordance with the applicable NDCDE policy, and the disposition of the complaint. If either party is not satisfied with the handling of the complaint, the matter can be appealed to the NDCDE state director for final resolution within 10 business days of receiving the supervisor's findings.

Complaints about the state director shall be directed to NDCDE human resources director, who shall follow the same investigation procedure and file recommendations with the North Dakota Department of Public Instruction for final decision making.

Prohibition on Retaliation

NDCDE will not tolerate any form of reprisal, retaliation, or discrimination against an employee, student and/or NDCDE stakeholder because s/he, in good faith, files a complaint against NDCDE or one of its employees under this policy. Furthermore, NDCDE will not tolerate any form of reprisal, retaliation, or discrimination against an employee, student, and/or NDCDE stakeholder because s/he participates in an investigation, hearing, or inquiry related to this policy.

Prohibition of False Claims

NDCDE may take appropriate disciplinary action against an employee, contractor, or student

and/or may take legal action against anyone who knowingly files a false complaint under this policy or a false claim of reprisal, retaliation, or discrimination under this policy.

End of policy

Adopted: 07/10/2024

Amended:

Published where: NDCDE website, CDE-All Staff Teams Channel

Version and effective date: 08/01/2024

Public Distribution of Material to NDCDE Students (D4.v01)

NDCDE prohibits all solicitation, advertising, and distribution of non-curricular material to NDCDE students. This prohibition does not apply to distribution of information to students on programs and services that are aimed at providing them educational opportunities and offered by approved NDCDE partners such as, but not limited to, another state agency or colleges and universities. NDCDE staff must receive approval from their supervisor before distributing information authorized under this policy to students. If a supervisor is uncertain if the material meets the criteria in this policy, s/he shall receive approval from the NDCDE state director before authorizing distribution.

End of policy

Adopted: 10/30/2024

Amended:

Published where: NDCDE website and CDE-All Staff Teams Channel

Version and effective date:10/30/2024

Complaints about the Curriculum (E1.v01)

This policy establishes a fair and transparent process for addressing and reviewing parent complaints regarding curricular material used in our educational programs. The purpose of this policy is to request a change to NDCDE curricular content for all students—not to adjust curricula on an individual basis for purposes such as accommodations. The policy is not to be used to contest a student's grade or to request alternative content for an individual student. Parent requests for NDCDE to reconsider curricular material must be based on supporting evidence that material is not educationally suitable (e.g., not factual), violates law, is not age-appropriate, or infringes on student rights.

For purposes of this policy, the term parent includes legal guardians.

Submission of Complaints

In order for a parent to file a complaint under this policy, his/her child must be currently enrolled in the NDCDE course at issue, the parent must have personally reviewed the curricular material being disputed, and the parent must be requesting that NDCDE remove the content from its curriculum for all students—requests for alternative content for an individual student shall be made through the student's NDCDE teacher. Parents or guardians may submit complaints regarding curricular material using NDCDE's online form and must complete all questions on the form.

Review

The director of curriculum will receive all complaints submitted under this policy and will conduct an initial review to determine the nature and validity of the complaint. This review may include consulting with teachers, administrators, and content experts. If the complaint warrants further review, the director of curriculum will convene a taskforce to review the complaint. The director of curriculum shall chair the taskforce, and it will include at least one NDCDE teacher who has taught the course within the last year, an NDCDE administrator, a parent whose child took the course within the last year, and may include a content expert with an advanced degree in the content area or in education if the complaint concerns age-appropriateness. While the content is under review, the director of curriculum will work with a teacher in the content area to develop and provide alternative content and send a notice to learning coaches and parents of students enrolled in the course of the content under review and the availability of alternative content during this process.

Taskforce members shall fully review the content in dispute and analyze relevant scholarship or expert opinion available on the matter.

Recommendations

Based on its review, the taskforce will issue a report that summarizes the analysis conducted, including sources consulted. The report will include one of following recommendations on the material: retaining it as is, modifying it, including an alternative to it in the course, or removing the material from use. The rationale for removal should be based on one of the following conclusions: the material is not educationally suitable, it violates law, the material is not age-

appropriate, or the material forces students to take a position or profess a belief on a matter that infringes on their rights. Recommendations will not be made based only on an attempt to suppress a viewpoint or limit student exposure to divergent ideas. Mere exposure to ideas does not violate student rights. The recommendations shall cite specific content in context that formed the basis of the decision-making.

If the taskforce is not in complete agreement about the recommendations, those members opposed to the majority's recommendations may prepare a minority report, which shall contain the same information as above.

Decision

The final decision regarding the curricular material will be made by the NDCDE director and assistant superintendent in consultation with legal counsel only after reviewing the taskforce recommendations and the material in dispute. The complainant will be informed of this decision in writing, and the assistant superintendent will direct NDCDE educational staff on the steps needed to implement the decision.

End of policy

Adopted: 07/10/2024

Amended:

Published where: NDCDE website, CDE-All Staff Teams Channel

Version and effective date: 08/01/2024

Credit Recovery Courses (E2.v01)

Credit Recovery Definition

According to the North Dakota Department of Public Instruction, “Credit Recovery is a term used to describe a wide variety of educational strategies and programs that give high school students who have lost credit in a class the opportunity to redo coursework or retake a course through alternate means—and thereby avoid failure and earn academic credit.”

Courses Offered

In general, NDCDE authorizes high school students to take any of its courses in core subject areas: math, English, science, social studies, and physical education for credit recovery purposes. It may offer courses specifically designated as credit recovery. These courses shall not be less rigorous than non-credit recovery courses but may contain modified assignments and additional supports to assist students with successful completion.

Enrollment Process

When enrolling students in an NDCDE course for credit recovery purposes, the enroller shall indicate that the course is being taken for credit recovery purposes and verify that the student previously failed the course—a pre-requisite for taking a course for credit recovery purposes through NDCDE.

Course Duration

NDCDE Credit Recovery courses are designed to be completed in one semester (20-weeks). Credit Recovery courses are not eligible for purchased extensions.

Completion

Upon completion of the course, the student will receive an NDCDE completion certificate. The local school is responsible for transcribing this credit in accordance with its policy on course retakes. NDCDE diploma students' credit recovery credit will be transcribed in accordance with our transcription of credit policy.

End of policy

Adopted: 07/10/2024

Amended:

Published where: NDCDE website, CDE-All Staff Teams Channel

Version and effective date: 08/01/2024

Policy Referenced

[Retakes, C1f](#)

Selection & Revision of Curricular Content (E3.v01)

NDCDE purchases the majority of its curricular content from third-party vendors. As a Cognia accredited institution, when selecting this content is acknowledges this accrediting body's recommendations on third-party curriculum and assessment, including: "the responsibility to validate that the curriculum and assessments meet the educational requirements of the institution, align with the appropriate standards, and meet the institution's mission and purpose."

Selection Criteria

When reviewing and selecting educational materials, NDCDE aims to meet the following standards:

1. Curricula must be aligned to the state standards. If priority standards are missing, reviewers must ascertain methods for incorporation of these standards and assessments of them through NDCDE in-house development of content.
2. Curricula must be accurate and contain up-to-date content that provide for the needs of a wide range of learners.
3. Curricula should allow sequential growth and continuity from level to level.
4. Curricula must provide a fair representation of the many religious, ethnic, and cultural groups and their contributions to our country and world. There will be no discrimination or bias or prejudice on the basis of sex, race, religion, marital status, age, disability, national origin, color, or other class protected by law.
5. Curricula will present a balance of opposing sides of controversial issues so that students may develop, under guidance, the practice of critical thinking.
6. Courses should have a variety of assessment methods to allow learners choice in how to demonstrate learning. They must be aligned to content and course learning outcomes.
7. Courses must be engaging and easy to navigate; they should be reviewed for overall aesthetic quality, navigation and functionality, and incorporation of audio, images, and video.
8. Courses must be accessible and incorporate principles of universal design.
9. Course offerings must reflect the breadth and depth of courses needed and desired by learners across the state and beyond to promote educational access and choice. NDCDE shall ensure it offers all curricula required by NDCC Chapter 15.1-21.
10. Consideration will be given to readability and levels of difficulty, appropriateness of content, skills or prior learning required of students, skills or professional development required of teachers, and provisions for ascertaining mastery of content by students.

Selection Process

Overseen by the curriculum committee, NDCDE adopts new curricula based on internal needs assessments, input from stakeholders, and vendor updates. Selection is guided by the above criteria. The director of curriculum typically spearheads the exploration of new curricula, and once potential vendors and courses are identified, a teacher who is a content expert is selected to review the course, completing a course evaluation checklist. If the course meets NDCDE standards, the director of curriculum receives the approval of the curriculum committee;

consults the assistant superintendent and state director, who shall ensure NDCDE has the resources needed to deliver the course with fidelity; and then is authorized to purchase the course. The director of curriculum then coordinates work with instructional, LMS, and IT staff to prepare the course for deployment, and the new course is then placed in the NDCDE store for purchase.

Review

The NDCDE curriculum committee is responsible for ongoing review of the curriculum based on the above criteria and on data NDCDE collects on student outcomes and parent, school, student, and instructor feedback. Courses with vendor updates also undergo reviews before updates are deployed. All courses subject to a review are placed on the NDCDE's course review schedule, and a content expert is assigned to complete these analyses using the NDCDE course review rubric. The content expert is responsible for recommending needed improvements, implementation of updates, and/or sunsetting the course. These recommendations are issued to the director of curriculum, who shares these recommendations with the curriculum committee for input and then works with the assistant superintendent to act on the recommendation, including identifying an internal content expert to improve the courses if this is the identified needed action.

Standards Alignment

All NDCDE curricula must be aligned to North Dakota K-12 priority standards. The director of curriculum maintains and monitors a schedule for completing this alignment work. Content experts complete the priority standards alignment worksheet to document alignment. These worksheets are posted with the accompanying course in the NDCDE store and in the learning management system. Standards alignment is reviewed and updated anytime a course is updated or revised.

End of policy

Adopted: 07/10/2024

Amended:

Published where: NDCDE website, CDE-All Staff Teams Channel

Version and effective date: 08/01/2024

Related Policy:

[Selection of CTE Courses \(E3a.v01\)](#)

Selection of CTE Courses (E3a.v01)

NDCDE shall offer career and technical education (CTE) courses. To guide which CTE courses it will offer, NDCDE uses its Selection and Revision of Curricular Content Policy (E3) and the below standards to select new courses and revise or deactivate current courses.

The director of curriculum, in consultation with the curriculum committee, shall consider the following:

- The degree to which CTE standards (<https://www.cte.nd.gov/standards-frameworks-course-codes>) require students to engage in hands-on learning. Generally, if the essential standards, as determined by an in-house content expert, require 20% or more of hands-on learning and this experience cannot be replicated through an online simulation exercise or by providing students with a list of required equipment and materials readily available to them in a home setting, NDCDE shall not offer the course.
- The degree to which the course poses a liability risk to NDCDE and requires NDCDE to obtain additional liability coverage. Anytime a course requires students to work in a setting or with equipment that could expose the student to a moderate or major safety risk, NDCDE shall consult its legal counsel and/or the state risk management office to determine what liability protections NDCDE will need in place to offer the course. NDCDE will not offer courses requiring liability protections that are not procedurally or fiscally feasible to implement.
- The degree of supervision the student will need from an adult (learning coach) to complete the course and whether the adult will need special skills to provide adequate supervision. A determination that a learning coach will need specialized skills to supervise a student will not preclude NDCDE from offering the course, but NDCDE will require the learning coach to attest to having them at the outset of the course and will be a condition associated with the student proceeding with the course. If the learning coach does not need special skills but will have more supervision responsibilities than typically required (see the NDCDE Learning Coach Expectations Policy, D1), NDCDE shall include this disclaimer in the course description and require learning coaches to agree to these additional responsibilities at the outset of the course before the student begins coursework.
- Whether quality online course content is available from a vendor. To guide this analysis, NDCDE staff shall consider the extent to which the course aligns with the applicable, essential CTE standards (<https://www.cte.nd.gov/standards-frameworks-course-codes>), as determined by an in-house content expert, and use the Selection and Revision of Curricular Content Policy (E3) to guide this review.
- NDCDE shall not offer multiple CTE courses with different content under the same MIS03 code. Duplicative MIS03 codes prevent students from making progress under the CTE Department's Coordinated Plans of Study (<https://www.cte.nd.gov/coordinated-plans-study>).
- The degree to which the course prepares the student for an in-demand career and for Industry 4.0. To determine this, the review team shall consult workforce data and the Framework for 21st Century Learning (<https://files.eric.ed.gov/fulltext/ED519462.pdf>), reviewing the latter in relation to course content. The team shall document the workforce sources consulted and the outcome of its review.

- Whether NDCDE can offer all the courses within the career pathway to complete a Coordinated Plan of Study (<https://www.cte.nd.gov/coordinated-plans-study>), industry certification, or post-secondary certificate. While NDCDE's inability to provide, or decision not to provide, all courses in a pathway is not a disqualifying factor for offering a CTE course, NDCDE shall include a disclaimer with the course description that if students decide to take additional coursework in this career pathway, they will need to do so through their local school or CTE Center.

All CTE courses should undergo a review every three years on a rotating basis to ensure the above criteria continue to be satisfied.

End of policy

Adopted: 07/10/2024

Amended:

Published where: NDCDE website, CDE-All Staff Teams Channel

Version and effective date: 08/01/2024

Policies Referenced:

[Learning Coach Expectations, D1](#)

[Selection & Revision of Curricular Content, E3](#)

NDCDE Fiscal Policies (F1.v01)

As a state agency, NDCDE adheres to state law and the State of North Dakota Office of Management and Budget fiscal policies to manage financial operations:
<https://www.omb.nd.gov/sites/www/files/documents/financial-transparency/fiscaladminpolicy.pdf>. These policies are updated each biennium, at the conclusion of each legislative session, and are republished in August of the odd numbered years. Updates may be provided throughout the rest of the biennium as needed.

NDCDE may adopt additional policies on financial operations when OMB policy is silent. It also may adopt fiscal policies when necessary to provide employees with needed direction, accountability, or oversight or show compliance with state law and/or accreditation requirements given NDCDE's unique mission as a state agency and a public school.

End of policy

Adopted: 10/31/2024

Amended:

Published where: NDCDE website and CDE-All Staff Teams Channel

Version and effective date: 10/31/2024

Audits (F1a.v01)

The NDCDE business manager is designated as primarily responsible for overseeing the following accountability processes.

Annual reporting

Per NDCC 54-44-04(14), the North Dakota Office of Management and Budget prepares statewide GAAP-basis financial statements on an annual basis. It requires that each agency complete applicable closing packets to assist in this process. NDCDE submits the following closing packets on an annual basis:

- Miscellaneous closing package
- GASB 34 closing package
- Accounts payable, journal voucher, and payments to other state agencies
- Lease and SBITA closing package

NDCDE's Business Manager will keep working papers to support each amount they enter on each closing package form until the audit of the statewide financial statement is complete. Each closing package should bear the name or initials of the preparer and the preparation date. The final review and approval of closing packages should be segregated from the responsibility for preparation. Each closing package submitted should be approved by the NDCDE State Director.

State audit

Per state law, the North Dakota state auditor is required to audit all state agencies once every two to four years (NDCC 54-10-01). These audits are conducted in accordance with government auditing standards and legislative audit and fiscal review committee guidelines developed under section 54-35-02.10. To prepare for these audits, NDCDE follows the state's Checklist for Agency Audit Participation.

Cognia requirements

While Cognia requires an annual audit, given NDCDE's unique organizational structure as a school under a state agency, it is required to comply with the audit requirements in state law; it does not have statutory authority to conduct an annual external audit by a contracted entity.

End of policy

Adopted:10/31/2024

Amended:

Published where: NDCDE website and CDE-All Staff Teams Channel

Version and effective date: 10/31/2024

Reference: OMB Internal Controls Guidelines, [icq-guidelines-omb.pdf \(nd.gov\)](#)
[Checklist for Agency Audit Participation \(nd.gov\)](#)

Financial Oversight (F1b.v01)

Financial Tracking

NDCDE uses Peoplesoft for all financial tracking. This financial system includes functionality to pay vendors, track revenue and expenditures by fund, create financial reports, provide financial data for the [state transparency website](#), and monitor legislative appropriations.

In addition to Peoplesoft, NDCDE uses state-approved and procured software to manage individual and school accounts for tuition payments and reimbursements. This software allows the NDCDE Business Manager to generate invoices and statements showing reimbursements when students drop courses. It also generates reports on NDCDE revenue.

Internal Controls

- **Cash and Revenue:** A staff member in the NDCDE Operational Support Services Department other than the Business Manager will be responsible for opening all mail at least twice a week. The Business Manager will be responsible for creating a remittance list for all revenue received. A staff member in the NDCDE Operational Support Services Department other than the Business Manager shall review the remittance list before the Business Manager electronically deposits funds. The Business Manager will be responsible for electronically depositing checks on the same day as the mail is opened unless the total received is less than \$500. The Business Manager will electronically deposit checks weekly or make arrangements for a weekly deposit when on leave. The Business Manager shall provide the State Director with a copy of the deposit remittance list at least monthly for reconciliation with transactions posted in the NDCDE bank account through the Bank of North Dakota.
 - **Credit card transactions:** All revenue NDCDE receives via credit card is processed through PayPal. The Business Manager shall provide the State Director with a monthly statement of all PayPal transactions for reconciliation with the monthly bank statement and a report showing these transactions have been posted in the NDCDE business system.
 - **Interest:** The Business Manager is responsible for depositing interest earned on outside bank accounts into the general fund unless statutory provisions direct otherwise. The Business Manager shall provide the State Director with verification of these transactions when they occur.
 - **Petty cash:** NDCDE does not keep petty cash on hand.
 - **Refunds:** The NDCDE enrollment staff request refunds on behalf of customers upon receipt of a completed drop or withdrawal form. Enrollment staff must reference the original sales invoice in the refund request. The Business Manager prepares the refund request, which will include a reference to the applicable sales invoice. The State Director shall review a monthly report of all refunds issued, verifying that they are reflected in the business system.
 - **Federal funds:** All federal grants awarded to NDCDE are tracked in the DPI Webgrants portal. The State Director and Business Manager are responsible for

periodically logging into this site to ensure allocations and funds spent reflect the actual award amount and grant budget.

- **Social committee funds:** NDCDE raises funds from employees to cover social activities and events, celebrate employee milestones, and comfort employees during times of grief. These funds will be collected through an secure electronic means. NDCDE shall set up a separate checking account to deposit these funds. The Social Committee chair shall be authorized to spend funds from this account, and the Business Manager will be responsible for reviewing and reconciling the funds raised and spent in this account monthly. The Business Manager will have access to the account used to collect funds electronically and the Social Committee checking account register for this purpose. The Business Manager will provide a quarterly report to the State Director on the status of this account.
- **Receivables:**
 - **Invoicing:** NDCDE manages all invoice tracking through its business system, including generating monthly invoices with outstanding account balances. The Business Manager is responsible for prompting the system to send monthly email invoices to customers. The Business Manager is charged with this responsibility because s/he cannot access cash (see the Cash and Revenue section above). Invoices are based on transactions that customers self-initiate in the NDCDE online store that the customer chooses not to pay at the time of the sale. Only schools are authorized to set up accounts for invoicing purposes. The NDCDE Office Manager or designee is responsible for assisting schools with setting up these accounts. Individuals not affiliated with a school who are purchasing NDCDE courses must pay at the time of purchase. The business system automatically ages accounts every month.
 - **Updating accounts receivable:** The Business Manager is responsible for updating accounts receivable records and approving write-offs or adjustments. The Business Manager is charged with this responsibility because s/he cannot access cash (see the Cash and Revenue section above).
 - **Collections:** The Business Manager is responsible for reviewing all accounts more than 180 days past due and determining which should be referred to collections after checking with the customer to determine if local, state, or federal funding has been delayed or if the customer cannot pay for reasons beyond their control. The Business Manager will refer 180-day+ past due accounts to collections if one of these exceptions does not apply. The Business Manager will then determine whether to suspend the account until it is in good standing. If the account is for a North Dakota public school district, the Business Manager should consult legal counsel before suspending it, as such suspension may interfere with student statutory rights to attend NDCDE.
 - **Account disputes:** All disputes concerning accounts should be directed to the Business Manager. If the concern is not resolved within 60 days, the disputant shall contact the NDCDE State Director to investigate.
- **Payroll:**
 - **Payroll preparation and processing:** The Office Manager or designee is responsible for preparing and processing payroll. The State Director approves the payroll registry before payroll is processed.
 - **Time reporting management:** All full-time employees are responsible for reporting their work time and time off requests through Peoplesoft. Their direct supervisors

are responsible for reviewing and approving this information. For part-time teachers, the State Director has created a spreadsheet that automatically calculates part-time teaching hours based on enrollments. The Office Manager is responsible for running the enrollment report weekly and translating these numbers to the part-time teacher payroll tracking spreadsheet. At the end of the month, the Office Manager or designee enters this information into PeopleSoft, and a supervisor reviews and approves it.

- **One-time adjustments and personnel action forms:** These requests must be initiated by someone other than the impacted employee and the Office Manager and State Director shall approve these requests before they can be processed. These forms must include a valid justification as determined by the State Director.
- **NDCDE State Director pay, time off, and time worked:** The North Dakota Superintendent of Public Instruction (State Superintendent) must approve all changes to the NDCDE State Director's pay, whether one-time or permanent. The NDCDE Office Manager shall approve the State Director's weekly time card, and the State Superintendent shall approve time off requests. The NDCDE Office Manager is authorized to report any anomalies with the State Director's time reporting to the State Superintendent.
- **Leaves, terminations, and personnel record keeping:** NDCDE has separate policies governing these matters (see Section B: Employees).
- **Expenditures and Payables:**
 - **Vouchers:** The Business Manager is responsible for entering all vouchers into Peoplesoft and assigning them to the appropriate account line. The State Director is responsible for approving their payment. OMB is responsible for issuing checks for vouchers on NDCDE's behalf. Errors in voucher entries shall be corrected by the Business Manager and approved by the State Director. The Business Manager shall maintain a record of purchase orders and their resulting invoices and is authorized to work with the vendor to reconcile them if they do not match.
 - **Purchasing:** NDCDE has a separate policy governing this matter.
 - **Budgeting:** NDCDE has a separate policy on this matter.
- **Monthly Reports:** The Business Manager shall provide the State Director with a monthly balance sheet and income statement.

End of policy

Adopted: 10/31/2024

Amended:

Published where: NDCDE website and CDE-All Staff Teams Channel

Version and effective date: 10/31/2024

Reference:

OMB Internal Controls Guidelines, [icq-guidelines-omb.pdf \(nd.gov\)](#)

OMB Fiscal Manual: [Fiscal and Administrative Policy](#)

[RETURN TO TABLE OF CONTENTS](#)

Budgeting Process & Management (F1c.v01)

Budget Preparation

NDCDE prepares a budget on a biennial basis. NDCDE's budget will align with its strategic priorities and enrollment trends. Consequently, before a budget is formulated, the NDCDE leadership team will thoroughly review its strategic plan and update it and assess enrollment trends. The leadership team will also work together to jointly compile OMB budget questionnaires to guide budgeting decisions. Once these processes are completed, the state director, business manager, and each department head shall meet to develop an initial budget, calculating biennium costs in a document with expenses codes produce from by OMB. The department head, along with the business manager, will validate these numbers along with their appropriate expense code. The department head will be responsible for reviewing the initial budgets with relevant staff and making final recommendations. The state director and business manager will prepare a final budget and present it to the superintendent of public instruction for approval before submitting it to OMB.

The state publishes dates that budgets are to be reported and uploaded into BDTs. Budget Development and Tracking System (BDTS) is the online application that state agencies use to prepare their biennial budgets and track financial data.

Once the legislation session has convened and NDCDE biennium funding is approved, the state director and business manager will reevaluate the process budgets, submitting it to the superintendent of public instruction for final approval. Upon approval, the NDCDE business manager will prepare individual department budgets and share those with department heads.

Budget Management

Each department head is responsible for managing his/her assigned budget. While the business manager will provide overall allocations for each budget line, the department head may need to break down these allocations into more specific anticipated costs. Each department head is responsible for monitoring spending in his/her department on an ongoing basis, notifying the NDCDE business manager and state director when it is anticipated that the department will overspend in a category or when budgetary adjustments are necessary to align with unanticipated department needs. The business manager will update department budgets monthly to show expenditures in each budget category to date. As a general rule, if a department's spending is 15% or more over the percentage of the biennium elapsed for at least two successive months, the department head shall notify the state director and business manager to assist with any needed budget adjustments.

Budget Adjustments

When a department head requests a budget adjustment or the business manager or state director identifies this need due to changes in the organization, the relevant members of the leadership team will meet to devise a solution, beginning by determining if line items can be reallocated and adjusted to meet the agency's needs, if certain services or activities need to be suspended, or if NDCDE needs to request additional spending authority from the Emergency Commission based on the revenue it is generating but unable to spend. Major budget adjustments and Emergency Commission requests must be submitted to the superintendent of

public instruction for approval before initiating or enacting these requests.

Adopted: 10/31/2024

Amended:

Published where: NDCDE website and CDE-All Staff Teams Channel

Version and effective date: 10/31/2024

Purchasing (F1d.v01)

Purchasing Authority

Team members must demonstrate cost control and follow procurement standards. Acquisitions of goods and services must be at the proper level of utility and quality for the purpose intended to promote overall economy for the purpose intended. Each member of the NDCDE leadership team has purchasing authority commensurate with their procurement training and may delegate this authority to their employees on a short-term basis (travel expenses that will be reimbursed) or on an ongoing basis subject to the approval of the NDCDE state district. The state director shall provide the names of employees who have ongoing purchasing authority to the NDCDE business manager for documentation and verification of necessary training in accordance with the Procurement Policy (F1db). If the employee does not have the training needed to serve as a regular purchaser for the agency, s/he will not be granted purchasing authority until this is obtained.

When a leadership team member delegates purchasing authority, s/he is responsible for ensuring that employee is aware of all requirements associated with making the purchase, including which vendor to use, budgetary limitations, and making sure that the purchase is tax exempt. NDCDE's tax exempt certificate is available from the NDCDE business manager and should be provided to the vendor to avoid being charged tax. NDCDE has business accounts already established with several vendors, which should be verified with the business manager before ordering goods and supplies online. Some of these accounts limit where goods and services can be shipped.

Purchasing is managed through the budgeting process and is coordination with states purchasing, procurement policies and procedures (See Procurement Policy, F1db).

Use of Purchased Goods

Team members may not use state-owned materials, equipment, property, or other assets for any unauthorized purpose.

Records of Transactions

Team members must record and report information accurately. Reimbursable business expenses must be reasonable, accurately reported, and supported by receipts where necessary. Financial statements of OMB and all books and records on which they are based must accurately reflect all transactions. All disbursements and receipts of funds must be properly authorized and recorded. No undisclosed or unreported State fund may be established for any purpose. Those responsible for the handling or disbursal of funds must assure all transactions are executed as authorized and recorded in accordance with the policies and procedures of OMB and the State of North Dakota.

Policy Violations

Team members who willfully damage, misuse, steal, or destroy State property or assets may be disciplined up to and including termination of employment. Failure to comply with this policy may result in disciplinary action up to and including reimbursement to OMB and/or the State of North Dakota for any losses or damages, termination of employment, and/or referral for

criminal prosecution. Action will also be taken against those who fail to report a violation or withhold relevant information concerning a violation of this ethics policy.

Adopted: 10/31/2024

Amended:

Published where: NDCDE website and CDE-All Staff Teams Channel

Version and effective date: 10/31/2024

References and Resources:

[Guidelines, Rules and Laws | Office of Management and Budget North Dakota](#)

[North Dakota Century Code t54c44.4 \(ndlegis.gov\)](#)

[North Dakota Century Code t15c10 \(ndlegis.gov\)](#)

Leasing (F1da.v01)

NDCDE holds office space in Fargo and complies with state leasing requirements, which are as follows: Leases for office space off the capitol grounds must be approved by OMB and reviewed by the Office of the Attorney General. Agencies needing office space outside the capitol complex must first review locations currently rented by other agencies and attempt to secure rental space with other existing units of government prior to securing new locations. Once an agency has decided where to locate its office, the standard lease form provided by OMB must be presented to the owner/landlord for review and approval. This standard lease will be the basis for all leases or rentals. Amendments or special additions may be identified and added to the lease if they are relevant to the function of the agency for specific services being provided by the landlord. Once the lease is signed by both the Office of the Attorney General and OMB, it will be returned to the agency for signature. One copy of the lease, with all signatures, must be retained in OMB. All remodeling projects within the capitol complex need to be approved by the Director of Facility Management.

The NDCDE business manager is responsible for maintaining the lease, ensuring that the agency complies with all its terms. At least one year prior to lease renewal, the NDCDE business manager and state director shall review the lease and space to determine if it is financially feasible to continue leasing from the current landlord, request information from the landlord on anticipated changes to the lease, and ensure the space being leased still aligns with NDCDE's needs.

Adopted: 10/31/2024

Amended:

Published where: NDCDE website and CDE-All Staff Teams Channel

Version and effective date: 10/31/2024

Procurement (F1db.v01)

As a state agency, NDCDE complies with state procurement law (NDCC Ch. 54-44.4), rules (NDAC 4-12), and the [State Procurement Manual](#). As such, it will obtain necessary goods and services at a competitive cost, consistent with quality, time, and performance requirements with fair and equal opportunity to all persons qualified to sell to the State, except as otherwise provided by law (NDCC 54-44.4-01).

The NDCDE state director shall approve which employees are authorized to procure goods and services on behalf of the agency and shall refer their names to the NDCDE business manager to determine the appropriate level and type of procurement training needed. The employee will be required to provide the business manager with record of this completing this training before engaging in procurement, and the business manager shall maintain these records, reviewing them on at least a five year cycle or as the state procurement office otherwise requires to ensure this training remains current.

When purchasing, NDCDE authorized employees must comply with all the competitive purchasing and documentation requirements under the [applicable threshold](#). If a purchasing threshold is outside the employee's scope of training to procure, s/he shall contact his/her supervisor or the NDCDE business manager to identify who will oversee the procurement process. The NDCDE business manager is the chief procurement officer, maintaining the training necessary to purchase at a level 4.

Failure of an employee to adhere to the requirements in this policy may result in revocation of purchasing authority and disciplinary consequences based on the severity of the violation and the resulting impact on NDCDE, including termination.

Adopted: 10/31/2024

Amended:

Published where: NDCDE website and CDE-All Staff Teams Channel

Version and effective date: 10/31/2024

Resources: OMB Fiscal Policy Waiver Form: [OMB Waiver \(SFN 58670\) \(nd.gov\)](#)

State Purchasing Cards (P-Cards) (F1dc.v01)

NDCDE Director approves, and oversees the authority of individuals within the organization who receives p-card, and the limits, verifying that the card holder has undergone required procurement training before the card is issued. The NDCDE business manager serves as the p-card administrator and does not hold a card. The p-cards policies and process are managed through the business manager. NDCDE follows the states p-card program policies and procedures as follows:

General Rules of Use

The state has authorized the use of a purchasing card for individual transactions. Use of the purchasing card does not exempt the agency or its employees from the purchasing/procurement requirements of the State of North Dakota.

Even though a purchasing card is issued in an employee's name, it is considered the property of the State of North Dakota and must be used only for state business. Failure to use the purchasing card in accordance with applicable policies and procedures may result in revocation of the purchasing card and may involve appropriate disciplinary action, up to and including termination and prosecution. Only the person whose name appears on the purchasing card, is authorized to make purchases with that card.

To ensure the adequacy of internal control surrounding agency purchasing card programs, the agency purchasing card administrator will not be a cardholder.

The state IS NOT responsible for issuing 1099s for the purchases made with a purchasing card. When the purchasing card is used as the form of payment, the merchant's issuing bank is responsible for issuing the 1099.

Use for Travel

The purchasing card can be used for all reimbursable travel expenses except meals. Travel must be for official business for the State of ND. Under no circumstances should the card be used for personal purchases. Allowable types of travel expenses are:

- Conference registration fees
- Airlines tickets;
- All lodging costs; and
- All ground-related transportation costs.
- Any personal expenses are the responsibility of the employee and should not be charged to the purchasing card.

Reconciliation Process

After cardholders have reconciled their receipts to their monthly statement, they will sign it and submit it to the NDCDE state director for review and approval (the state director sends the card statement and receipts to the business manager for approval). The state director will sign the cardholder's statement certifying that the purchases were made for the use of state business and that they comply with appropriate procurement rules and regulations. Cardholder statements and original receipts must be submitted to the agency card administrator and

maintained on file.

The NDCDE business manager shall run an agency statement with the state's current card provider and reconcile it to the individual statements. They should sign the agency statement denoting reconciliation.

Adopted: 10/31/2024

Amended:

Published where: NDCDE website and CDE-All Staff Teams Channel

Version and effective date: 10/31/2024

Tuition & Billing (F1e.v01)

Tuition Rates

Under NDCC 15-19-01(3), NDCDE may assess fees for its services as prescribed by the Superintendent of Public Instruction. NDCDE will make recommendations on these fees each biennium based on a market analysis of the cost of virtual education courses regionally and nationally, revenue needed to sustain operations, enrollment projections, and considerations about access and affordability. It may recommend variable tuition rates based on school district size, affiliation, the availability of grants to subsidize costs, students' state of residency, and/or the type of course offered. Recommended rates may also be higher for courses in which NDCDE provides licensing for online resources or software needed to complete a course or other resources such as workbooks.

Tuition rates will be prominently displayed with each course in the NDCDE store. Any additional costs associated with taking the course will also be posted in each applicable course.

Billing

NDCDE has an online system to manage customer accounts and billing, which is overseen by the NDCDE business manager. NDCDE requires individuals purchasing courses to pay for them at the point of sale. Schools may set up billing accounts. At the beginning of each month, the NDCDE business manager issues customer statement will be generated and emailed to the contact person for the school account. The statement will only list open invoices that are due after 30 days. NDCDE processes all payments at the end of each month.

Accounts that are past due for 240 days or more without good cause, as determined by the NDCDE business manager, will be referred to collections, and the account will be suspended, preventing the school from enrolling students until the outstanding bill is paid or a repayment plan is instituted. NDCDE will send the contact person for the past due account multiple notices that the account is past due before making a collections referral.

Billing Disputes

Billing disputes shall be sent to the NDCDE business manager for resolution. If the matter is not satisfactorily resolved within 30 business days, the dispute may be sent to the NDCDE state director for review and resolution.

Adopted: 08/06/2024, reaffirmed 09/10/2024

Amended:

Published where: NDCDE Website and CDE-All Team Members Site

Version and effective date: 09/10/2024

Refunds (F1ea.v01)

Refunds for Drops

All courses dropped within 24 hours of the original enrollment date will receive a full refund. All courses dropped after 24 hours but within 10 business days of the original enrollment date will be refunded minus a processing fee, with the exception of all courses that included reusable materials shipped to the student. The reusable course materials must be returned to NDCDE in working order within 30 days of the date the course was dropped. If the reusable course materials are not returned, the market cost will be billed and invoiced to the party responsible for payment. Upon receiving all reusable course materials for the dropped courses, the NDCDE invoice will be voided and the remaining amount will be refunded.

Refunds for Withdrawals

With the exception of drops, all refund requests must be pre-approved by the NDCDE business manager, state director, or assistant superintendent based on the circumstances surrounding the need for the student to withdraw, the amount of time the student was enrolled in the course, the number of the assignments the student completed. When a student has successfully completed 50% of the course or more, NDCDE administration will recommend a hold or an extension instead of a withdrawal whenever feasible. When NDCDE makes a unilateral decision to withdraw a student due to course load, it will issue a 50% refund to the entity or person who paid for the course.

Process for Requesting Refunds

To request a course drop or withdrawal, the person or entity that paid for the course or NDCDE staff must complete the **Enrollment Drop or Withdrawal Request** form. If a refund is sought for a withdrawal, a reason must be provided. Forms requesting a refund must be forwarded to the NDCDE business manager, state director, or assistant superintendent for approval, with all three parties being notified once one of them approves a refund.

Adopted: 08/06/2024

Amended: 09/10/2024

Published where: NDCDE Website and CDE-All Team Members Site

Version and effective date: 09/10/2024

Records (F2.v01)

In accordance with North Dakota Century Code 44-04-18.1, except as otherwise specifically provided by law, NDCDE are open public records. NDCDE has established policies and procedures to help implement these laws. Employees who willfully disregard NDCDE policies concerning records, including intentionally destroying this public property without authorization to do so under the state records destruction schedule and at the direction of the NDCDE business manager shall be subject to disciplinary action up to termination and referral to law enforcement.

Adopted: 10/31/2024

Amended:

Published where: NDCDE website and CDE-All Staff Teams Channel

Version and effective date: 10/31/2024

Reference:

<https://www.ndit.nd.gov/it-services/statewide-shared-platforms/records-management>

Record Retention (F2a.v01)

It is the State of North Dakota's policy to preserve all official records in accordance with applicable statutory and regulatory requirements, and to promote access to information by staff, partners, and the public, as appropriate. The NDCDE business manager or designee shall administer this policy, including implementing the [state's record retention schedule](#). All NDCDE employees are expected to assist in complying with this schedule, including adhering to any request to retain records, implementing records holds when necessary, and providing records to the business manager when requested for purposes of destruction when retention deadlines have expired. Generally, the business manager shall work through supervisors to provide directives on records retention and destruction, and supervisors are responsible for evaluating which department records are impacted, informing employees of retention and destruction standards, and ensuring they are enforced.

Holds Due to Administrative Leave and Termination

All supervisory level team members who are involuntarily terminated, resign or depart without notice or who die unexpectedly while employed shall have their email and other electronic accounts placed on hold until an individual designated by the NDCDE state director has reviewed the accounts to determine what, if any, documents are subject to records retention obligations or are otherwise necessary to preserve in order to meet business needs or legal obligations. Supervisory team members that are placed on administrative leave pending disciplinary action shall have their accounts placed on hold to ensure the contents cannot be changed until a final personnel decision. In the event the NDCDE state director leaves for any of the above reasons, their email account must be preserved for 12 months, and their accounts must be reviewed by the agency head's successor or state archivist.

Litigation Holds

When NDCDE is subject to or reasonably foresees that it will become involved in litigation, it will immediately implement "litigation hold" procedures to preserve relevant documents, electronic information, and other materials. A "litigation hold" is the process of identifying and preserving such materials. A "litigation hold" may impact established records management plans, requiring certain documents and electronic information to be retained for longer periods of time in an unaltered form.

The NDCDE "litigation hold" and preservation of evidence procedures may include any and/or all of the following, based upon the situation:

1. If team members become aware of potential or actual litigation, they should contact the NDCDE state director or human resources director who will contact the agency's assistant attorney general or special assistant attorney general assigned to the agency.
2. A Destruction Hold Notice (SFN 52376) should be issued by the agency or its assigned assistant attorney general or special assistant attorney general based on currently available information.
3. Appropriate agency personnel and the assistant attorney general or special assistant attorney general assigned to the agency, in conjunction with the North Dakota Attorney General or the assistant attorney general designated to represent the Agency in the

litigation, will meet to determine whether a litigation hold should be implemented. “Appropriate agency personnel” includes the person or persons most knowledgeable about the relevant computer systems and network operations at the agency, the storage and retrieval of information, and procedures for backing up and archiving electronic information.

4. If a decision is made to implement a litigation hold, the individuals at the meeting will determine the scope of the litigation hold and how best to implement the litigation hold. The individuals at the meeting will:
 - a. Identify the information, including electronically stored information that may be relevant to the litigation.
 - b. Identify who may have the relevant documents, electronic information, or other materials in their possession.
 - c. Identify all locations and storage media of such materials. With respect to electronic information, such locations may include: i. Desktop and laptop computers and network servers ii. Email servers and hand-held devices iii. Storage devices iv. Offsite storage v. Remote computers with network connections vi. CDs, DVDs, Memory Sticks, and other portable storage devices vii. Home computers or equipment
5. Identify how best to implement the litigation hold, including how to preserve electronic data. Implementation includes:
 - a. Arranging for the appropriate individual (agency head, division director, assistant attorney general), to send a written notice to team members at all applicable organizational levels.
 - b. Specifying the documents and other materials as to which diligent efforts should be made to preserve and the method and places of preservation.
 - c. Notifying the appropriate agency personnel of steps, the agency needs to take to preserve electronic data, such as requesting segregation, removal, or exchange of computers or
 - d. Copying or cloning of hard drives.
 - e. Notifying the appropriate individual(s) of steps needed to preserve electronic data, such as halting routine deletion of email, halting automatic updates or cleaning of computers, preserving backup tapes beyond the routine write-over cycle, or transferring certain electronic data to a dedicated server.
 - f. Determining how to monitor compliance with the litigation hold notice by periodically checking back with affected management and staff.
 - g. Determining how to keep a written record of steps taken to preserve documents, electronic information, and other materials to demonstrate compliance with the duty to preserve potential evidence.
 - h. If needed, determining who will assist in reviewing documents for production and assertion of the privileges.
 - i. Determining how affected staff will be notified when the litigation hold has been canceled or removed.

End of policy

Adopted: 10/31/2024

Amended:

Published where: NDCDE website and CDE-All Staff Teams Channel

Open Records Requests (F2b.v01)

NDCDE will comply with open records requirements in state law (NDCC 44-04). Anytime an NDCDE employee receives an open records request, s/he shall send the request to the NDCDE state director or human resources director, and notify the requestor that request has been sent to NDCDE administration for a review and response. Upon receipt, if the NDCDE state director or human resources director is unsure if the request relates to a closed, confidential, or exempt record, s/he shall consult with the agency's assistant attorney general. The state or human resources director will reply to the requestor with information on the approximate timeline for releasing the records, including the estimated time needed to redact confidential information from the records requested and a request for any clarification needed from the requestor in order to compile the records sought. If none of the requested records can be released due to their closed or confidential nature, the NDCDE state director or human resources director shall request the assistant attorney general to respond to the requestor.

To respond to open record requests, the NDCDE state director or human resources director will work with agency supervisors to identify who within the agency holds the records and instruct this individual to hold the records, even if the record has been flagged to be included in an upcoming destruction cycle. The state or human resources director will identify who is responsible for compiling the requested records and completing any needed record redaction and will provide guidance to that employee on the redaction process. Before sending records with redacted information to the requestor, the NDCDE state or human resources director, may ask its assistant attorney general to review the records to ensure all confidential information with properly redacted.

NDCDE will charge allowable fees in state law for responding to open records request except when the request relates to an employee requesting his/her own file or files needed to prepare a grievance or respond to disciplinary action or to comply with a request from an entity with oversight of NDCDE such as the DPI or the state auditor.

NDCDE generally will not release records that are classified as exempt except to another state agency, local government entity, or non-profit organization with a mission focused on providing educational or recreational opportunities to students so long as the request does not compromise NDCDE safety and security protocols and information from students who have a directory-information opt-out on file is redacted.

End of policy

Adopted: 09/10/2024

Amended:

Published where: NDCDE website, CDE-All Staff Teams Channel

Version and effective date: 09/10/2024

Related Policies:

[Student Privacy FERPA \(A6e.v01\)](#)

[Student Educational Records Parental Disclosure Amendment Procedures \(A6ea. Personnel Files \(B5a.v01\)](#)

State Forms (F2c.v01)

Under state law, a "'form' means any document designed to record information and containing blank spaces and which may contain headings, captions, boxes, or other printed or written devices to guide the entry and interpretation of the information." NDCDE shall comply with NDCC Ch. 54-44.6 on forms management. Because all of NDCDE forms are housed online, the NDCDE IT director will be responsible for maintaining an inventory of all NDCDE forms; may establish requirements related to the agency's forms, such as requiring that all public facing forms be created and managed by the IT department; and shall serve as, or designate an IT staff member to serve, as the NDCDE forms coordinator, performing the duties under NDCC 54-4.6-05 (3). NDCDE will comply with [NDITD standards for all its forms](#), which requires authorization from NDITD and an SFN number to be assigned to each of these instruments.

End of policy

Adopted: 10/31/2024

Amended:

Published where: NDCDE website and CDE-All Staff Teams Channel

Version and effective date: 10/31/2024

Facility Use & Security Policy (F3.v01)

NDCDE has enacted the following measures to safeguard its facility and assets and those of the state. This policy should be reviewed in conjunction with the Employee Health and Safety policy (B5bb), which contains additional safeguards related to facility use.

Keys and Doors

- **NDCDE office:** This office keeps all doors locked at all times. Employees are given a key/fob at time of employment or as needed upon the request of their supervisor to the NDCDE business manager. The NDCDE business manager shall determine the hours during which the employee will have access to the building based on the scope of their role and responsibility. Employees are responsible for all keys and fobs assigned to them. Duplicating or sharing is not allowed. If lost, or stolen appropriate staff must be notified. Keys and fobs must be returned to the NDCDE human resources manager within five business days upon termination. Failure by a former employee to return these items within this timeframe may result in NDCDE billing the former employee for the cost of changing locks.
- **State capitol building access:** Upon hire, the NDCDE human resources director shall determine if the electronic access cards issued to employees shall allow for capitol building access in consultation with the state director. For employees granted this access to the capitol, s/he will be responsible for any guests who accompany them into the building. Keys or cards issued to employees become their personal responsibility. If lost or stolen, it must be reported immediately by the employee to NDCDE human resources director and by the agency to NDHP security. The employee may be charged a fee for the lost key or card. Employees issued keys and/or electronic access cards shall return them to NDCDE upon termination of employment. The NDCDE human resources director shall request, within 10 business days, the disabling of electronic card of an employee who terminates employment.

Building and Property

Employees will exercise care for the NDCDE office and all other state facilities, ensuring they are left in the same order as they were found. NDCDE understands the office will receive wear and tear from regular use, but costs to repair space excessively damaged, as determined by NDCDE administration, intentionally or due to negligence will be assessed to the employee.

Any maintenance needs or damage to property must be immediately reported to the NDCDE Business Manager. In no circumstances should an employee try to perform any maintenance or repair to NDCDE or other state facilities him/herself. This include standard maintenance like changing a light bulb, or adjusting the HVAC systems, or maintenance such as a broken toilet, or leaking sink. Any alteration to the office space for decoration purposes, remodeling, or furnishings must be approved by the NDCDE business manager and depending on the scope of the request may also require the approval of the state director and/or state facilities manager per the criteria in the [OMB Fiscal & Administrative Policy Manual](#). NDCDE facility is cleaned by an approved vendor, with the contract for this service managed by the NDCDE business manager.

The NDCDE business manager will ensure that the office has all other appropriate facility safety security safeguards in place that are required by or required by the state, including motion lights, locks, sprinkler systems, fire extinguishers, and/or a security system and develop a maintenance schedule to ensure these remain in working order. The business manager will be responsible for coordinating all facility inspections required by the state for risk management purposes, including fire inspections.

Emergency Plans

The NDCDE business manager shall develop an Emergency Response Plan and Evacuation Procedure for the NDCDE office building. S/he will ensure that all NDCDE employees who regularly use the office are aware of and have access to this plan.

End of policy

Adopted: 10/31/2024

Amended:

Published where: NDCDE website and CDE-All Staff Teams Channel

Version and effective date: 10/31/2024

NDCDE Equipment Policy (F4.v01)

This policy applies to all NDCDE equipment and supplies used regardless of the employee's location. Team members may not use state-owned materials, equipment, property, or other assets for any unauthorized purpose. Employees will exercise care for the equipment that NDCDE assigns to them, ensuring it is maintained with the same fidelity as the employee would maintain his/her own property. Employees will report any equipment malfunction or damage to his/her supervisor as soon as possible to allow for repair or replacement. NDCDE understands that equipment will receive wear and tear from regular use, but costs to repair or replace equipment excessively damaged, as determined by NDCDE administration, intentionally or due to negligence will be assessed to the employee.

Requests for any equipment and supplies needed outside of the NDCDE physical location fall under NDCDE's teleworking policies, F4b.

End of policy

Adopted: 07/10/2024

Amended:

Published where: CDE-All Staff Teams Channel

Version and effective date: 08/01/2024

Teleworking Equipment & Supplies (F4b.v01)

NDCDE will supply the equipment and materials necessary to complete assigned work regardless of the employee's location. It will not reimburse items listed as non-reimbursable in ND OMB Fiscal Policy 501: <https://www.omb.nd.gov/sites/www/files/documents/financial-transparency/fiscaladminpolicy.pdf>.

Employees working remotely will be required to comply with the following when using NDCDE in their remote workplaces:

- Any state-owned equipment remains the property of NDCDE and will be returned to NDCDE upon separation or otherwise at NDCDE's request.
- NDCDE will not purchase furniture for employees, but employees living in North Dakota may check out extra furniture from the NDCDE office if it can be transported by the employee with minimal disassembly and reassembly. NDCDE will make an exception to this policy if furniture is needed to provide employees with a reasonable accommodation.
- Necessary high-speed internet connection (Cable or DSL equivalent) will be provided by the team member.
- Any additional or specific equipment requirements must be submitted to the employee's supervisor and will be considered by the business manager and/or state director on a case-by-case basis.
- State and NDCDE policies relating to computer hardware and software usage apply in the teleworking arrangement unless otherwise specifically authorized by the NDCDE director or designee.

Employees working remotely are also required to comply with all other NDCDE policies concerning equipment and technology use, including the Electronic Communication Device policy (F4a), Acceptable Use policy (A7), and the NDCDE Equipment Policy (F4).

End of policy

Adopted: 10/31/2024

Amended:

Published where: NDCDE website and CDE-All Staff Teams Channel

Version and effective date: 10/31/2024

Fixed Assets & Inventory (F4c.v01)

In accordance with NDCC section 54-27-21, NDCDE shall include all fixed assets under its control in its financial statements, except those having a value of \$5,000 or less. In accordance with NDCC section 44-04-07, the NDCDE business manager, under the direction of the NDCDE state director, is required to maintain a complete and current inventory record of all property of sufficient value and permanence as to render such inventory record practical. Generally, this will include all items valued at \$500 or more and those that would be essential for NDCDE to document for insurance replacement purposes in the event of facility damage, theft, or other loss.

Annual Inventory

Every year, the NDCDE business manager and IT Department will jointly perform a physical inventory (an actual verification of the inventory records via a physical observance of each item) and certify said inventory, particularly those at risk or vulnerable to loss. This inventory is independent of the \$5,000 capitalization threshold for financial statement reporting. Generally, the annual inventory will include all items valued at \$500 or more and smaller-valued items with risk associated with data security and/or high resale potential in the event of theft, such as mobile or portable devices. The NDCDE business manager or IT Department will affix an inventory tag to newly purchased items that will be included in the annual inventory before issuing the equipment to employees or allowing its use.

Audit Review

This policy will be examined for reasonableness by the State Auditor at the time of audit.

End of policy

Adopted: 10/31/2024

Amended:

Published where: NDCDE website and CDE-All Staff Teams Channel

Version and effective date: 10/31/2024

Technology Safeguards (F5.v01)

As a Cognia accredited school, NDCDE has developed policies and/or plans to address all the following requirements:

- Digital citizenship guidelines, such as cyberbullying policies and appropriate internet etiquette policies (netiquette) and security measures (e.g., password security): NDCDE has adopted an Acceptable Use policy, a Bullying policy (A8), an Employee Conduct policy (B4J), and a Student Conduct policy (C3e), all of which govern online behavior.
- Information Technology (IT) support and/or technology assistance including help-ticket procedures for various platforms including the learning management system (LMS) and student information system (SIS): NDCDE has helpdesk support in place for all its systems and utilizes a ticketing system to ensure timely resolution of all support requests from employees, students, learning coaches, parents, and schools. NDCDE has established internal procedures for processing these tickets.
- Digital onboarding processes for stakeholders, including both external and internal: NDCDE has extensive resources on using NDCDE technology in its online User Guide, designed for students, families, and schools, and has developed internal resources at the department level to orientate teachers and staff to their roles, responsibilities, and NDCDE technology during the onboarding process.
- Digital records and data privacy measures for various platforms, including but not limited to LMS and SIS: NDCDE has adopted separate policies on student privacy (A10). In addition, as state agency, utilizing services through NDI, including Edutech, NDCDE adheres to the Edutech [Privacy Policy](#) and the [NDIT E-Service Privacy Standard](#).
- Technology infrastructure backup, outage plans, and end-of-life plan for the various platforms, including but not limited to LMS and SIS: NDCDE adheres to applicable [NDIT standards](#) governing these processes and has developed internal protocols on the staff and processes needed internally to enact them.
- Crisis management for technology and the social-emotional learning impact of online end users: NDCDE utilizes the [NDIT Incident Prevention, Response, and Notification Standards](#), the [Edutech Incident Response policy](#), and the NDIT Cyber Security Incident Reporting process to respond to technology crises. It must also adhere to NDCC Ch. 51-30 on notice of security breach for personal information. NDCDE will evaluate the social-emotional learning impact of online end users on a case-by-case basis considering the nature of the technology crisis and implement the necessary support for them based on the nature of the crisis.
- NDCDE leverages the state of North Dakota's Information Technology Department to monitor our digital learning environment, curtail cybersecurity risks through employee education and ongoing monitoring, review software vendor agreements to mitigate risks associated with data sharing, and implement emergency protocols when threats are detected.
- Plans for technology integration, including back-end support (e.g., application programming interface (API) or Learning Tools Interoperability (LTI)): Whenever considering new technology, NDCDE involves IT and LMS staff in the decision-making process to thoroughly review and ensure technology integration is feasible and back-end support is comprehensively managed by the vendor. NDCDE, as a state agency, must adhere to state technology procurement standards, which include completing all these

verifications before technology purchases will be approved.

Under state law (NDCC 44-04-24), all NDCDE technology security plans are considered an exempt record and consequently unavailable for public release. The NDCDE state director will ensure the NDCDE IT director has developed and trained appropriate staff all the necessary internal protocols to comply with NDIIT and Edutech reporting and intervention measures to protect the integrity of NDCDE systems and data. Furthermore, NDCDE participates in ongoing, mandatory staff training on cybersecurity awareness.

End of policy

Adopted: 10/31/2024

Amended:

Published where: NDCDE website and CDE-All Staff Teams Channel

Version and effective date: 10/31/2024

Section A

Policy	Date of First Reading	Date of Second Reading	Date of Amendments
A1	waived	1/12/24, reaffirmed 09/10/2024	
A2	waived	09/10/2024	
A2a	waived	1/12/24, reaffirmed 09/10/2024	
A2b	waived	09/10/2024	
A2c	waived	09/10/2024	
A3	waived	1/12/24, reaffirmed 09/10/2024	
A4	waived	09/10/2024	
A5	waived	1/12/24, reaffirmed 09/10/2024	
A5a	waived	1/12/24, reaffirmed 09/10/2024	
A5b	waived	09/10/2024	
A6	waived	1/12/24	7/10/24
A6b	Waived	1/12/24	10/7/24
A6c	waived	1/12/24, reaffirmed 7/10/24	
A6d	waived	1/12/24, reaffirmed 7/10/24	
A6e	waived	7/10/24	
A6ea	waived	7/10/24	

On 1/12/24 the leadership team also made a motion to rescind all old policies that were replaced by those adopted on this day.

Section B

Policy	Date of First Reading	Date of Second Reading	Date of Amendments
B1a	waived	1/12/24, reaffirmed 07/10/24	
B1b	waived	1/12/24	
B1c	removed		
B1d	waived	1/12/24	
B1e	waived	08/02/24	
B1f	waived	1/12/24	
B1g	waived	08/02/24	
B1h	waived	1/12/24	
B1i	waived	1/12/24	
B2aa	waived	1/12/24	
B2ab	waived	1/12/24	
B2ac	waived	1/12/24	
B2ad	waived	1/12/24	08/02/24
B2ae	waived	1/12/24	
B2af	waived	1/12/24	
B2ag	waived	7/10/24	
B2ah			
B2ba	waived	1/12/24	
B2bb	waived	1/12/24	
B2bc	waived	1/12/24	
B2bd	waived	1/12/24	
B2be	waived	1/12/24	
B2bf	waived	1/12/24	
B2bg	waived	1/12/24	
B2bh	waived	08/02/24	
B2bi	waived	1/12/24	
B2bj	waived	1/12/24	
B2bk	waived	1/12/24	
B2ca	waived	1/12/24	
B2cb	waived	1/12/24	
B2cc	waived	1/12/24	
B2cd	waived	08/02/24	
B2ce	waived	1/12/24	
B2d	waived	1/12/24	

B2da	waived	1/12/24	
B3aa	waived	1/12/24	
B3ab	waived	1/12/24	
B3ac	waived	1/12/24	
B3ad	waived	1/12/24	
B3ae	waived	1/12/24	
B3af	waived	1/12/24	
B3b	waived	1/12/24	
B3c	waived	1/12/24	7/10/24
B3ca	waived	1/12/24	7/10/24
B3cb	waived	1/12/24, reaffirmed 7/10/24	
B3cc	waived	1/12/24, reaffirmed 7/10/24	
B3cd	waived	7/10/24	
B4a	waived	1/12/24	
B4b			
B4ba	waived	1/12/24, reaffirmed 09/10/2024	
B4bb	waived	1/12/24	
B4c	waived	1/12/24	
B4d	waived	1/12/24	7/10/24
B4e	waived	1/12/24	
B4f	waived	08/02/24	
B4g	waived	1/12/24	
B4h	waived	1/12/24	
B4i	waived	1/12/24	
B4j	waived	1/12/24	7/10/24
B4k	waived	1/12/24, reaffirmed 7/10/24	
B4l	waived	1/12/24	
B4m	waived	1/12/24	
B4n	waived	1/12/24	7/10/24
B4o	waived	1/12/24	
B4p	waived	08/02/24	
B5a	waived	1/12/24, reaffirmed 09/10/2024	
B5ba	waived	1/12/24, reaffirmed 09/10/2024	
B5bb	waived	09/10/2024	
B5bc			
B5bd	waived	09/10/2024	
B5c	waived	07/10/24	
B6a			
B6b	waived	11/15/23	

B6c	waived	10/30/24	
B7	waived	09/10/2024	
B7a	waived	09/10/2024	

On 1/12/24 the leadership team also made a motion to rescind all old policies that were replaced by those adopted on this day.

Section C

Policy	Date of First Reading	Date of Second Reading	Date of Amendments
C1a	waived	07/10/24	
C1b	waived	07/10/24	
C1c	waived	07/10/24	
C1d	waived	07/10/24	
C1da	waived	01/18/24	07/10/24
C1db	waived	07/10/24	
C1dc	waived	07/10/24	Rescinded: 09/10/2024
C1e	waived	07/10/24	
C1f	waived	07/10/24	
C2a	waived	07/10/24	
C2aa	waived	07/10/24	
C2b	waived	07/10/24	
C2c	waived	07/10/24	
C2d	waived	07/10/24	
C2e	waived	07/10/24	
C2f	waived	07/10/24	
C2g	waived	07/10/24	
C2h	waived	07/10/24	
C3	Waived	10/30/2024	
C3a	waived	08/02/24	
C3b	waived	08/02/24	
C3c	waived	09/10/2024	
C3d	Waived		
C3e	waived	07/10/24	
C3ea	waived	07/10/24	
C3f	waived	09/10/2024	
C3g	waived	08/02/24	
C3h	waived	08/02/24	08/06/24
C4a	waived	09/10/2024	
C4b	Waived	10/30/24	
C4d	waived	09/10/2024	

Section D

Policy	Date of First Reading	Date of Second Reading	Date of Amendments
D1	waived	07/10/24	
D2	Waived	10/30/2024	
D3	waived	07/10/24	
D4	Waived	10/30/2024	

Section E

Policy	Date of First Reading	Date of Second Reading	Date of Amendments
E1	waived	07/10/24	
E2	waived	07/10/24	
E3	waived	07/10/24	
E3a	waived	07/10/24	

Section F

Policy	Date of First Reading	Date of Second Reading	Date of Amendments
F1	Waived	10/31/24	
F1a	Waived	10/31/2024	
F1b	Waived	10/31/2024	
F1c	Waived	10/31/2024	
F1d	Waived	10/31/2024	
F1da	Waived	10/31/2024	
F1db	Waived	10/31/2024	
F1dc	Waived	10/31/2024	
F1e	Waived	08/06/24, reaffirmed 09/10/2024	
F1ea	waived	08/06/24	09/10/2024
F2	Waived	10/31/2024	
F2a	Waived	10/31/2024	
F2b	Waived	09/10/2024	
F2c	Waived	9/10/2024	
F3	Waived	10/31/2024	
F4	Waived	07/10/24	
F4b	Waived	10/31/2024	
F4c	Waived	10/31/2024	
F5	Waived	10/31/2024	

Adjunct Pool (B1c.v01)

Wednesday, July 24, 2024 12:04 PM

When CDE anticipates the need to hire a number of adjuncts rapidly to meet enrollment needs, the CDE director may activate the adjunct pool application process. This process allows prospective adjuncts to complete a portion of the hiring application process before a position is posted to help expedite the screening and hiring process when a vacancy is announced.

NDCDE learning administrators score the applications and add those meeting the eligibility criteria to our adjunct pool email list. Those on this list receive notice of all CDE vacancies as soon they are posted, complete a shorter application when applying for openings, and receive other important updates, including news of professional development opportunities.

Resources to implement policy: [Adjunct Pool Application Form](#)

End of policy

Adopted:

Amended:

Published where:

Version and effective date:

Leadership team agreed that this policy did not work well for us. We do not intend to adopt it.

Honor Roll (C1dc)

Monday, September 16, 2024 11:55 AM

~~The NDCDE honor roll program is only for students who are enrolled in the NDCDE diploma program. NDCDE has an “A” honor roll for those maintaining a GPA of 3.7–4.0 and a “B” honor roll for those maintaining a GPA of 2.7–3.6~~

~~A student must have completed at least four courses from July 1–December 31 for the fall and from January 1–June 30 for the spring to be eligible. Honor roll certificates are awarded via email at the end of each semester.~~

~~NDCDE may recognize students on its honor roll publicly on its website or through other communication methods and considers names listed on the honor roll as directory information. Parents and eligible students who do not want their names included on publicly shared honor roll lists must complete a directory information opt-out form.~~

End of policy

~~Adopted: 07/10/2024~~

~~Amended:~~

~~Published where: NDCDE website, CDE All Staff Teams Channel~~

~~Version and effective date: 08/01/2024~~

~~Rescinded: 09/10/2024~~

Netiquette (A6ba.v01) (rescind)

Tuesday, October 22, 2024 9:13 AM

Nearly all aspects of NDCDE operations are delivered online, including business transactions, personnel management and meetings, organizational communication, and teaching and learning. Consequently, employee (B4j) and student (C3e) conduct policies govern online behavior whenever an employee is acting in her/her official capacity on behalf of NDCDE and a student is participating in NDCDE services. These codes of conduct contain the same expectations as are found in standalone netiquette policies including showing respect, use of appropriate language, and adherence to confidentiality requirements under state and federal law. In addition, NDCDE has adopted an Acceptable Use (A7) policy to ensure students and staff respect and protect NDCDE technology infrastructure. Teachers are encouraged to create course-specific netiquette expectations as necessary, ensuring these are prominently posted in their courses and working with colleagues in their content areas to foster uniformity in these expectations whenever possible.

End of policy

Adopted:

Amended:

Published where:

Version and effective date:

Consolidated into acceptable use policy 10/17/2024

Social Media (B4bb.v01)

Tuesday, October 22, 2024 11:48 AM

It is the State of North Dakota's policy that all official communications made through official agency social media accounts, on behalf of or concerning the agency, must be made through or with the permission of the NDCDE state director or designee.

~~Team Member Usage~~

All team members are representatives of the agency and the State of North Dakota and should exercise good judgment in the use of social media. Team members should remember that their actions have the potential to impact their employment including subjecting them to disciplinary action up to and including termination from employment. Additional standards concerning NDCDE employee speech are outlined in the Employee Speech Policy, B4ba.

~~End of policy~~

~~Adopted: 1/12/24~~

~~Amended:~~

~~Published where:~~

~~Version and effective date:~~

Consolidated into Acceptable Use 10/17/2024

Online Safety (C4c.v01)

Tuesday, October 22, 2024 11:51 AM

NDCDE is committed to safeguarding the online well-being of our students. Technology is the nexus through which our student interact with our teachers and engage in learning in our virtual classrooms. Therefore, NDCDE has taken the following proactive measures to create a safe, supportive, and inclusive online learning environment where students can thrive academically and personally.

- NDCDE has adopted a policy on permissible technology use for students and staff (Acceptable Use Policy, A7) that includes the standards for safe and ethical technology use developed by North Dakota's education technology provider, Edutech.
- NDCDE has adopted a policy on bullying, which includes prohibitions and disciplinary consequences for cyberbullying. The Student Conduct policy, C3e, contains standards on how students shall communicate and interact in our technology environment to help ensure ethical and respectful behavior.
- NDCDE adheres to FERPA, has adopted a policy topic, and our IT and LMS departments adhere to U.S. Department of Education guidelines on protecting student privacy in all aspects of our operations as an online school, including data security and approving software vendors: <https://studentprivacy.ed.gov/security>.
- NDCDE leverages the state of North Dakota's Information Technology Department to monitor our digital learning environment, curtail cybersecurity risks through employee education and ongoing monitoring, review software vendor agreements to mitigate risks associated with data sharing, and implement emergency protocols when threats are detected.
- NDCDE offers courses in cybersecurity to help strengthen student understanding of how to be an ethical and precautionous digital citizen.

NDCDE strongly encourages all schools sending to NDCDE to adopt similar standards and expectations, and requires learning coaches to actively participate in student's online learning experience as detailed in the Learning Coaches Expectations Policy, _____, to further protect students' online safety.

End of policy

Adopted:

Amended:

Published where:

Version and effective date:

Combined with Acceptable Use Policy, 10/17/2024

Electronic Communication Devices (F4a.v01)

Tuesday, October 22, 2024 11:53 AM

The State of North Dakota provides Electronic Communication Devices (ECDs) and an information technology (IT) infrastructure designed to facilitate business communications among state government, educational entities, political subdivisions, and their business contacts. These devices may include telephones (cell phones and smartphones), multi function printers, tablets, mobile computing devices, workstations, video equipment, all computer and network related hardware, software (including e-mail, Internet, instant messaging, blogging), and/or peripheral devices.

Devices connected to the state's IT infrastructure must not damage the reputation of the State of North Dakota or jeopardize the systems' integrity. This policy applies to both state owned devices or team member owned devices that are synced or directly attached to the State IT network infrastructure. Unless exempted by law, all electronic communications are subject to North Dakota's Open Records Law, NDCC 44-04-18. The State of North Dakota ECDs is not part of any team member benefit program.

Use of Electronic Communication Devices (ECDs) by Employees

It is the state's and CDE's policy to limit the use of state ECDs to official business. Employees uncertain of whether use constitutes official business shall consult with their direct supervisor.

CDE employees using a State IT resource, including accessing personal accounts, have no expectation of privacy or confidentiality. Information exchanged over a state ECD, including personal accounts or platforms, may be subject to the State's open records laws, and may be used in legal proceedings involving the agency or the employee.

All CDE employees are required to use CDE issued hardware whenever conducting CDE business.

NDCDE will provide required devices (such as a desktop or laptop computer) and is responsible for the maintenance and replacement of such devices. In addition to a laptop or desktop computer, some positions may require the use of mobile computing devices such as cell phones, smartphones, or tablets. The NDCDE IT Department is responsible for determining if a state owned mobile computing device should be provided or allowed to sync or directly attach to a personal mobile computing device to the state's IT infrastructure. Each situation should be considered individually and be based on the team member's work or position.

Authorized Use

It is the state's policy to limit the use of state ECDs to official business. However, users may be permitted to utilize ECDs for personal use (personal use does not constitute time worked), off-duty, and if in compliance with the following terms of this policy:

Does not interfere with the performance of the user's public duties.

- Is of nominal cost or value.
- Does not interfere with the performance of the user's public duties.
- Does not create the appearance of impropriety.

- ~~Is not for a political or personal commercial purpose.~~
- ~~Is reasonable in time, duration, and frequency.~~
- ~~Makes minimal use of hardware, software, and network resources.~~
- ~~Uses only software that has been licensed by the Agency. Unauthorized downloading of software/shareware is prohibited; ECD's may be audited at any time.~~

Standards of Conduct

Users shall be held personally liable (legally, financially, or otherwise) for the use of ECDs not in compliance with the NDCDE Acceptable Use policy (A7), Employee Conduct policy (B4j), and OMB Standards of Conduct for Electronic Device Use

(<https://www.omb.nd.gov/sites/www/files/documents/team-nd-careers/hrpolicymanual.pdf>.)

Supported Cellular Devices

Any device that has been “rooted” or modified from a factory default installation is not allowed access to any state system or data.

ECD Cloud Storage

The State of North Dakota has set forth the following requirements for syncing files and later accessing them from a web browser or mobile device:

- Team members must use OneDrive for Business as a mobility solution for work data. Other cloud storage solutions are not allowed.
- Files may only be synced via OneDrive for Business to work-managed devices, such as work laptops, work cell phones and personal cell phones managed with Mobile Device Management (MDM).
- Syncing work and/or personal files from a work laptop to any other cloud storage provider is not allowed.
- Cell phone backup solutions such as iCloud can be used to backup contacts, pictures, app data, etc. Work email and work documents should not be synced to these solutions.

Conducting CDE Business Internationally

CDE employees who wish to conduct CDE business internationally must first receive the approval of their immediate supervisor. Once this approval is obtained and at least 30 days before the employee is planning to begin working from out of the country, the employee must submit a ticket to the NDCDE Help Desk, receive the approval of the NDCDE IT Director, and comply with all safeguards that the NDCDE IT Team is requiring in order to protect the integrity of NDCDE systems. Failure to comply with these directives at any time while working internationally is considered a violation of this policy.

End of policy

Adopted:

Amended:

Published where:

Version and effective date:

Combined with Acceptable Use Policy, 10/17/2024