

## PART D

### POLICIES RELATING TO NONCERTIFICATED STAFF

- D-100 Definition
- D-200 General Employment Requirements
- D-201 Work Schedules
- D-202 Fringe Benefits
- D-203 Disassociation
- D-204 Alcohol and Drug Abuse Policy/Employee
- D-206 Contagious Diseases
- D-600 Fraud Prevention and Investigation

#### D - 100 DEFINITION

The board considers its support personnel who serve as related services providers, business manager, paraeducators, custodians and other noncertificated positions vital to the smooth functioning of the special education unit.

#### D - 200 GENERAL EMPLOYMENT REQUIREMENTS

1. The employee shall have such training and skills as may be required to successfully carry out the requirements of the job.
2. Appointment to the noncertificated staff shall be probationary for a two month period, enabling performance to be determined.
3. Persons employed on the noncertificated staff:
  - a. Must be able to do the tasks required.
  - b. Should have good moral habits.
  - c. Should be adaptable to working around children.
  - d. Should have skill in the position.
  - e. Shall appear neat and clean.
  - f. Aides approved by Department of Public Instruction, Special Education.
4. Members of the noncertificated staff shall observe the same rules and regulations as are required of the professional employees unless specifically waived by the Board.

#### D-201 WORK SCHEDULES

1. The work year shall be established by the board.

#### D-202 FRINGE BENEFITS

1. Each full time employee shall receive 10 days paid leave. Other employees will receive the fraction of 10 sick leave days equivalent to their individual percentage of FTE. The benefit will be cumulative to 225 hours.

#### D-203 DISASSOCIATION

1. Suspension:

The Director of Special Education may suspend employees, with the exception of the Business Manager, from their assignments for good cause, reporting such action promptly to the Board.

2. Resignations:

- A. Resignations shall be in writing and directed to the Director of Special Education.
- B. Resignations shall be filed with the Director of Special Education at least fifteen days prior to the effective date of resignation. Such notice may be waived under extenuating circumstances as determined by the Director of Special Education.

3. Workman's Compensation:

An employee who is injured in the line of duty shall receive such compensation and expenses as are prescribed by Workman's Compensation Law of the State of North Dakota.

D-204 ALCOHOL AND DRUG ABUSE POLICY/EMPLOYEE

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

Therefore, the Multidistrict Board of East Central supports the strict enforcement of the following alcohol and drug policy:

1. The use, possession, distribution, dispensing or manufacture of alcohol or any illegal drug is prohibited in any building belonging to or used by ECCEC. It is also prohibited on any grounds or in any vehicle belonging to the Multidistrict Unit or at any ECCEC activity.
2. East Central will form a Chemical Health Committee (appointed by the Director,) to create and oversee long range programs to bring about student and employee awareness and understanding of the dangers inherent in the use of alcohol, tobacco, and controlled drugs and provide information about drugs and alcohol counseling and rehabilitation programs available to students and staff.
3. We recognize that chemical addiction is a treatable disease. Employees shall be allowed to use sick leave, to the extent accumulated, for chemical addiction treatment if undertaken at a facility approved by the Division of Alcohol and Drug Abuse of the North Dakota Department of Health. However, no employee shall be granted sick leave for inpatient treatment of alcoholism/chemical dependency more than twice.

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

Cross Ref. Policy G-331 Drug-Free Workplace

Legal Ref. PL 101-226 Drug-Free Schools and Communities Act of 1986  
Section 22 1989 Amendments  
34 CFR Part 86 Regulations

#### D-206 SIGNIFICANT CONTAGIOUS DISEASE

##### Employees:

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

##### Independent Contractors:

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

##### Confidentiality:

No employee or official of the East Central Special Education Unit may inform any individual of an affected individual's infection. No employee or official may release any information given to employees or officials of the unit by an affected person, their parent or guardian, or their personal physician shall remain confidential.

##### Attendance, Employment and Contracts

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

When a student's personal physician or, in the case of a student who is defined as disabled under the Individual Disabilities Education Act or NDCC chapter 15-59, the multidisciplinary team determines that the student is unable to participate in regular classroom instruction, either reasonable accommodations, special provisions, or an individualized education program will be provided. The building principal shall establish procedures for the development of special provisions.

When an employee's, prospective employee's or independent contractor's personal physician determines that the employee, prospective employee or independent contractor cannot perform their duties, the unit will consider and implement reasonable accommodations to allow the affected individual to become or continue as an employee or contract or continue an existing contract as an independent contractor.

#### Universal Precautions:

The East Central Special Education Unit will use universal precautions as standard procedure in the care and maintenance of unit property and in administering first aid or otherwise handling emergencies.

#### Designation of Spokesperson:

The East Central Director/or Building Principal is designated as the person to receive information concerning the status of students, employees, and independent contractors from their physicians. The Director shall be the official spokesperson for the institution when information concerning an affected individual becomes public and may not delegate this duty. The Director shall develop procedures that protect against possible breeches of confidentiality. The Director may request assistance from the Department of Public Instruction or State Department of Health in developing a plan for conflict resolution.

#### Discrimination:

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

#### Definitions:

1. "Affected person," "affected individual," or "affected student" means an individual who has been diagnosed by a physician as having contracted a significant contagious disease.

2. "Decision maker" is the affected person's personal physician. However, whenever an affected student is also disabled as defined under the Individual Disabilities Education Act, 20 U.S.C. 1401(a)(1) or the NDCC 15-34.1-03, the building principal will design appropriate procedures as determined by the student's IEP team.
3. "Employee" means all persons employed by the institution including faculty, maintenance, and administrative personnel.
4. "Governing body" means the special education unit.
5. "Independent contractor" means any person or entity who is free of control or direction over performance of the related special education service provided both under the contract and who is engaged in an independently established trade, organization, profession, or business.
6. "Individualized education program" denotes a specialized education plan created in compliance with 20 U.S.C. 1401(a)(19).
7. "Institution" means this special education unit.
8. "Reasonable accommodations" is as defined by subsection 16 of NDCC section 14-02.4-02 or U.S.C. 794.
9. "Significant contagious disease" includes cytomegalovirus (CMV), hepatitis B (HBV) and human immunodeficiency (HIV) infection. The local board of health or the state health officer may determine that other diseases are significant contagious diseases.
10. "Special provisions" are individually tailored education decisions designed to meet the needs of students requiring unique accommodations to ensure an educational opportunity.
11. "Universal precautions" means protecting one's self from exposure to blood or body fluids, through the use of latex gloves, masks, or eye goggles, cleaning blood and body fluid spills with soap and water and then disinfecting and incinerating or decontaminating infective waste before disposing in a sanitary landfill.

Legal Ref: Americans with Disabilities Act (IDEA)

USC 29, Section 794 American Disabilities Act

USC 29, Section 504 Rehabilitation Act of 1973

NDCC 14-02.4 Discrimination

NDCC 15-47-38 Legislative intent in employment of teachers-  
Notification of discharge or failure to renew - Hearing

NDCC 23-01-03	Powers and duties of the health council
NDCC 23-07-16	Child having contagious or infectious disease prohibited from attending school - Exception
NDCC 23-07-16.1	School district to adopt policy relating to significant contagious diseases

## D-600 FRAUD PREVENTION AND INVESTIGATION

The ECCEC Board expects all employees, Board members, consultants, vendors, contractors, and other parties maintaining any business relationship with East Central to act with integrity, due diligence, and in accordance with all laws in their duties involving East Central's resources. The Unit is entrusted with public dollars and no person connected with East Central should do anything to erode that trust.

The Business Manager shall be responsible for developing internal controls designed to prevent and detect fraud, financial impropriety, or fiscal irregularities within the Unit. Every member of the East Central's administrative team shall be alert for any indication of fraud. Financial impropriety, or irregularity within his/her areas of responsibility.

Any employee who suspects fraud, impropriety, or irregularity shall report their suspicions immediately to his/her immediate supervisor and/or the Director. The Director shall have primary responsibility for any necessary investigations and shall coordinate investigative efforts with East Central's legal counsel, auditing firm, and other internal or external departments and agencies, including the Eddy County Prosecutor's Office and law enforcement officials, as the Director may deem appropriate.

In the event the concern or complaint involves the Director of ECCEC, the concern shall be brought to the attention of the President of the Board who shall be empowered to contact East Central's legal counsel, auditing firm, and any other agency to investigate the concern or complaint.

The Director may elect to employ the Unit's auditing firm to conduct a partial forensic/internal control/SAS99 audit annually or otherwise as often as deemed necessary. The Director is authorized to order a complete forensic audit if, in his/her judgment, such an audit would be useful and beneficial to East Central.

Fraud, financial improprieties, or irregularities include, but are not limited to:

1. Forgery or unauthorized alteration of any document or account belonging to East Central.
2. Forgery or unauthorized alteration of a check, bank draft, or any other financial document.

3. Misappropriation of funds, securities, supplies, or other assets.
4. Impropriety in the handling of money or reporting of financial transactions.
5. Profiteering because of “insider” information of ECCEC information or activities.
6. Disclosing confidential and/or proprietary information to outside parties.
7. Accepting or seeking anything of material value, other than items used in the normal course of advertising, from contractors, vendors, or persons providing services to the Unit.
8. Destroying, removing, or inappropriately using ECCEC records, furniture, fixtures, or equipment.
9. Failing to provide financial records to authorized state or local entities.
10. Failure to cooperate fully with any financial auditors or investigators.
11. Any other dishonest or fraudulent act involving ECCEC monies or resources.

The Director shall investigate reports of fraudulent activity in a manner that protects the confidentiality of the parties and the facts. All employees involved in the investigation shall be advised to keep information about the investigation confidential.

If an investigation substantiates the occurrence of a fraudulent activity, the Director, or Board President if the investigation centers on the Director, shall issue a report to appropriate personnel and to the Board. The final disposition of the matter and any decision to file or not file a criminal complaint or to refer the matter to the appropriate law enforcement and /or regulatory agency for independent investigation may be made in consultation with East Central’s legal counsel. The results of the investigation shall not be disclosed to or discussed with anyone other than those individuals with a legitimate right to know until the results are made public.