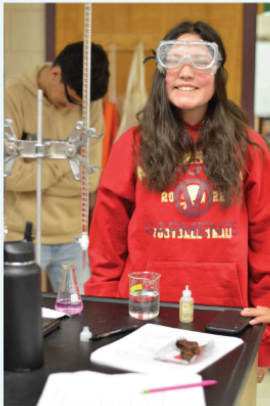


Student Handbook

2023-2024



Rochester Public Schools

615 7th Street SW,
Rochester, MN 55902
(507) 328-3000
rochesterschools.org

Table of Contents

Superintendent's Message.....	6
RPS Strategic Plan.....	7
Equity Belief Statements.....	9
Office of School Support Contact Information.....	10
Have a concern? Use the communication tree.....	10
General Principles and Introduction to PBIS.....	11
Code of Student Conduct.....	12
Responses to Violations of Code of Student Conduct.....	13
I. Level I Offenses.....	13
II. Level II Offenses.....	15
1. CST, Special Education, and Section 504 Referrals.....	17
2. In-School Suspension.....	17
3. Interim Alternative Educational Placements.....	18
5. Expulsion.....	19
6. Nonexclusionary Practices and Readmission Plans.....	20
Frequently Asked Questions.....	21
1. Who should families contact with questions related to discipline issues?.....	21
2. What is the role of a School Resource Officer (SRO)?.....	21
3. How does RPS address attendance issues?.....	22
4. How does RPS treat behavior on school buses and vans?.....	22
5. How does RPS treat behavior in school parking lots?.....	22
6. Is there an appeals process for student discipline?.....	23
Appendix.....	24
Level I Behaviors Defined.....	24
Cheating and Plagiarism.....	24
Dishonesty.....	24
Dress Code Violation.....	24
Failure to Follow Instructions.....	24
Horseplay and Play Fighting.....	24
Inappropriate Language.....	24
Inappropriate Physical Contact with Another Person.....	25
Leaving Class Without Permission.....	25
Misuse of Property.....	25
Misuse of Technology.....	25
Tardiness.....	25
Teasing and Name-Calling.....	25
Level II Behaviors Defined.....	26

Abusive Language.....	26
Arson.....	26
Bullying.....	26
Discrimination.....	27
Fighting.....	27
Gang Activity.....	27
Harassment.....	27
Hazing.....	28
Illegal Conduct.....	28
Physical Aggression.....	28
Possession of Weapons, Explosives, Incendiary Devices, or Combustible Substances.....	28
Possession, Distribution, or Use of Alcohol, Drugs, and Tobacco or Paraphernalia.....	29
Property Damage.....	29
Sexual Assault.....	29
Sexual Misconduct.....	29
Substantial Interruption to the Learning Environment.....	29
Theft.....	30
Threats of Violence.....	30
Trespassing.....	30
Discipline Guidelines for Special Education Students.....	31
Rights, Rules, and Regulations.....	32
100 - School District.....	32
400 – Employees/Personnel.....	32
500 – Students.....	32
600 – Education Programs.....	34
700 – Business.....	34
800 – Buildings and Sites.....	34
900 – School District-Community Relations.....	34
District Policy 506.....	35
I. PURPOSE.....	36
II. GENERAL STATEMENT OF POLICY.....	36
III. AREAS OF RESPONSIBILITY.....	37
IV. STUDENT RESPONSIBILITIES.....	37
V. CODE OF STUDENT CONDUCT.....	38
VI. INTERVENTIONS FOR VIOLATIONS OF CODE OF CONDUCT.....	40
VII. REMOVAL OF STUDENTS FROM CLASS.....	41
VIII. OPEN ENROLLED STUDENTS.....	42
IX. STUDENT DISCIPLINE RECORDS.....	42
X. DISTRIBUTION OF POLICY.....	43
XI. REVIEW OF POLICY.....	43

District Policy 522.....	43
I. GENERAL STATEMENT OF POLICY.....	43
II. SEX DISCRIMINATION COMPLAINTS NOT INVOLVING SEXUAL HARASSMENT.....	43
III. GENERAL POLICY PROHIBITING SEXUAL HARASSMENT.....	44
IV. DEFINITIONS.....	44
V. REPORTING PROHIBITED CONDUCT.....	47
VI. RETALIATION PROHIBITED.....	47
VII. DISSEMINATION OF POLICY.....	48
VIII. RECORDKEEPING.....	48
IX. APPLICATION OF LAWS OTHER THAN TITLE IX.....	49
X. GRIEVANCE PROCEDURE AND PROCESS.....	49
I. BASIC REQUIREMENTS FOR GRIEVANCE PROCESS.....	49
II. INITIAL RESPONSE AND ASSESSMENT BY THE TITLE IX COORDINATOR.....	51
III. STATUS OF RESPONDENT DURING PENDENCY OF FORMAL COMPLAINT.....	52
IV. INFORMAL RESOLUTION OF A FORMAL COMPLAINT.....	53
V. DISMISSAL OF A FORMAL COMPLAINT.....	53
VI. INVESTIGATION OF A FORMAL COMPLAINT.....	53
VII. DETERMINATION REGARDING RESPONSIBILITY.....	54
VIII. APPEALS.....	55
District Policy 524.....	55
I. PURPOSE.....	56
II. DEFINITION.....	56
III. GENERAL STATEMENT OF POLICY.....	57
IV. LIMITED EDUCATIONAL PURPOSE.....	57
V. USE OF SYSTEM IS A PRIVILEGE, NOT A RIGHT.....	57
VI. UNACCEPTABLE USES.....	57
VII. FILTER.....	60
VIII. CONSISTENCY WITH OTHER SCHOOL POLICIES.....	60
IX. NO REASONABLE EXPECTATION OF PRIVACY.....	60
X. INTERNET USE AGREEMENT.....	61
XI. LIMITATION ON SCHOOL DISTRICT LIABILITY.....	61
XII. USER NOTIFICATION.....	62
XIV. IMPLEMENTATION; POLICY REVIEW.....	63
District Policy 614.....	64
PURPOSE.....	64
GENERAL STATEMENT OF POLICY.....	64
DUTIES OF SCHOOL DISTRICT PERSONNEL REGARDING TEST ADMINISTRATION.....	64
TEST SECURITY.....	71
REQUIRED DOCUMENTATION FOR PROGRAM AUDIT.....	71
Student Health.....	72

STUDENT HEALTH.....	72
INFECTIOUS DISEASES.....	72
HEAD LICE.....	72
CONJUNCTIVITIS (PINKEYE).....	72
VISION AND HEARING SCREENINGS.....	72
MENTAL HEALTH.....	73
Frequently Asked Questions.....	74
I am worried about my own mental health. What can I do?.....	74
Will you tell my parents?.....	74
What should I expect if I schedule an appointment with a member of the Emotional and Mental Well-being Team?.....	74
Where can I learn more?.....	74
Notification of Rights Under FERPA.....	74
Student Privacy Information.....	77
Procedure for Making Any Student's Directory Information Private.....	77
Disclosure of Data to Military Recruitment Officers and Post-Secondary Educational Institutions.....	77
Parent/Guardian guide and refusal for student participation in Statewide Testing and Assessments... 79	79
Notices.....	79
Asbestos.....	80
Indoor Air Quality.....	80
Pesticide.....	80
Lead-inwater.....	80
Student Technology Device Use Agreement.....	81
Notice to Parents and Caregivers: Student Accidents.....	85
Acknowledgement of Student Handbook.....	86
Notes.....	87

Para asistencia en español, por favor marque al 507-328-4241.

Za pomoc na bosanskom jeziku pozovite 507-328-4243

"إذا رغبت في الحصول على هذه المعلومات باللغة العربية يرجى الإتصال بقسم الترجمة علي الرقم 328-4246"

Haddii aad jeclaan lahayd in aad hesho macluumaadkaan oo ku qoran Soomaali, fadlan la soo xiriir waaxda EL(bartaha ingariiska) 507 328 4247.

Superintendent's Message

Dear RPS Families,

We have experienced so much together over the last few years since my tenure began at RPS. Last year, we kicked off our [Strategic Plan](#) and though we've made significant progress, we have a ways to go. I look forward to starting this new year and continuing that progress.

One level of our building blocks in the Strategic Plan is to create community by enhancing belonging and behavior so that all students feel accepted and safe at school. This Student Handbook is designed to assist with inspiring, challenging, and empowering all students. It is closely aligned with RPS's [Positive Behavior Interventions and Supports Model \(PBIS\)](#), a framework that assists schools in identifying and implementing research-based behavioral interventions in an effort to improve social and academic outcomes for all students. PBIS is based on the idea that students learn appropriate behavior through instruction, practice, feedback, and encouragement. The teachers and the principal at your child's school will explain the rules for the classroom, playground, lunchroom, and other building spaces. School staff will help by teaching the rules more than once when needed. They will call you if they need you to help your child understand the rules. The handbook explains the rules and what may happen if the rules are not followed. While rules and expectations are not always popular, they help us put into words the types of behaviors that support a positive and inclusive learning climate and those that don't. With learning as our top priority, it's important that our school community agree to follow a set of behaviors most likely to help all members succeed.

Please take some time to read this important document and discuss it with your children. Together we can help our students stay in class and in school so they can take advantage of the many learning opportunities available to them every day. At the back of this Handbook you will find a form to complete, indicating you have read this Handbook. Please complete [the acknowledgement form](#) located at the end of the student handbook and return it to your school principal or follow the instructions to acknowledge you've read the handbook online through Skyward's student information verification. If you have questions or concerns about this Handbook or the support we offer, please contact your child's principal or our [Office of School Support](#) at 507.328.4300.

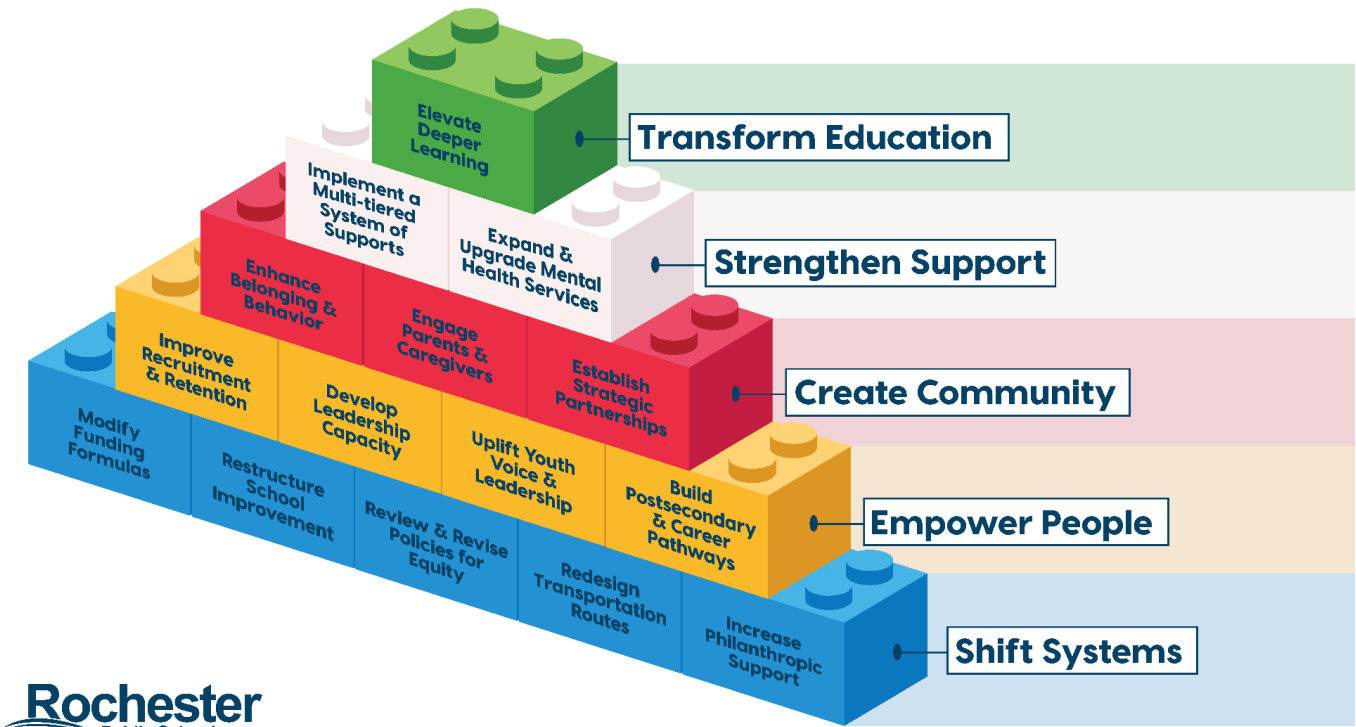
Sincerely,

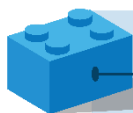
A handwritten signature in black ink that reads "Kent Pekar". The signature is written in a cursive, slightly slanted style.

Kent Pekar, Ed.D.
Superintendent of Schools

RPS Strategic Plan

BUILDING BLOCKS^{OF THE} RPS STRATEGIC PLAN





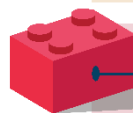
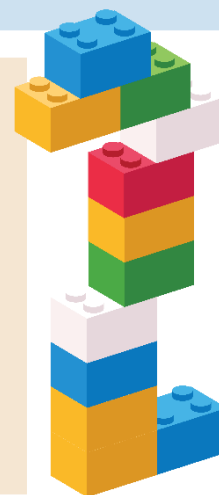
Shift Systems

- We will **Modify Funding Formulas** to provide schools with greater flexibility to allocate staff time and other resources in ways that meet student needs.
- We will **Restructure School Improvement** processes to continually analyze and improve student outcomes.
- The Rochester School Board will **Review and Revise Policies for Equity** and make changes as needed to ensure that students from marginalized communities have the support they need to thrive in RPS schools.
- We will **Redesign Transportation Routes** to increase service to early childhood programs and to enable elementary schools to begin at times that optimize learning for younger students while preserving the benefits of later start times for older students.
- We will **Increase Philanthropic Support** to advance implementation of the RPS strategic plan and to promote innovation across the district.



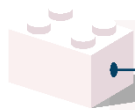
Empower People

- We will **Improve Recruitment and Retention** processes to enable RPS to attract and retain talented staff, especially in hard-to-fill positions and from backgrounds that are underrepresented in our schools.
- We will **Develop Leadership Capacity** to equip staff at multiple levels of the school district with the knowledge, skills, and tools they need to guide our work.
- We will **Uplift Youth Voice and Leadership** so that issues that matter to students can be articulated and addressed and so that young people can contribute to their schools and our community.
- We will **Build Postsecondary and Career Pathways** that help all students develop a vision for life after high school and take steps to realize that vision throughout their progress through RPS.



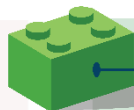
Create Community

- We will **Enhance Belonging and Behavior** so that all students feel accepted and safe at school.
- We will **Engage Parents and Caregivers** to help families support students' academic, social, and emotional development.
- We will **Establish Strategic Partnerships** that enable RPS to achieve the objectives of the strategic plan and that also advance the priorities of our partner organizations.



Strengthen Support

- We will **Implement a Multi-tiered System of Supports (MTSS)** to provide all students with access to a strong core curriculum and to give students who struggle the additional resources they need to succeed.
- We will **Expand and Upgrade Mental Health Services** for students and staff by screening for those who need support and by expanding options for treatment.



Transform Education

- We will **Elevate Deeper Learning** to provide every student with an education characterized by the three elements of deeper learning that have been identified by researchers Jal Mehta and Sarah Fine: *mastery, identity, and creativity.*

Equity Belief Statements

We acknowledge that Rochester Public Schools (RPS) sites are situated on ancestral lands of the Dakota people. We acknowledge and honor the Dakota Nations and the sacred land of all Indigenous peoples.

We believe equity is a lens through which all decisions should be made.

We believe in the use of people first and asset-based language. Our emphasis lies on the person, whereas their social identities are secondary. We promote language that raises the visibility of personal stories, creates empathy, and recognizes the diverse assets that difference brings.

We believe the practices used in recruiting, interviewing, hiring, supporting, and promoting staff must include and honor, at every level, those who represent the diverse identities of our schools and community.

We believe it is the collective responsibility of all RPS staff to be actively and intentionally anti-racist, both individually and collectively, and work to undo historical and current racist policies or actions both inside and outside the classroom. This responsibility involves critical self-awareness and self-reflection; recognizing and addressing bias; dismantling racist cultures, practices, and procedures; and increasing one's cultural responsiveness and cultural awareness.

We believe that all staff and students deserve a space to be their authentic selves. We have a collective responsibility to ensure our schools provide a caring, supportive, and anti-oppressive environment. School communities should support the healthy, positive development of students and help them grow their unique gifts and talents.

We believe that one's gender and sexuality are important parts of one's identity which deserve to be genuinely accepted and valued. We believe that every student and staff member has the right to grow in a safe space and to be addressed by their preferred name and by pronouns which correspond to their gender identity.

We believe that communities, parents/caregivers, teachers, and community-based organizations have unique and important solutions to improving outcomes for our students and educational systems. True partnership with families and the community includes engaging them with respect, listening authentically, and having the courage to share decision-making, control and resources.

We believe that speaking a language other than English is an asset. Our educational system must celebrate and enhance this ability while providing appropriate and culturally responsive support for emerging bilingual and multilingual students and families. Students' English development is stronger when home language maintenance is encouraged and facilitated. Community partnerships are essential in providing multicultural and multilingual language supports for students and families.

We believe students receiving special education and gifted services are an integral part of our educational responsibility, and we must welcome the opportunity to be inclusive, make appropriate accommodations and celebrate their assets.

We believe we must remove barriers that prevent students from one or more historically marginalized groups from attaining high levels of academic achievement and growth. Barriers include inequitable access to gifted services and other academic programming as well as over-representation in special education and other intervention programs.

Office of School Support Contact Information

If you have questions regarding discipline, please contact the Office of School Support.

Jacque Peterson

Chief of Schools

japeterson@rochesterschools.org

507.328.4300

Chris Lingen

Director of School Support

chlingen@rochesterschools.org

507.328.4300

Eric Johnson

Director of Leadership Development

erjohnson1@rochesterschools.org

507.328.4300

Have a concern? Use the communication tree.

Concern	Action
If you have a classroom concern...	Start by contacting the Teacher.
	Was the concern resolved? If not, proceed with below:
If you have a school or program concern...	Call the Principal's office or Program Manager.
	Was the concern resolved? If not, proceed with below:
If you have a district concern...	Contact the Office of School Support.
	Was the concern resolved? If not, proceed with below:
If you cannot determine who to call...	Contact the Office of the Superintendent.
	Was the concern resolved? If not, proceed with below:
If you have concerns or interest in Policy development or long range planning...	Contact the School Board.

General Principles and Introduction to PBIS

Rochester Public School's mission is to inspire, challenge, and empower all students with the knowledge and skills required to reach their full potential, to contribute to future generations, and to become involved members of a global community. In pursuit of this mission, RPS has high expectations for student behavior and requires that all students demonstrate responsibility and appropriate behavior in the classroom, on school grounds, and at school-sponsored events and activities. RPS is committed to providing a safe, supportive, and orderly educational environment for all students.

RPS approach to student discipline is designed to utilize evidence-based research in an effort to avoid situations in which students are unnecessarily removed from the classroom environment. To that end, RPS employs Positive Behavior Intervention and Supports, commonly called PBIS. PBIS is a framework that assists schools in identifying and implementing research-based behavioral interventions in an effort to improve social and academic outcomes for all students. PBIS is based on the idea that students learn appropriate behavior through instruction, practice, feedback, and encouragement. Key features of PBIS include: outlining a clear set of defined positive expectations and behaviors, the teaching of expected behaviors, recognition of meeting expected behaviors, monitoring and correcting errors in behaviors, and using data-based information for decision-making, monitoring, and evaluating results at individual school sites.

Another aspect of PBIS involves the identification of three to five guiding behavioral expectations for students that are positively stated and easy to remember. RPS places a district-wide emphasis on the following three guiding expectations: **Be Respectful, Be Responsible, and Be Safe.** Behavioral expectations are taught to students using examples of specific positive behaviors that fall within these three expectations. Each school site has a PBIS team, which is responsible for creating specific school-wide examples of appropriate behavior based on these guiding principles. These examples are incorporated into a behavior matrix that is used at each school site.

Code of Student Conduct

Maintaining a safe, productive environment in school and in the classroom is a priority at RPS. RPS is also committed to administering student discipline in a manner that ensures the fair and equitable treatment of all students when a staff member makes a disciplinary referral or imposes disciplinary sanctions.

The RPS School Board has adopted [Policy 506](#), which outlines the School Board's expectations for student behavior and a Code of Student Conduct outlining examples of unacceptable student behavior. A copy of Policy 506 is included in the Appendix to this Handbook. This Handbook incorporates the expectations outlined in Policy 506 and provides information regarding how RPS Administration enforces the provisions of Policy 506.

Students must follow the provisions of Policy 506 and this Handbook before, during, and after school. The expectations outlined in Policy 506 and this Handbook apply inside school buildings, on school grounds, and at school-related activities and events. Students must also follow these expectations on school buses or vans and at bus stops. An off-campus violation of these expectations may result in disciplinary action taken by RPS if the violation has a direct and immediate effect on school discipline or the general safety and welfare of students or if the violation is a continuation of or has a nexus with misconduct that occurred on school grounds or at a school event.

Students and families should also note that the Minnesota State High School League ("MSHSL") has behavioral expectations that apply to students who participate in MSHSL-sanctioned activities. The MSHSL's Official Handbook is available online at www.mshsl.org.

Responses to Violations of Code of Student Conduct

RPS approach to student discipline aims to help students learn good behavior and to limit situations in which students are removed from their classroom or from school. To that end, RPS staff address student behavior issues using a two-level approach. Level I issues involve minor infractions that are addressed in the classroom by a teacher, educator support professionals, or other personnel. Level II issues involve more serious infractions that require an office referral and are addressed by a school administrator or district-level administrator. Specific definitions for Level I and Level II offenses are included in the Appendix to this Handbook.

I. Level I Offenses

The grid below identifies specific Level I offenses and the manner in which personnel are expected to respond to Level I offenses.

RPS Expectation	Violation of Expectation
Be Safe	<ul style="list-style-type: none"> • Horseplay and play fighting • Inappropriate physical contact with another person
Be Respectful	<ul style="list-style-type: none"> • Failure to follow instructions • Dress code violation • Leaving class without permission • Inappropriate language • Teasing and name-calling
Be Responsible	<ul style="list-style-type: none"> • Cheating and plagiarism • Dishonesty • Misuse of property • Misuse of technology • Tardiness
<p>For any Level I violation, school personnel are expected to respond to the behavior by:</p> <ul style="list-style-type: none"> • Reteaching positive expectations • Having an individual student conference to discuss the behavior <p>Additional tools that may be used in the classroom to address Level I behaviors include the following:</p> <ul style="list-style-type: none"> • Buddy room intervention • Check in/Check out • Communication with a parent or caregiver • Creating a behavior contract that includes expected behaviors, consequences for infractions, and incentives for demonstrating positive behaviors • Fix-it plans/restorative justice strategies • Having the student choose a method of apologizing or making amends to those harmed or offended by the student's behavior 	

- Loss of privileges (Note: Recess detentions are generally not allowed under new changes to Minnesota law effective for the 2023-2024 school year and may be used only in the limited circumstances permitted under Minn. Stat. 121A.611)
- Mediation
- Nonverbal classroom management strategies
- Providing a reflective activity
- Seat change
- Taking a break

Since Level I offenses are intended to be addressed in the classroom, RPS expects that classroom teachers will attempt to reteach expectations and conduct an individual student conference for any Level I offense. School personnel may also employ the other strategies outlined in the chart above as appropriate under the circumstances of a specific situation.

While responses to Level I infractions will be designed to address student behavior without removing the student from class wherever possible, there are circumstances in which a Level I offense may result in an office referral. School personnel may make an office referral for Level I behavior under the following circumstances:

Repeated Level I Offenses

School personnel may make an office referral for a Level I offense if a student has engaged in the same Level I behavior on multiple occasions, the student's parent or guardian has been involved in efforts to address the student's behavior, and school personnel have exhausted appropriate options for classroom interventions. Prior to making a referral for repeated Level I behavior, school personnel will do the following: (1) attempt to reteach positive behavior expectations, (2) conduct an individual conference with the student, and (3) communicate with student's parent or guardian regarding the student's behavior.

Level I Offenses that Involve Level II Behaviors

If a Level I offense includes behavior that falls within a defined Level II offense, the offense will be treated as a Level II offense. For example, misuse of technology is generally considered a Level I offense. However, if a student's misuse of technology includes behavior that would constitute cyberbullying, harassment, or another Level II offense, the violation will be treated as a Level II offense.

Special Circumstances

RPS does not expect school personnel to allow a student to remain in the classroom if the student's presence would result in a risk of harm to persons or property or significantly disrupt the educational environment in the classroom. For example, if a student engages in the Level I offense of play fighting and continues to engage in the behavior despite efforts to employ interventions, personnel may make an office referral in order to prevent the student from disrupting other students' rights to receive an education. In addition, a Level I offense will be treated as a Level II offense if a student's behavior results in bodily injury to the student or another individual. If school personnel make an office referral based on special circumstances, RPS administration expects that the individual who made the referral will be able to explain, upon an administration's request, (1) what classroom interventions were implemented before the office

referral was made; (2) why it was determined that additional classroom interventions would not be successful; and (3) the specific basis for why school personnel believed an office referral was necessary.

II. Level II Offenses

The grid below identifies specific Level II offenses and the manner in which site administrators are expected to respond to Level II offenses after an investigation has been completed.

RPS Expectation	Violation of Expectation
Be Safe	<ul style="list-style-type: none"> • Arson • Fighting • Gang activity • Possession of weapons, explosives, incendiary devices, or any type of combustible substance • Physical aggression • Threats of violence
Be Respectful	<ul style="list-style-type: none"> • Abusive language • Assault • Bullying • Discrimination • Harassment • Hazing • Illegal conduct • Sexual assault • Substantial interruption to the learning environment • Trespassing

Be Responsible

- Possession, distribution or use of alcohol, drugs, and tobacco or paraphernalia
- Property damage
- Sexual misconduct
- Theft

Any of the responses outlined in the Level I grid may be utilized by building administrators in response to a Level II violation. These responses include, but are not limited to:

- Reteaching positive expectations
- Having an individual student conference to discuss the behavior
- Communicate with family

In addition, the following interventions may be utilized:

- Administrative removal from school for less than one day
- Conference with student
- Consultation with or direct service from support staff, such as a counselor, equity specialist, social worker or behavior specialist
- Expulsion
- In-School Suspension
- Interim Alternative Educational Placement
- Out-of-School Suspension
- Referral for additional support services
- Referral to Student Intervention Team
- Restitution

1. CST, Special Education, and Section 504 Referrals

Referrals to a Child Study Team (“CST”), as well as referrals for Special Education and Section 504 evaluations, will be made in accordance with applicable legal requirements and procedures established by the Office of Academics. Families and RPS personnel may contact the Office of Academics at (507) 328-4310 with questions related to the referral process.

2. In-School Suspension

In-School Suspension (“ISS”) will be considered as a consequence for a Level II behavior when a building principal, in consultation with instructional staff, has determined that a student’s behavior warrants removing a student from the classroom environment because (1) the student has failed to respond to interventions designed to address prior behavior issues without removing the student from class or (2) it is necessary to temporarily remove the student from classes in order to prevent a disruption to the learning environment. ISS takes place in the regular school building and in a location outside of the general classroom setting. In this setting, students are given a quiet environment which is supervised throughout the day by school staff. Teachers are responsible for providing work for each individual student to complete during the day. During their time in ISS, students will have access to materials to support their learning. Teachers, social workers, and other school personnel are able to meet one-on-one with students during their time in ISS.

School Board Policy 506, consistent with Minnesota law, allows RPS personnel to remove a student from class based upon the following grounds:

- a. Willful conduct that significantly disrupts the rights of others to an education, including conduct that interferes with a teacher’s ability to teach or communicate effectively with students in a class or with the ability of other students to learn;

- b. Willful conduct that endangers surrounding persons, including school district employees, the student or other students, or the property of the school;
- c. Willful violation of any rule of conduct specified in the discipline policy adopted by the board; and
- d. Other special circumstances in which a student's presence in the classroom would result in a risk of harm to persons or property or significantly disrupt the educational environment in the classroom.

Under Minnesota law, a student must be removed from class immediately if the student engages in assault or violent behavior. An "assault" is (1) an act done with intent to cause fear in another of immediate bodily harm or death; or (2) the intentional infliction of or attempt to inflict bodily harm upon another.

3. Interim Alternative Educational Placements

RPS may unilaterally change the student's educational placement for a student receiving special education services / 504 plan up to 45 school days if the student:

- a. Possesses a dangerous weapon at school, on school premises, or at a school function;
- b. Carries a dangerous weapon to school, on school premises, or at a school function;
- c. Knowingly possesses or uses illegal drugs at school, on school premises, or at a school function;
- d. Sells or solicits the sale of a controlled substance while at school, on school premises, or at a school function;
- e. Has inflicted serious bodily injury upon another person while at school, on school premises, or at a school function.

The IEP team determines the interim alternative educational setting at which the student will be placed. Even though this is a temporary change, the setting must allow the student:

- a. To continue to progress in the general curriculum, although in a different setting;
- b. To continue to receive those services and modifications, including those described in the student's IEP, that will help the student meet their IEP goals; and
- c. Include services and modifications designed to prevent the behavior from recurring.

If the student is placed in an interim alternative educational setting, an IEP team meeting must be convened within ten school days of the decision. At this meeting, the team must discuss the behavior and its relationship to the student's disability, review evaluation information regarding the behavior, consider teacher observations, parent/guardian input, and determine the appropriateness of the student's IEP and any behavior plan.

4. Out-of-School Suspension

Minnesota law allows RPS to impose an out-of-school suspension whenever a student in Grades 3-12 engages in the following: (1) Willful violation of any school board regulation. Such regulation must be clear and definite to provide notice to students that they must conform their conduct to its requirements; (2) Willful conduct that significantly disrupts the rights of others to an education, or the ability of school personnel to perform their duties, or school sponsored extracurricular activities; or (3) Willful conduct that endangers the student or other students, or surrounding persons, including school district employees, or property of the school.

RPS administration strives to avoid out-of-school suspensions when other interventions may effectively address a student's behavior. To that end, RPS administrators generally reserve out-of-school suspensions for the following situations:

- Possession or distribution of drugs or alcohol;
- Possession of a weapon or incendiary device; and
- A Level II offense resulting in bodily or emotional harm.
- Substantial disruption to the learning environment.

“Bodily or emotional harm” means physical or emotional pain or injury, illness, or any impairment of physical or emotional condition. RPS reserves the right to impose an out-of-school suspension in situations where it is determined that other interventions or consequences would not be an effective means to address behavior concerns. Prior to imposing an out-of-school suspension, that is not one of the three defined situations, building administrators must contact the RPS Chief of Schools, or the designee communicated to administrators at the beginning of each school year, to determine whether any similar situations have occurred in the past and, if so, how RPS has responded to previous similar situations.

A general education student may be suspended for up to fifteen days in cases involving a proposed expulsion. Specific requirements addressing suspensions of special education students are outlined in the Appendix to this Handbook.

5. Expulsion

Under Minnesota law, an “expulsion” is an action by the RPS School Board to prohibit an enrolled student from further attendance at school for up to twelve months.

Minnesota law allows RPS to pursue expulsion whenever a student engages in the following: (1) Willful violation of any school board regulation. Such regulation must be clear and definite to provide notice to students that they must conform their conduct to its requirements; (2) Willful conduct that significantly disrupts the rights of others to an education, or the ability of school personnel to perform their duties, or school sponsored extracurricular activities; or (3) Willful conduct that endangers the student or other students, or surrounding persons, including school district employees, or property of the school.

Minnesota law requires RPS to pursue expulsion when a student is in possession of a firearm on school grounds. See [Minn. Stat. § 121A.44](#). In other situations, no administrator may move forward with a proposed expulsion unless the RPS Superintendent has reviewed the facts underlying the proposed discipline and has authorized an expulsion. In addition, all expulsions must be specifically authorized by the RPS School Board in accordance with the procedures outlined in Minnesota’s Pupil Fair Dismissal Act. See [Minn. Stat. § 121A.47](#).

The RPS administration will consider pursuing an expulsion or exclusion in any situation where a student was selling or distributing drugs or alcohol, a student was in possession of a weapon or incendiary device, or a student’s continued attendance in RPS schools may result in a significant likelihood of bodily or emotional harm to the student or other individuals, a risk of legal liability for RPS or any RPS employees, or in other unique circumstances where it is determined that other interventions or consequences would not be an effective means to address the student’s behavior.

Minnesota law also allows RPS to impose disciplinary action that is similar to an expulsion when an individual who has engaged in misconduct seeks to enroll in a RPS school. This disciplinary action is called an “exclusion.” An exclusion is an action taken by the RPS School Board to prevent enrollment or re-enrollment of a student for a period that must not extend beyond the school year. RPS applies the same standards to exclusions as it does to expulsions.

6. Nonexclusionary Practices and Readmission Plans

Minnesota law generally requires RPS to attempt to utilize nonexclusionary policies and practices with a student before it imposes a suspension, expulsion, or exclusion. This requirement does not apply in situations where it appears a student will create an immediate and substantial danger to the student, to surrounding persons, or to property. “Nonexclusionary policies and practices” are defined under Minnesota law as alternatives to dismissing a student from school, including, but not limited to, evidence-based positive behavior interventions and supports, social and emotional services, school-linked mental health services, counseling services, social work services, academic screening for Title 1 services or reading interventions, and alternative education services, along with additional services referenced in [Minn. Stat. § 121A.41, subd. 12](#).

Minnesota law provides that alternative educational services may include, but are not limited to, special tutoring, modified curriculum, modified instruction, other modifications or adaptations, instruction through electronic media, special education services as indicated by appropriate assessment, homebound instruction, supervised homework, or enrollment in another district or in an alternative learning center selected to allow the pupil to progress toward meeting graduation standards in a different setting. See [Minn. Stat. § 121A.41, subd. 11](#).

RPS also will offer alternative educational services to a student with a disability to the extent the student receives a suspension that exceeds five days. If any student is suspended pending an expulsion proceeding, RPS will offer alternative educational services beginning on the sixth day of suspension. In addition, consistent with new Minnesota law in effect starting with the 2023-2024 school year, RPS must allow a suspended student the opportunity to complete all school work assigned during the period of suspension and to receive full credit for satisfactorily completing the assignments. The building principal or principal’s designee is responsible for working with students and their families to ensure a student has an opportunity to complete all assigned work. When RPS offers alternative educational services, RPS will offer the services that RPS deems most appropriate in light of available RPS resources and a particular student’s behaviors and needs.

In situations where a student is suspended, expelled, excluded, placed in an alternative disciplinary setting, or incarcerated as a direct result of RPS’s referral of the student to law enforcement, RPS staff will schedule a readmission conference before the student transitions back into the regular school community. During the readmission conference, staff will consider whether it would be appropriate to develop a readmission plan, which may include the provision of alternative educational services. As required by Minnesota law, RPS staff will develop a readmission plan for a student who has been expelled or excluded from school in accordance with the Pupil Fair Dismissal Act. The plan must include measures to improve the student’s behavior and must make reasonable attempts to obtain parent or guardian involvement in the admission or readmission process. The plan may also indicate consequences if the student does not improve their behavior.

Frequently Asked Questions

1. Who should families contact with questions related to discipline issues?

If a family has questions or concerns related to a specific Level I incident, a student's classroom teacher is the best person to contact for an initial discussion related to the incident. For Level II incidents, families should contact the building principal if they have questions or concerns related to a specific incident. If a family would like to file a complaint about the manner in which school staff handled a disciplinary matter, the complaint should be directed to the Office of School Support. See [their contact information](#). Consistent with new Minnesota law in effect for the 2023-2024 school year, the District has updated Policy 506 to include a new internal complaint procedure for individuals to file complaints regarding the application of the District's student discipline policies and procedures. Individuals who wish to file a complaint should contact the Director of School Support using the contact information above.

2. What is the role of a School Resource Officer (SRO)?

SROs serve multiple roles in schools. The functions are interrelated, but all are carried out to contribute to school safety and security and promote positive and supportive school climates. Key roles are:

1. **Civic Engagement and Educator** - SROs will promote a positive and supportive school climate, and will communicate with students about acceptable and unacceptable behavior. SROs will set a positive example for handling stressful situations, resolving conflicts and showing respect and consideration for others. SROs will express high expectations for student behavior. SROs will meet with students, staff and families, as requested or as organized by the SRO in collaboration with school or District administration, to address topics related to the role of law enforcement in the school community and broader community including, but not limited to, equity, social justice and ways law enforcement, students, and the broader community can work together to reduce community violence and to create better police and community interactions and outcomes, particularly in historically under-represented communities of color.
2. **Informal mentor and role model** - Students often seek approval, direction, and guidance from adults in the school setting about various problems. Through formal and informal interaction with students, SROs serve as informal mentors and role models. SROs are expected to communicate to students about acceptable and unacceptable behavior, set a positive example in handling stressful situations, resolve conflicts, show respect and consideration of others, and express high expectations for student behavior. Students who may need additional assistance shall be referred to a school-based or community-based resource.
3. **Law enforcement officer** - As sworn law enforcement officers, the SROs assume primary responsibility for responding to requests for assistance from administrators and coordinating the response of other law enforcement resources to the school. SROs will protect students, staff and others who are present on school property or at a school sponsored event or activity. SROs will respond to emergencies including, but not limited to, medical emergencies on school property or at a school sponsored event or activity.

3. How does RPS address attendance issues?

[School Board Policy 503](#) generally outlines RPS's expectations with respect to student attendance. As noted above, isolated instances in which a student is tardy will be handled at the classroom level as a Level I offense. Repeated tardiness may warrant an office referral. Unexcused absences are otherwise addressed outside of the traditional Level I and Level II offense framework in light of specific statutory provisions related to compulsory school attendance. In accordance with Minnesota law, RPS works in partnership with the Olmsted County Attorney's Office to address truancy issues pursuant to the following intervention procedures:

- If a student has three or more unexcused absences, the student's parent or guardian will be notified.
- After a seventh unexcused absence, the student and parent or guardian is invited to attend a parent information meeting with a representative of the Olmsted County Attorney's Office. During the parent information meeting, the family will be advised of why the student should attend school and the legal consequences associated with continued absences. RPS will work with families to develop specific interventions to address attendance issues following the parent information meeting.
- If a student continues to have unexcused absences after the parent intervention meeting, the student and their parent or guardian will be invited to participate in a Student Attendance Review Team ("SART") meeting and to develop a contract designed to improve the student's attendance.
- If the student continues to have unexcused absences after the SART meeting, RPS will work with the Olmsted County Attorney's Office to initiate appropriate legal proceedings, such as a Child in Need of Protection or Services ("CHIPS") petition based on neglect or truancy.

RPS will not use exclusionary discipline to address attendance and truancy issues.

For information on attendance and eligibility for sports and activities, please see [Procedure 503A](#).

4. How does RPS treat behavior on school buses and vans?

Transportation by RPS is generally a privilege and not a right. Students are expected to comply with the provisions of this Handbook and all other transportation-related rules communicated to them while they are at bus stops and while they are receiving RPS-provided transportation. [School Board Policy 709](#) outlines specific RPS expectations for student behavior while students receive RPS-provided transportation. RPS provides annual school bus safety training to students who are in Kindergarten through Grade 10. A student's eligibility to receive transportation may be suspended or revoked if the student persistently engages in Level I offenses or engages in a Level II offense while on a bus or van or while at a bus stop. To view rules on the bus, visit www.rochesterschools.org/families/transportation.

5. How does RPS treat behavior in school parking lots?

School parking lots are considered school grounds for purposes of implementing RPS discipline policies and procedures. The same behavioral expectations that apply in school buildings apply in school parking lots. Parking on school grounds is a privilege, not a right. Students only may park in areas that are designated for student parking. In addition to the behavioral consequences outlined in this Handbook, students who engage in misconduct in an RPS parking lot may have

their parking privileges suspended or revoked. If a student parks in an unauthorized area or if an unauthorized vehicle is parked in a RPS parking lot, RPS may move the vehicle, require the owner to move the vehicle, or have the vehicle removed from RPS property and towed to a location off RPS grounds at the owner's expense. Student vehicles parked on RPS property may be subject to a search if RPS personnel have a reasonable suspicion that the search will uncover evidence of illegal conduct or a violation of RPS rules and policies. [School Board Policy 527](#) specifically addresses student use and parking of motor vehicles.

6. Is there an appeals process for student discipline?

Minnesota's Pupil Fair Dismissal Act provides for an appeals process in situations involving a student expulsion or exclusion. See [Minn. Stat. § 121A.47](#). Information about how to submit an appeal is available through the Minnesota Department of Education Division of Compliance and Assistance – Appeals, which may be reached at (651) 582-8689 or mde.assistance-compliance@state.mn.us.

There is not a formal appeals process for other forms of discipline. As noted earlier, families who believe a disciplinary matter was not handled properly at the building level may contact the Office of School Support or pursue the internal complaint procedure described in Question 1 above.

Appendix

Level I Behaviors Defined

Cheating and Plagiarism

Students are expected to do their own work and to provide proper citations and attributions when their work references materials created by others. Cheating occurs when a student represents another individual's work as the student's own, obtains data or answers through acts of deception or dishonesty, or uses tools or resources that are not authorized by a teacher when completing an assignment. Plagiarism involves copying the work of others or copying portions of books, magazines, research materials, or Internet sources without using proper citations or attributions. Cheating and plagiarism will be treated as a Level II offense if a student's conduct involves distributing academic materials or other information to other students, either hand-to-hand or through the use of technology, to facilitate cheating or plagiarism.

Dishonesty

Students are expected to tell the truth. A student is dishonest when the student does not tell the truth or provides information that is misleading.

Dress Code Violation

Students are expected to dress appropriately for school as defined in [School Board Policy 504](#).

Failure to Follow Instructions

Students are expected to follow the instruction of all RPS personnel, regardless of whether employed by RPS directly or through a contractor, and volunteers. A student's failure to follow instructions will generally be considered a Level I offense, unless the student's conduct includes behavior that is identified as a Level II offense.

Horseplay and Play Fighting

Horseplay and play fighting involves no intent to harm. Behaviors include, but are not limited to, the following: (1) pretending to hit, punch, kick, or otherwise make physical contact with another individual; (2) pranks; (3) rough or boisterous play involving physical contact; and (4) running in the building.

Inappropriate Language

Students are expected to use language that is appropriate in an educational setting. The use of inappropriate language will be considered a Level I offense when it is not directed at a specific person and involves profanity, general sexual connotations or innuendo, put downs to a particular group of people, or is otherwise not appropriate for a school setting. Isolated references to alcohol, drug and tobacco use, or other illegal behavior will be considered inappropriate language,

unless the references are made for an educational purpose in connection with an assignment from a classroom teacher.

Inappropriate Physical Contact with Another Person

Students are expected to keep their hands to themselves. Intentionally touching or making physical contact with another individual, without that individual's permission, will generally be considered a Level I offense, unless the student's conduct includes behavior that is identified as a Level II offense.

Leaving Class Without Permission

Students are expected to be in class until they are excused. If a student leaves class before the end of a class period without permission, the student is engaging in behavior that is a Level I offense.

Misuse of Property

Students are expected to be respectful of all property. Misuse of property occurs when a student uses property without permission or uses property in a way that is inconsistent with the intended use of the property.

Misuse of Technology

Students are expected to utilize technology in a manner that is consistent with the educational mission of RPS. [School Board Policy 524](#) outlines RPS's expectations for student use of technology. All students are expected to act in accordance with this Policy. Misuse of technology will be considered a Level I violation in situations where a student's violation of the requirements of School Board Policy 524 does not result in harm or potential harm to the student, another individual, or another individual's property. Students should be aware that misconduct involving the misuse of technology may also meet the definitions of other offenses outlined in this Handbook. For example, technology could be inappropriately used to engage in cheating or plagiarism. It could also be inappropriately used to engage in behavior that would be considered harassment or discrimination.

Tardiness

All students are expected to be on time for class. Students are considered tardy when not present in class and prepared to receive instruction at the scheduled start time of the class. Elementary students may be considered tardy if they are not on time for school at the beginning of the school day.

Teasing and Name-Calling

Students are expected to be respectful of their peers and to refrain from engaging in teasing or name-calling that is intended to merely distract or annoy others. Teasing and name-calling may be considered a Level II offense if it involves conduct that would violate RPS policies and procedures prohibiting bullying, harassment, hazing, and discrimination.

Level II Behaviors Defined

Abusive Language

Abusive language consists of verbal abuse directed at a specific person, such as a teacher or classmate. Verbal abuse is the improper or excessive use of language to humiliate someone, to undermine someone's dignity, or to undermine someone's authority. Profanity and insults specifically directed at an individual are considered a form of verbal abuse.

Arson

Arson is the unauthorized, intentional burning of one's own property or someone else's property.

Bullying

[School Board Policy 514](#) specifically addresses bullying. Policy 514 defines bullying as it is defined in [Minn. Stat. § 121A.031](#). Bullying is defined by Policy 514 and state law as follows:

1. "Bullying" means intimidating, threatening, abusive, or harming conduct that is objectively offensive and:
 - a. there is an actual or perceived imbalance of power between the student engaging in prohibited conduct and the target of the behavior and the conduct is repeated or forms a pattern; or
 - b. materially and substantially interferes with a student's educational opportunities or performance or ability to participate in school functions or activities or receive school benefits, services, or privileges.
2. "Intimidating, threatening, abusive, or harming conduct" includes, but is not limited to, conduct that:
 - a. Causes physical harm to a student or a student's property or causes a student to be in reasonable fear of harm to person or property;
 - b. Under Minnesota common law, violates a student's reasonable expectation of privacy, defames a student, or constitutes intentional infliction of emotional distress against a student; or
 - c. Is directed at any student or students, including those based on a person's actual or perceived race, ethnicity, color, creed, religion, national origin, immigration status, sex, marital status, familial status, socioeconomic status, physical appearance, sexual orientation including gender identity or expression, academic status related to student performance, disability, or status with regard to public assistance, age, or any additional characteristic defined in the Minnesota Human Rights Act ("MHRA"). However, prohibited conduct need not be based on any particular characteristic defined in this paragraph or the MHRA.
3. Bullying includes "cyberbullying," which is defined as follows: Bullying using technology or other electronic communication, including, but not limited to, a transfer of a sign, signal, writing, image, sound, or data, including a post on a social network Internet website or forum, transmitted through a computer, cell phone, or other electronic device. The term applies to prohibited conduct which occurs on school premises, on school district property, at school functions or activities, on school transportation, or on school computers, networks, forums, and mailing lists, or off school premises to the extent that it substantially and materially disrupts student learning or the school environment.

To report an incident of bullying, students and/or families may contact their building administrator or email the RPS Tip Line at speakup@rochesterschools.org.

Discrimination

[School Board Policy 102](#) states that the policy of RPS is to ensure an equal educational opportunity is provided for all students. To that end, RPS prohibits students from engaging in acts of discrimination on the basis of race, color, creed, religion, national origin, sex, gender, marital status, parental status, status with regard to public assistance, disability, sexual orientation, or age.

Fighting

Fighting is defined as hitting, kicking, punching, pushing, shoving, or tripping another individual who is a mutual combatant in a physical altercation. Fighting is distinguishable from physical aggression because physical aggression does not involve a mutual combatant. Physical contact initiated in self-defense may be considered a mitigating factor in the event of a fight, but only if the student acting in self-defense is (1) physically unable to walk away from the fight and (2) uses only the amount of physical force reasonably necessary to prevent the student from incurring bodily injury. A student is not engaging in self-defense if the student uses physical force to exceed the level of force needed to walk away from the fight.

Gang Activity

Gangs are groups of persons who act in concert for the purpose of engaging in anti-social or criminal behavior. Gang activities include:

1. Wearing or displaying any clothing, jewelry, colors, or insignia that intentionally identifies the student as a member of a gang or otherwise symbolizes support of a gang;
2. Using any word, phrase, written symbol, or gesture that intentionally identifies the student as a member of a gang or otherwise symbolizes support of a gang;
3. Recruiting students for gangs; and
4. Engaging in criminal or anti-social behavior at the direction of another gang member.

Harassment

[School Board Policy 413](#) prohibits acts of harassment and violence on the basis of race, color, creed, religion, national origin, sex, gender, age, marital status, familial status, status with regard to public assistance, sexual orientation, or disability. Policy 413 generally defines harassment as behavior that consists of physical or verbal conduct, including, but not limited to, electronic communications, relating to an individual's or group of individuals' race, color, creed, religion, national origin, sex, gender, age, marital status, familial status, status with regard to public assistance, sexual orientation, or disability when the conduct:

1. has the purpose or effect of creating an intimidating, hostile, or offensive working or academic environment;
2. has the purpose or effect of substantially or unreasonably interfering with an individual's work or academic performance; or
3. otherwise adversely affects an individual's employment or academic opportunities.

Policy 413 prohibits violence in the form of a physical act of aggression or assault upon another or group of individuals because of, or in a manner reasonably related to, race, color, creed, religion, national origin, sex, age, marital status, familial status, status with regard to public assistance, sexual orientation, or disability.

Hazing

[School Board Policy 526](#) specifically addresses hazing. Hazing is defined as committing an act against a student, or coercing a student into committing an act, that creates a substantial risk of harm to a person, in order for the student to be initiated into or affiliated with a student organization, or for any other school-related purpose. The term hazing includes, but is not limited to:

1. Any type of physical brutality such as whipping, beating, striking, branding, electronic shocking, or placing a harmful substance on the body;
2. Any type of physical activity such as sleep deprivation, exposure to weather, confinement in a restricted area, calisthenics or other activity that subjects the student to an unreasonable risk of harm or that adversely affects the mental or physical health or safety of the student;
3. Any activity involving the consumption of any alcoholic beverage, drug, tobacco product, or any other food, liquid, or substance that subjects the student to an unreasonable risk of harm or that adversely affects the mental or physical health or safety of the student;
4. Any activity that intimidates or threatens the student with ostracism, that subjects a student to extreme mental stress, embarrassment, shame or humiliation, that adversely affects the mental health or dignity of the student or discourages the student from remaining in school; and
5. Any activity that causes or requires the student to perform a task that involves violation of state or federal law or of RPS policies or regulations.

Illegal Conduct

Any violation of local, state, or federal law will be considered a Level II offense.

Physical Aggression

Physical aggression is defined as hitting, kicking, pushing, shoving, tripping, and other similar acts of physical conduct carried out with an intent to cause harm to another individual. Physical aggression does not include conduct that falls within the definition of horseplay, play fighting, or fighting.

Possession of Weapons, Explosives, Incendiary Devices, or Combustible Substances

[School Board Policy 501](#) prohibits students from possessing, using, or distributing weapons. A “weapon” includes any object, device, or instrument designed as a weapon or through its use is capable of threatening or producing bodily harm or which may be used to inflict self-injury including, but not limited to, any firearm, whether loaded or unloaded; air guns; pellet guns; BB guns; rifles, pistols, stun guns; all knives; blades; clubs; metal knuckles; nunchucks (nunchaku); throwing stars; explosives; any combustible or flammable liquid; fireworks; tear gas, mace and other propellants; ammunition; poisons; chains; arrows; and objects that have been modified to serve as a weapon. Students are also prohibited from possessing, using, or distributing items that are intended to look like a weapon.

Students are also prohibited from possessing, using, or distributing any kind of incendiary device, regardless of whether the device meets the definition of a weapon. Incendiary devices include any object, device, instrument, or substance designed to start a fire or to emit smoke, sparks, or fire, including, but not limited to, gasoline and other accelerants, matches, butane lighters, fireworks, fire crackers, smoke bombs, and bombs. Students must not possess, use, or distribute items that are intended to look like an incendiary device. Students are not prohibited from using an incendiary device in connection with a legitimate classroom activity at the direction and under the supervision of RPS personnel.

Possession, Distribution, or Use of Alcohol, Drugs, and Tobacco or Paraphernalia

Students may not possess, distribute, or use alcohol, drugs, or tobacco (including any oral device that provides a vapor of liquid nicotine, lobelia, and/or other similar substance intended for human consumption, and the use or inhalation of which simulates smoking, synthetic or look-alike substances) or paraphernalia inside school buildings, on school grounds, and at school-related activities and events. Students must also follow these expectations on school buses or vans and at bus stops. Paraphernalia is any equipment, utensil, apparatus, or tool used in connection with alcohol, drug, or tobacco use.

Property Damage

Property damage will be a Level II violation when it involves the intentional damage, destruction, vandalism, or breaking of another individual's property or RPS property. By way of example, property damage includes intentional acts such as damaging or destroying textbooks and other school equipment, using technology to download or deploy unauthorized or malicious software, spray painting surfaces, acts of vandalism, and damaging or destroying the property of another student.

Sexual Assault

Sexual assault is any type of sexual contact or behavior that occurs without the explicit consent of the individual who is the recipient of the contact or behavior.

Sexual Misconduct

Sexual misconduct includes verbal attempts to initiate sexual contact with another person and any form of touching of a sexual nature, with or without consent of the other party. Sexual misconduct also includes exchanging pornographic, obscene, or otherwise sexually suggestive photographs or messages with another person, including behavior commonly referred to as "sexting." Pornographic material or pornography is defined as material (such as writings, photographs, or videos) depicting sexual activity or erotic behavior in a way that is designed to arouse sexual excitement.

Substantial Interruption to the Learning Environment

A substantial interruption to the learning environment occurs when a student engages in behavior that interferes with the learning environment in a school building to the degree that RPS personnel are unable to deliver instruction to other students. Students do not have the right to interfere with other students' right to receive an education. If a teacher or other personnel makes an office referral for a substantial interruption to the learning environment, the staff member must describe to building administration the specific interventions that were attempted before the student's

behavior was determined to cause a substantial interruption. If the teacher or personnel did not attempt an intervention, the staff member must describe to building administration why it was determined an intervention would not be successful.

Theft

Theft is the taking of another person's property with the intent to deprive the owner of the property. For purposes of this Handbook, theft includes extortion. Extortion is the act of obtaining something through threats of force or coercion.

Threats of Violence

Threats of violence are either direct or indirect threats to commit an act of violence for the purpose of causing serious inconvenience or disruption in the school environment or to cause the evacuation of a school building, event, or vehicle. A bomb threat is an example of a threat of violence.

Trespassing

Students must stay in designated areas of the school to which they have been assigned. Students must have permission from a building administrator, or must be escorted by a parent, guardian, caregiver, or emergency contact person, if they enter a building other than their school. Trespassing includes breaking and entering into locked or private areas, such as other students' lockers, administrative office areas, and supply cabinets.

Discipline Guidelines for Special Education Students

	IEP Team Meeting Required	Manifestation Determination Required ¹	Functional Behavioral Assessment Plan Required ²	Alternative Education Services Required
Student removed for one school day or less	No*	No*	No*	No*
Student suspended for less than five consecutive school days or less	No*	No*	No*	No*
Student suspended for six OR MORE consecutive school days	Yes	No*	No*	Yes
Student removed for 10 cumulative days or less in a school year or more	No*	No*	No*	No*
Student removed for 11 cumulative days in a school year or more	Yes	Yes	Yes	Yes
Student placed on in-school suspension	No**	No**	No**	No**
Student suspended from the bus	Possibly ***	Possibly ***	Possibly ***	Possibly***

¹ “Manifestation Determination” is a process to determine if a student’s behavior problem was or was not a manifestation of the student’s disability.

² A “Functional Behavioral Assessment” is a process for gathering information to understand the structure and function of a student’s behavior(s) in order to develop an effective and efficient behavioral support plan that teaches and encourages alternative behaviors.

* Unless the student has been removed 11 or more cumulative days in a school year. Minn. Stat. 121A.43(a).

** In-school suspension is not considered a day of suspension for a student with a disability as long as the student continues to receive regular and special education services during the in-school suspension.

*** If bus transportation is part of the student’s IEP, a bus suspension would be treated as a removal unless the school provides transportation in some other way, because that transportation is necessary for the student to obtain access to the location where all other services will be delivered. If bus transportation is not a part of the student’s IEP, a bus suspension typically would not be a removal.

Rights, Rules, and Regulations

Parents and Guardians should familiarize themselves with these policies. **RPS policies in their entirety are [located on Simbli](#).**

100 - School District

[School Board Policy 102](#) – Equal Educational Opportunity

[School Board Policy 103](#) – Complaints - Students, Employees, Parents/Guardians, Other Persons

The purpose of this policy is to provide an avenue for formal complaints. The school district takes seriously all concerns or complaints by students, employees, parents or other persons. Students, parents/guardians, employees, or other persons may report concerns or complaints to the School District. Policy 103 provides guidance on the reporting process including who to report a concern to and how it will be processed.

400 – Employees/Personnel

[School Board Policy 402](#) – Disability Nondiscrimination Policy

[School Board Policy 404](#) – Employee Background Checks

The purpose of this policy is to maintain a safe and healthful environment in the School District in order to promote the physical, social, and psychological well-being of its students. To that end, the School District will seek a criminal history background check for applicants who receive an offer of employment with the School District and on all individuals, except enrolled student volunteers, who are offered the opportunity to provide athletic coaching services or other extracurricular academic coaching services to the school district, regardless of whether any compensation is paid, or such other background checks as provided by this policy. The School District may also elect to do background checks of other volunteers, independent contractors, and student employees in the School District.

[School Board Policy 413](#) – Harassment and Violence

[School Board Policy 417](#) – Chemical Use and Abuse

[School Board Policy 418](#) – Drug-Free Workplace/Drug-Free Schools

[School Board Policy 419](#) – Tobacco-Free Environment

500 – Students

[School Board Policy 501](#) – Weapons Prohibition

[School Board Policy 502](#) – Search of Student Lockers, Desks, Personal Possessions, and Student's Person

The purpose of this policy is to provide for a safe and healthy educational environment by enforcing the School District's policies against contraband. The policy explains that student lockers and desks are the property of the School District and are subject to search at any time without warning. The policy also provides definitions of key terminology such as contraband, personal possessions, reasonable suspicion, and reasonable scope. Further, this policy provides the process used to conduct a search, the seizure of contraband material, and the possible consequences for possession of contraband.

[School Board Policy 503](#) – Student Attendance

[School Board Policy 504](#) – Student Dress and Appearance

[School Board Policy 505](#) – Distribution of Nonschool-Sponsored Materials on School Premises by Students and Employees

The purpose of this policy is to protect the exercise of students' and employees' free speech rights, taking into consideration the educational objectives and responsibilities of the School District. The School District recognizes that students and employees have the right to express themselves on school property. This policy provides the guidelines for distribution of information on Rochester Public Schools property along with definitions of terms related to distribution of materials.

[School Board Policy 506](#) – Student Discipline

[School Board Policy 510](#) – School Activities

[School Board Policy 514](#) – Bullying Prohibition

[School Board Policy 515](#) – Protection and Privacy of Pupil Records

Parents/Guardians or eligible students must complete and sign 515A1 Notice of Right to Refuse Release of Public Data to restrict directory information from being released to the public. This form must be renewed annually, prior to October 1. This form is available from the Office of Registration & Records, and is also accessible at [our website](#).

Parents/Guardians or eligible students must complete and sign 515A2 Notice of Right to Refuse Release of Public Data to Military Recruiters and/or Post-Secondary Educational Institutions to restrict directory information from being released to military recruiting officers and post-secondary educational institutions. Information will not be released until after October 1. This form must be renewed annually, prior to October 1. This form is available from the Office of Registration & Records, and is also accessible at www.rochesterschools.org and in the Student Handbook.

[School Board Policy 516](#) – Student Medication

[School Board Policy 518](#) – DNR-DNI Orders

[School Board Policy 520](#) – Student Surveys

[School Board Policy 521](#) – Student Disability Nondiscrimination

[School Board Policy 522](#) – Title IX Sex Nondiscrimination

The School District shall conspicuously post the name of the Title IX Coordinator – Karl Bakken, Executive Director of Human Resources – including office address, telephone number, and work e-mail address on its website and in each handbook that it makes available to parents, employees, students, unions, or applicants.

[School Board Policy 524](#) – Internet Acceptable Use and Safety Policy

[School Board Policy 526](#) – Hazing Prohibition

[School Board Policy 527](#) – Student Use and Parking of Motor Vehicles; Patrols, Inspections, and Searches

The purpose of this policy is to provide guidelines for use and parking of motor vehicles by students in School District locations, to maintain order and discipline in the schools and to protect the health, safety, and welfare of students and school personnel. The policy provides guidance on restriction of contraband in vehicles parked on school grounds, definitions of terminology such as contraband, reasonable suspicion, reasonable scope, and School District location.

[School Board Policy 528](#) – Student, Parental, Family and Marital Status Nondiscrimination

[School Board Policy 529](#) – Staff Notification of Violent Behavior by Students

[School Board Policy 530](#) – Immunization Requirements

[School Board Policy 531](#) – The Pledge of Allegiance

Students in this School District will recite the Pledge of Allegiance to the flag of the United States of America one or more times each week. Anyone who does not wish to participate in reciting the Pledge of Allegiance for any personal reasons may elect not to do so. Students must respect another person's right to make that choice. Minnesota Statute 121A011

[School Board Policy 533](#) – Wellness

[School Board Policy 534](#) – School Meals Policy

[School Board Policy 550](#) – Student Medical Emergency

600 – Education Programs

[School Board Policy 609](#) – Religion

[School Board Policy 614](#) – School District Testing Plan and Procedure

[School Board Policy 618](#) – Assessment of Student achievement

The Commissioner of Education must create and publish a form for parents and guardians that:

- explains the need for state academic standards;a
- identifies the state assessments that are aligned with state standards;
- identifies the consequences, if any, the school or student may face if a student does not participate in state or locally required standardized assessments;
- states that students who receive a college ready benchmark on the high school Minnesota Comprehensive Assessment are not required to take a remedial, noncredit course at a Minnesota state college or university in the corresponding subject area;
- summarizes the provisions in Minnesota Statutes section 120B.301(a) and (c); and
- notifies a parent of the right to not have the parent's child participate in the state and locally required assessments and asks a parent that chooses to not have a child participate in the assessments the basis for the decision.

The form can be found on the [Minnesota Department of Education's website](#).

[School Board Policy 624](#) – Online Learning Options

700 – Business

[School Board Policy 707](#) – Transportation of Public School Students

[School Board Policy 709](#) – Student Transportation Safety

800 – Buildings and Sites

[School Board Policy 806](#) – Crisis Management

[School Board Policy 808](#) – COVID-19 Face Covering Guidance

900 – School District-Community Relations

[School Board Policy 903](#) – Visitors to School District Buildings and Sites

District Policy 506

Book	Rochester Public Schools Policies
Section	500 - STUDENTS
Title	Student Discipline
Number	506
Status	Active
Legal	Minn. Stat. Ch. 13 (Minnesota Government Data Practices Act) Minn. Stat. § 120B.02 (Educational Expectations for Minnesota Students) Minn. Stat. § 120B.232 (Character Development Education) Minn. Stat. § 121A.26 (School Preassessment Teams) Minn. Stat. § 121A.29 (Reporting; Chemical Abuse) Minn. Stat. §§ 121A.40 to 121A.56 (Pupil Fair Dismissal Act) Minn. Stat. § 121A.575 (Alternatives to Pupil Suspension) Minn. Stat. §§ 121A.582 (Reasonable Force) Minn. Stat. §§ 121A.60 to 121A.61 (Removal From Class) Minn. Stat. § 122A.42 (General Control of Schools) Minn. Stat. § 123A.05 (Area Learning Center Organization) Minn. Stat. § 124D.03 (Enrollment Options Program) Minn. Stat. § 124D.08 (Enrollment in Nonresident District) Minn. Stat. Ch.125A (Students With Disabilities) Minn. Stat. Ch. 260A (Truancy) Minn. Stat. Ch. 260C (Juvenile Court Act) 20 U.S.C. 1400-1487 (Individuals with Disabilities Education Improvement Act of 2004) 29 U.S.C. § 794 et seq. (Rehabilitation Act of 1973, § 504) 34 C.F.R. § 300.530(e)(1) (Manifestation Determination)
Cross References	102 - Equal Educational Opportunity 413 - Harassment and Violence 417 - Chemical Use and Abuse 418 - Drug-Free Workplace/Drug-Free Schools 419 - Tobacco-Free Environment: Possession and Use of Tobacco, Tobacco-Related Devices, and Electronic Delivery Devices 501 - Weapons Prohibition 502 - Search of Student Lockers, Desks, Personal Possessions, and Student's Person 503 - Student Attendance 504 - Student Dress and Appearance 505 - Distribution of Nonschool-Sponsored Materials on School Premises by Students and Employees 510 - School Activities 514 - Bullying Prohibition 515 NEW - Protection and Privacy of Pupil Records 516 - Student Medication 518 - DNR-DNI Orders 520 - Student Surveys 521 - Student Disability Nondiscrimination 522 - Student Sex Nondiscrimination 524 - Internet Acceptable Use and Safety Policy

[526 - Hazing Prohibition](#)
[527 - Student Use and Parking of Motor Vehicles; Patrols, Inspections, and Searches](#)
[528 - Student, Parental, Family, and Marital Status Nondiscrimination](#)
[530 - Immunization Requirements](#)
[531 - The Pledge of Allegiance](#)
[533 - Wellness](#)
[550 - Student Medical Emergency](#)
[610 - Field Trips](#)
[707 - Transportation of Public School Students](#)
[709 - Student Transportation Safety](#)
[711 - Video Recording on School Buses](#)
[712 - Video Surveillance Other than on Buses](#)
[806 - Crisis Management](#)
[903 - Visitors to School District Buildings and Sites](#)

Adopted	March 23, 2004
Last Revised	April 27, 2021
Last Reviewed	June 7, 2022

I. PURPOSE

All students have the right to obtain an education and the right to learn. The purpose of this policy is to set forth the School Board's expectations for student behavior and to set forth procedures for the Superintendent and School District administration to establish guidelines for the manner in which the expectations outlined in this policy will be enforced.

II. GENERAL STATEMENT OF POLICY

The School Board recognizes that appropriate school behavior is critical to academic success, to establishing a safe and effective learning environment for all students, and to assure a safe and orderly working environment for School District personnel. This policy and all guidelines established by School District administration pursuant to this policy are intended to accomplish the following policy objectives:

1. The School Board is committed to providing a safe and supportive learning environment for all students and to ensuring that students' learning is not disrupted by the behavior of other students.
2. The School Board is committed to fostering a safe and supportive working environment for School District personnel.
3. The School Board recognizes the negative impact caused by lost student instruction time due to removals from class and strives to minimize such removals when other interventions are an effective means to address student behavior.
4. The School Board is committed to employing Positive Behavior Intervention and Supports ("PBIS") strategies within the School District's schools in an effort to teach students appropriate behavior through instruction, practice, feedback, and encouragement.

III. AREAS OF RESPONSIBILITY

1. **The School Board:** The School Board is responsible for establishing the policies of the School District, including this policy governing student behavior.
2. **Superintendent:** The Superintendent must establish guidelines and directives to carry out this policy, hold all School District personnel, students, and parents responsible for conforming to this policy, and support all school personnel performing their duties within the framework of this policy. The Superintendent must also establish guidelines and directives for using the services of appropriate third parties for assisting students and parents with behavior issues. The Superintendent may appoint another administrator or group of administrators to act as the Superintendent's designee for assisting with the establishment of guidelines and directives necessary to carry out this policy.
 - a. **Executive Director of Student Support Services:** The Chief Academic Officer is responsible for working with the Superintendent to develop and disseminate procedures for referring, where appropriate, a child in need of special education services to appropriate services as a result of behavioral issues and for considering whether there is a need for further assessment or a review of the adequacy of a current individualized education program when a student with a disability is removed from class.
 - b. **Principals:** Principals are responsible for formulating building rules and regulations outlining expectations for student behavior, consistent with and subject to the provisions of this policy and any direction provided by the Superintendent or the Superintendent's designee. Principals must provide direction and support to all school personnel performing their duties within the framework of this policy and any guidelines and directives established by an administrator pursuant to this policy.
 - c. **Teachers:** All teachers are responsible for providing a well-planned learning environment and have primary responsibility for enforcing this policy in the classroom, consistent with any guidelines and directives established by an administrator pursuant to this policy.
 - d. **Other School District Personnel:** All School District personnel are expected to serve as a positive role model for students and to demonstrate positive behaviors at all times. School District personnel, other than administrators and teachers, will perform responsibilities related to student behavior as assigned by a supervisor.
 - e. **Parents or Legal Guardians:** Parents and guardians are expected to cooperate with School District personnel with respect to the teaching of behavior expectations and the implementation of interventions designed to address behavior issues.
 - f. **Students:** Students are expected to conduct themselves in accordance with this policy and any guidelines and directives implemented pursuant to this policy.

IV. STUDENT RESPONSIBILITIES

All students have the responsibility:

- a. For their behavior and for knowing and obeying all school rules, regulations, policies, and procedures;
- b. To attend school daily, except when excused, and to be on time to all classes and other school functions;
- c. To pursue and attempt to complete the courses of study prescribed by the state and local school authorities;
- d. To make necessary arrangements for making up work when absent from school;

- e. To assist the school staff in maintaining a safe school for all students;
- f. To be aware of all school rules, regulations, policies, and procedures, including those in this policy, and to conduct themselves in accord with them;
- g. To assume that until a rule or policy is waived, altered, or repealed, it is in full force and effect;
- h. To be aware of and comply with federal, state, and local laws;
- i. To volunteer information in disciplinary cases should they have any knowledge relating to such cases and to cooperate with school staff as appropriate;
- j. To respect and maintain the School District's property and the property of others;
- k. To dress and groom in a manner which meets standards of safety and health and common standards of decency and which is consistent with applicable School District policy;
- l. To avoid inaccuracies in student newspapers or publications and refrain from indecent or obscene language;
- m. To conduct themselves in an appropriate physical or verbal manner; and
- n. To recognize and respect the rights of others.
- o. To assume responsibility and care for materials and technology devices assigned to the student. Students may be charged for damaged or lost materials and/or devices.

V. CODE OF STUDENT CONDUCT

The School Board considers the following behaviors to be unacceptable behaviors that may be subject to disciplinary action:

- 1. Acts of dishonesty.
- 2. Any criminal activity or violation of the law.
- 3. Attendance issues, including failing to attend class, tardiness, and leaving class without permission
- 4. Cheating and plagiarism.
- 5. Damage to or misuse of property, including the misuse of technology or use of technology in a way that causes property damage.
- 6. Failing to follow the instructions of an administrator, teacher, or other School District representative.
- 7. Gang activity.
- 8. Inappropriate physical contact with another person, as well as acts of physical aggression, fighting, horseplay and play fighting.
- 9. Possession, distribution, or use of alcohol, drugs, and tobacco (including look alike substances and synthetic substances) or paraphernalia.
- 10. Possession of weapons (as defined in School Board Policy 501), explosives, incendiary devices, or any type of combustible substances.
- 11. Substantially interrupting the learning environment.
- 12. Sexual misconduct and sexual assault.
- 13. Theft.
- 14. Threats of violence.
- 15. Trespassing.
- 16. Using language that is not appropriate in a school setting or possessing materials containing language that is not appropriate in a school setting. Inappropriate language includes abusive, profane, obscene, or threatening language. Inappropriate language also includes language that constitutes cyberbullying, bullying, discrimination, harassment, or hazing. Teasing and name-calling may also be considered inappropriate language.

17. Violations of other School Board Policies setting forth expectations for student behavior, including:
- a. [School Board Policy 102](#), Equal Educational Opportunity.
 - b. [School Board Policy 413](#), Harassment and Violence.
 - c. [School Board Policy 417](#), Chemical Use and Abuse.
 - d. [School Board Policy 418](#), Drug-Free Environment: Possession and Use of Tobacco, Tobacco-Related Devices, and Electronic Delivery Devices
 - e. [School Board Policy 419](#), Tobacco-Free Environment: Possession and Use of Tobacco, Tobacco-Related Devices, and Electronic Delivery Devices
 - f. [School Board Policy 501](#), Weapons Prohibition.
 - g. [School Board Policy 502](#), Search of Student Lockers, Desks, Personal Possessions, and Student's Person.
 - h. [School Board Policy 503](#), Student Attendance.
 - i. [School Board Policy 504](#), Student Dress and Appearance. School Board Policy 505, Distribution of Nonschool-Sponsored Materials on School Premises by Students and Employees.
 - j. [School Board Policy 510](#), School Activities.
 - k. [School Board Policy 514](#), Bullying Prohibition.
 - l. [School Board Policy 515](#), Protection and Privacy of Pupil Records.
 - m. [School Board Policy 516](#), Student Medication.
 - n. [School Board Policy 518](#), DNR-DNI Orders.
 - o. [School Board Policy 520](#), Student Surveys.
 - p. [School Board Policy 521](#), Student Disability nondiscrimination.
 - q. [School Board Policy 522](#), Student Sex Nondiscrimination.
 - r. [School Board Policy 524](#), Internet Acceptable Use and Safety Policy.
 - s. [School Board Policy 526](#), Hazing Prohibition.
 - t. [School Board Policy 527](#), Student Use and Parking of Motor Vehicles; Patrols, Inspections, and Searches.
 - u. [School Board Policy 528](#), Student Parental, Family, and Marital Status Nondiscrimination.
 - v. [School Board Policy 530](#), Immunization Requirements.
 - w. [School Board Policy 531](#), Pledge of Allegiance.
 - x. [School Board Policy 533](#), Wellness.
 - y. [School Board Policy 550](#), Student Medical Emergency.
 - z. [School Board Policy 707](#), Transportation of Public School Students.
 - aa. [School Board Policy 709](#), Student Transportation Safety.
 - bb. [School Board Policy 806](#), Crisis Management.
 - cc. [School Board Policy 903](#), Visitors to School District Buildings and Sites.

The Superintendent is responsible for overseeing the creation of a student behavior handbook that will be annually distributed to students, families, and School District personnel. One of the purposes of the handbook is to provide further guidance as to how the School District defines and addresses the behaviors outlined above.

The School Board delegates to the Superintendent the authority to create definitions of the types of behaviors that may result in disciplinary action, consistent with this policy and other applicable School Board Policies. The School Board also delegates to the Superintendent the authority to classify behaviors in a manner that best facilitates the School District's ability to compile and

review data related to disciplinary incidents for purposes of evaluating the effectiveness of the School District's disciplinary practices and identifying trends related to instances of student discipline.

Notwithstanding the behaviors specifically outlined above, the School Board reserves the right for the School Board and administrators to impose discipline any time a student's behavior falls within one or more of the following categories of misconduct:

1. Willful violation of any School Board regulation. Such regulation must be clear and definite to provide notice to students that they must conform their conduct to its requirements;
2. Willful conduct that significantly disrupts the rights of others to an education, or the ability of school personnel to perform their duties, or school sponsored extracurricular activities; or
3. Willful conduct that endangers the student or other students, or surrounding persons, including School District employees, or the property of the school.

VI. INTERVENTIONS FOR VIOLATIONS OF CODE OF CONDUCT

The School Board delegates to the Superintendent and the School District's administration the authority to provide specific guidance to School District personnel, students, and families as to interventions that may be utilized in response to instances in which a student demonstrates inappropriate behavior, subject to the following conditions:

1. The Superintendent must establish appropriate procedures for the collection and review of disciplinary data to ensure that the School District is consistently employing behavior interventions in a fair and equitable manner for all students.
2. Reasonable measures must be implemented to notify students and parents or guardians of behavior that violates this policy and to encourage early involvement of parents or guardians in efforts to improve a student's behavior.
3. The policy of the School District is to minimize instances in which students lose instruction time as a result of being removed from the classroom. Any instance in which a student is removed from class must conform to the requirements of Section VII below. The Superintendent's guidance must be designed to accomplish this objective by specifying which types of behaviors must be addressed without an office referral or removing a student from class.
4. The School District will only impose recess detention under the limited circumstances permitted in Minnesota Statutes section 121A.611
5. The Superintendent and all principals must ensure that all out-of-school suspensions, expulsions, and exclusions are imposed in accordance with the specific requirements of the Pupil Fair Dismissal Act ([Minn. Stat. § 121A.40 et seq.](#)), as well as other applicable laws governing discipline procedures for students with disabilities. Hearings in cases involving an expulsion or exclusion will be conducted before an independent hearing officer. In addition, the Superintendent is responsible for providing guidance to principals as to the circumstances in which an out-of-school suspension will be imposed. All instances in which a student is proposed for expulsion or exclusion in accordance with the Pupil Fair Dismissal Act must be approved by the Superintendent before the School District initiates the process of expelling or excluding the student pursuant to the Pupil Fair Dismissal Act.
6. In situations where a student is suspended, expelled, excluded, placed in an alternative disciplinary setting, or incarcerated as a direct result of the School District's referral of the student to law enforcement, the School District must offer the student an opportunity to participate in a readmission conference before the student transitions back into the regular

school community. During the readmission conference, School District personnel will consider whether it would be appropriate to develop a readmission plan, which may include the provision of alternative educational services.

7. The Superintendent's guidance must set forth appropriate standards for progressive discipline and may allow School District personnel to deviate from such standards under circumstances in which School District personnel conclude progressive discipline would not be effective.
8. The School Board reserves for the School District the right to suspend, expel, or exclude a student upon any one of the following statutory grounds:
 - a. Willful violation of any school board regulation. Such regulation must be clear and definite to provide notice to students that they must conform their conduct to its requirements;
 - b. Willful conduct that significantly disrupts the rights of others to an education, or the ability of school personnel to perform their duties, or school sponsored extracurricular activities; or
 - c. Willful conduct that endangers the student or other students, or surrounding persons, including school district employees, or property of the school.
9. A teacher or principal, in exercising the person's lawful authority, may use reasonable force when it is necessary under the circumstances to correct or restrain a student or prevent bodily harm or death to another. Other school employees, school bus drivers, or other agents of the School District, in exercising the person's lawful authority, may use reasonable force when it is necessary under the circumstances to restrain a student or prevent bodily harm or death to another.

VII. REMOVAL OF STUDENTS FROM CLASS

The School Board expects that teachers will manage student behaviors in the classroom wherever possible. However, the School Board also recognizes that some behavioral issues must be addressed outside of the classroom. All School District personnel must comply with the following requirements governing the removal of students from the classroom:

1. A "removal from class" or "removal" means any action taken by a teacher, principal, or other School District representative to prohibit a student from attending a class or activity period. A class or activity period means the period of instruction for a specific course of study.
2. Consistent with the requirements of Minnesota Statutes section 121A.61, the School Board establishes the following grounds which a student may be removed from the classroom for inappropriate behavior:
 - a. Willful conduct that significantly disrupts the rights of others to an education, including conduct that interferes with a teacher's ability to teach or communicate effectively with students in a class or with the ability of other students to learn;
 - b. Willful conduct that endangers surrounding persons, including School District employees, the student or other students, or the property of the school;
 - c. Willful violation of any rule of conduct specified in the discipline policy adopted by the Board; and
 - d. Other special circumstances in which a student's presence in the classroom would result in a risk of harm to persons or property or significantly disrupt the educational environment in the classroom.
 - e. The Superintendent or the Superintendent's designee is responsible for providing additional guidance to School District personnel, students, and families as to the

specific types of offenses that will justify removing a student from class under the grounds set forth above.

3. A student must be removed from class immediately if the student engages in assault or violent behavior. An “assault” is (1) an act done with intent to cause fear in another of immediate bodily harm or death; or (2) the intentional infliction of or attempt to inflict bodily harm upon another. The removal in instances of assault or violent behavior will be for the time period deemed appropriate by the building principal, in consultation with the classroom teacher.
4. Teachers are responsible for maintaining general control of the classroom. Teachers have the authority to remove students from class pursuant to the procedures established by this policy and any additional guidance provided by the Superintendent or the Superintendent’s designee.
5. When a student is removed from class, the removal must be for the minimum time period necessary to prevent the student from disrupting the rights of others to an education or from endangering persons or property. By law, a student may not be removed from class for a period that exceeds five class periods for a violation of a rule of conduct unless the student is suspended, expelled, or excluded in accordance with the provisions of the Pupil Fair Dismissal Act.
6. When a student is removed from class, the principal or the principal’s designee is responsible for supervising the student during the removal period. When the removal period expires, the principal or the principal’s designee is responsible for working with the classroom teacher to ensure the student is able to transition back into the classroom environment without unnecessary loss of instructional time.
7. A student’s parent or guardian must be notified whenever a student is removed from class. Pursuant to Minnesota law, the teacher and principal must schedule a meeting with the student’s parent or guardian to discuss the problem that is causing the student to be removed from class if a student is removed from class more than ten times in one school year. This meeting requirement is a minimum requirement and the Superintendent has the authority to require a parent or guardian meeting before a student is removed from class ten times in one school year.

VIII. OPEN ENROLLED STUDENTS

In addition to the grounds set forth in the Pupil Fair Dismissal Act, the School District may terminate the enrollment of a nonresident student enrolled under the provisions of Minnesota Statutes sections 124D.03 or 124D.08 at the end of a school year if the student meets the definition of a habitual truant under Minnesota Statutes section 260C.007, subdivision 19 and the student has been provided appropriate services under chapter 260A of the Minnesota Statutes, and the student’s case has been referred to juvenile court. A district may also terminate the enrollment of a nonresident student over the age of 17 enrolled under [Minnesota Statutes section 124D.03](#) if the student is absent without lawful excuse for one or more periods on 15 school days and has not lawfully withdrawn from school under [Minnesota Statutes section 120A.22, subdivision 8](#).

IX. STUDENT DISCIPLINE RECORDS

The School District must maintain complete and accurate student discipline records. The collection, dissemination, and maintenance of student discipline records must be consistent with [School Board Policy 515](#), Protection and Privacy of Pupil Records.

X. DISTRIBUTION OF POLICY

A summary of this policy will be printed in the Student Handbook which is distributed to all students and staff at the beginning of each school year. This policy will also be available on the District website and upon request in each principal's office and the Superintendent's Office.

XI. REVIEW OF POLICY

The Superintendent is responsible for implementing a procedure for the annual review of this policy. The review procedure will provide opportunities for personnel at each site, as well as representatives of students and families, to provide input as to whether this policy is working as intended, whether it is being properly enforced, and whether it should be revised in any way.

District Policy 522

Book	Rochester Public Schools Policies
Section	500 - STUDENTS
Title	Student Sex Nondiscrimination, Title IX Grievance Procedure and Process
Number	522
Status	Active
Legal	Minn. Stat. § 121A.04 (Athletic Programs; sex discrimination) Minn. Stat. Ch. 363A (Minnesota Human Rights Act) 20 U.S.C. §§ 1681-1688 (Title IX of the Education Amendments of 1972) 34 C.F.R. Part 106 (Implementing regulations of Title IX) Cross References 102 - Equal Educational Opportunity 413 - Harassment and Violence 528 - Student, Parental, Family, and Marital Status Nondiscrimination
Adopted	June 21, 2005
Last Revised	March 3, 2021
Last Reviewed	March 4, 2021

I. GENERAL STATEMENT OF POLICY

- A. The school district prohibits discrimination on the basis of sex in all forms, including sexual harassment.
- B. The school district does not discriminate on the basis of sex in its education programs or activities, and it is required by Title IX of the Education Amendments Act of 1972, and its implementing regulations, not to discriminate in such a manner. The requirement not to discriminate in its education program or activity extends to admission and employment. The school district is committed to maintaining an education and work environment that is free from discrimination based on sex, including sexual harassment.

II. SEX DISCRIMINATION COMPLAINTS NOT INVOLVING SEXUAL HARASSMENT

Complaints of sex discrimination that do not constitute sexual harassment, as defined below, or retaliation for making a complaint of sexual harassment, should be reported to the building principal or building supervisor. The building principal or supervisor is then responsible for notifying the school district's Title IX Coordinator of the complaint. If a complaint involves the building principal or supervisor, it should be reported directly to the Title IX Coordinator. The Title

IX Coordinator will then ensure an investigation is completed in accordance with the requirements of applicable school district policies, including [Policy 413](#). The school district's Title IX Coordinator is its Executive Director of Human Resources. The Title IX Coordinator's contact information is:

Executive Director of Human Resources
Rochester Public Schools 615 7th Street SW
Rochester, MN 55902
507.328.4251
titleix@rochesterschools.org

III. GENERAL POLICY PROHIBITING SEXUAL HARASSMENT

- A. The school district prohibits sexual harassment that occurs within its education programs and activities. When the school district has actual knowledge of sexual harassment in its education program or activity against a person in the United States, it shall promptly respond in a manner that is not deliberately indifferent.
- B. This policy applies to sexual harassment that occurs within the school district's education programs and activities. This policy does not apply to sexual harassment that occurs outside the scope of the school district's education programs and activities. This policy does not apply to sexual harassment that occurs outside the geographic boundaries of the United States, even if the sexual harassment occurs in the school district's education programs or activities.
- C. Any student, parent, or guardian having questions regarding the application of Title IX and its regulations and/or this policy and grievance process should discuss them with the Title IX Coordinator. The school district's Title IX Coordinator is identified in Section II above. Questions relating solely to Title IX and its regulations may be referred to the Title IX Coordinator, the Assistant Secretary for Civil Rights of the United States Department of Education, or both.
- D. The procedural requirements of this policy apply to alleged sexual harassment or other violations of the conduct addressed in this policy occurring on or after August 14, 2020. For conduct occurring prior to August 14, 2020, the school district will take appropriate action to investigate and address sexual harassment allegations, but will handle the allegations in the manner it deems most appropriate.

IV. DEFINITIONS

- A. "Actual knowledge" means notice of sexual harassment or allegations of sexual harassment to the school district's Title IX Coordinator or to any employee of the school district. This standard is not met when the only official of the school district with actual knowledge is the respondent.
- B. "Complainant" means a person who is alleged to be the victim of conduct that could constitute sexual harassment under Title IX. A Title IX Coordinator who signs a formal complaint is not a complainant unless the Title IX Coordinator is alleged to be the victim of the conduct described in the formal complaint.
- C. "Day" or "days" means, unless expressly stated otherwise, business days (i.e. day(s) that the school district office is open for normal operating hours, Monday - Friday, excluding State-recognized holidays).

- D. "Deliberately indifferent" means clearly unreasonable in light of the known circumstances. The school district is deliberately indifferent only if its response to sexual harassment is clearly unreasonable in light of the known circumstances.
- E. "Education program or activity" means locations, events, or circumstances over which the school district exercises substantial control over both the respondent and the context in which the sexual harassment occurs, and includes school district education programs or activities that occur on or off of school district property.
- F. "Formal complaint" means a document filed by a complainant or signed by the Title IX Coordinator alleging sexual harassment against a respondent and requesting that the school district investigate the allegation of sexual harassment.
 - a. A formal complaint filed by a complainant must be a physical document or an electronic submission. The formal complaint must contain the complainant's physical or digital signature, or otherwise indicate that the complainant is the person filing the formal complaint, and must be submitted to the Title IX Coordinator in person, by mail, or by email.
 - b. A formal complaint shall state that, at the time of filing the formal complaint, the complainant was participating in, or attempting to participate in, an education program or activity of the school district with which the formal complaint is filed.
 - c. A parent or guardian of a child younger than 18 years old may file a formal complaint on behalf of their child.
- G. "Informal resolution" means options for resolving a formal complaint that do not involve a full investigation and adjudication. Informal resolution may encompass a broad range of conflict resolution strategies, including mediation or restorative justice. 522-4
- H. "Relevant questions" and "relevant evidence" are questions, documents, statements, physical items, or information that are related to the allegations raised in a formal complaint and have any tendency to make the allegations more or less likely to be true. Relevant evidence includes evidence that is both inculpatory and exculpatory. Questions and evidence about the complainant's sexual predisposition or prior sexual behavior are not relevant, unless such questions or 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 or evidence concern specific incidents of the complainant's prior sexual behavior with respect to the respondent and are offered to prove consent.
- I. "Remedies" means actions designed to restore or preserve the complainant's equal access to education after a respondent is found responsible for sexual harassment. Remedies may include the same individualized services that constitute supportive measures, but need not be non-punitive or non-disciplinary, nor must they avoid burdening the respondent.
- J. "Respondent" means an individual who has been reported to be the perpetrator of conduct that could constitute sexual harassment under Title IX.
- K. "Sexual harassment" means any of three types of misconduct on the basis of sex that occurs in an school district education program or activity and is committed against a person in the United States:
 - a. Quid pro quo harassment by a school district employee (conditioning the provision of an aid, benefit, or service of the school district on an individual's participation in unwelcome sexual conduct);
 - b. Unwelcome conduct that a reasonable person would find so severe, pervasive, and objectively offensive that it denies a person equal educational access; or

- c. Any instance of sexual assault (as defined in the Clery Act, 20 U.S.C. §1092(f)(6)A(v)), dating violence, domestic violence, or stalking (as defined in the Violence Against Women Act, 34 U.S.C. §12291).
- L. “Supportive measures” means individualized services provided to the complainant or respondent without fee or charge that are reasonably available, non-punitive, non-disciplinary, not unreasonably burdensome to the other party, and designed to ensure equal educational access, protect safety, and deter sexual harassment. Supportive measures may include counseling, extensions of deadlines or other course-related adjustments, modifications of work or class schedules, alternative educational services as defined under Minn. Stat. § 121A.41, as amended, mutual restrictions on contact between the parties, changes in work or education locations, leaves of absence, increased security and monitoring of certain areas of the school district buildings or property, and other similar measures.
- M. “Title IX Personnel” means any person who addresses, works on, or assists with 522-5 the school district’s response to a report of sexual harassment or formal complaint, and includes persons who facilitate informal resolutions. The following are considered Title IX Personnel:
 - a. “Title IX Coordinator” means an employee of the school district that is designated and authorized to coordinate the school district’s efforts to comply with and carry out its responsibilities under Title IX. The Title IX Coordinator is responsible for acting as the primary contact for the parties and ensuring that the parties are provided with all notices, evidence, reports, and written determinations to which they are entitled under this policy and grievance process. The Title IX Coordinator is also responsible for effective implementation of any supportive measures or remedies. The Title IX Coordinator must be free from conflicts of interest and bias when administering the grievance process.
 - b. “Investigator” means a person who investigates a formal complaint. The investigator of a formal complaint may not be the same person as the Title IX Coordinator, Decision-maker, or the Appellate Decision-maker in that formal complaint. The Investigator may be an school district employee, school district official, or a third party designated by the school district.
 - c. “Decision-maker” means a person who makes a determination regarding responsibility after the investigation has concluded. The Decision-maker for a formal complaint cannot be the same person as the Title IX Coordinator, the Investigator, or the Appellate Decision-maker in that formal complaint. The Decision-maker may be an administrator, supervisor, or other individual qualified to determine and impose appropriate remedies if a determination of responsibility is made.
 - d. “Appellate Decision-maker” means a person who considers and decides appeals of determinations regarding responsibility and dismissals of formal complaints. The Appellate Decision-maker for a formal complaint cannot be the same person as the Title IX Coordinator, Investigator, or Decisionmaker in that formal complaint. The Appellate Decision-maker may be a school district employee, or a third party designated by the school district.
 - e. “Informal resolution facilitator” means a person who facilitates the informal resolution process if desired by the parties. The Informal resolution facilitator may be the Title IX Coordinator, but may not be the Investigator, Decision-maker or Appellate Decision-maker in the formal complaint proposed for informal resolution.
 - f. The Superintendent of the school district may delegate functions assigned to a specific school district employee under this policy, including but not limited to the

functions assigned to the Title IX Coordinator, Investigator, Decision-maker, Appellate Decision-maker, and Informal resolution facilitator, to any suitably qualified individual and such delegation may be 522-6 rescinded by the Superintendent at any time. The school district may also, in its discretion, appoint suitably qualified persons who are not school district employees to fulfill any function under this policy, including, but not limited to, Investigator, Decision-maker, Appellate Decision-maker, and Informal resolution facilitator.

V. REPORTING PROHIBITED CONDUCT

- A. “Any student who believes they have been the victim of unlawful sex discrimination or sexual harassment, or any person (including the parent of a student) with actual knowledge of conduct which may constitute unlawful sex discrimination or sexual harassment should report the alleged acts as soon as possible to the Title IX Coordinator.
- B. Any employee of the school district who has experienced, has actual knowledge of or has witnessed unlawful sex discrimination, including sexual harassment, or who otherwise becomes aware of unlawful sex discrimination, including sexual harassment, must promptly report the allegations to the Title IX Coordinator without screening or investigating the report or allegations.
- C. A report of unlawful sex discrimination or sexual harassment may be made at any time, including during non-business hours, and may be made in person, by mail, by telephone, or by e-mail using the Title IX Coordinator’s contact information. A report may also be made by any other means that results in the Title IX Coordinator receiving the person’s verbal or written report.
- D. Sexual harassment may constitute both a violation of this policy and criminal law. To the extent the alleged conduct may constitute a crime, the school district may report the alleged conduct to law enforcement authorities. The school district encourages complainants to report criminal behavior to the police immediately.

VI. RETALIATION PROHIBITED

- A. Neither the school district nor any other person may intimidate, threaten, coerce, or discriminate against any individual for the purpose of interfering with any right or privilege secured by Title IX, its implementing regulations, or this policy, or because the individual made a report or complaint, testified, assisted, or participated or refused to participate in any manner in an investigation, proceeding, or hearing under this policy. Intimidation, threats, coercion, or discrimination, including charges against an individual for code of conduct violations that do not involve sex discrimination or sexual harassment, but arise out of the same facts or circumstances as a report or complaint of sex discrimination, or a report or formal complaint of sexual harassment, for the purpose of interfering with any right or privilege secured by Title IX, its implementing regulations, or this policy, constitutes retaliation. Retaliation against a person for making a report of sexual harassment, filing a formal complaint, or participating in an investigation, constitutes a violation of this policy that can result in the imposition of disciplinary 522-7 sanctions/consequences and/or other appropriate remedies.
- B. Any person may submit a report or formal complaint alleging retaliation to the Title IX Coordinator in the manner described in this policy and it will be addressed in the same manner as other complaints of sexual harassment.

- C. Charging an individual with violation of school district policies for making a materially false statement in bad faith in the course of a grievance proceeding under this policy shall not constitute retaliation, provided, however, that a determination regarding responsibility, alone, is not sufficient to conclude that any party made a materially false statement in bad faith.

VII. DISSEMINATION OF POLICY

- A. Neither A. This policy shall be made available to all students, parents/guardians of students, school district employees, and employee unions.
- B. The school district shall conspicuously post the name of the Title IX Coordinator, including office address, telephone number, and work e-mail address on its website and in each handbook that it makes available to parents, employees, students, unions, or applicants.
- C. The school district must provide applicants for admission and employment, students, parents or legal guardians of elementary and secondary education students, employees, and all unions holding collective bargaining agreements with the school district, with the following:
 - a. The name or title, office address, electronic mail address, and telephone number of the Title IX Coordinator;
 - b. Notice that the school district does not discriminate on the basis of sex in the education program or activity that it operates, and that it is required by Title IX not to discriminate in such a manner;
 - c. A statement that the requirement not to discriminate in the education program or activity extends to admission and employment, and that inquiries about the application of Title IX may be referred to the Title IX Coordinator, to the Assistant Secretary for Civil Rights of the United States Department of Education, or both; and
 - d. Notice of the school district's grievance procedures and grievance process referenced in this policy, including how to report or file a complaint of sex discrimination, how to report or file a formal complaint

VIII. RECORDKEEPING

- A. The school district must create, and maintain for a period of seven calendar years, 522-8 records of any actions, including any supportive measures, taken in response to a report or formal report or formal complaint of sexual harassment. In each instance, the school district must document:
 - a. The basis for the school district's conclusion that its response to the report or formal complaint was not deliberately indifferent;
 - b. The measures the school district has taken that are designed to restore or preserve equal access to the school district's education program or activity; and
 - c. If the school district does not provide a complainant with supportive measures, then it must document the reasons why such a response was not clearly unreasonable in light of the known circumstances. Such a record must be maintained for a period of seven years.
 - d. The documentation of certain bases or measures does not limit the school district in the future from providing additional explanations or detailing additional measures taken.
- B. The school district must also maintain for a period of seven calendar years records of:

- a. Each sexual harassment investigation including any determination regarding responsibility, any disciplinary sanctions imposed on the respondent, and any remedies provided to the complainant designed to restore or preserve equal access to the school district's education program or activity;
- b. Any appeal and the result therefrom;
- c. Any informal resolution and the result therefrom; and
- d. All materials used to train Title IX Personnel.

IX. APPLICATION OF LAWS OTHER THAN TITLE IX

If a formal complaint is not filed or is dismissed pursuant to the Title IX grievance procedures because the allegations, if true, would not constitute sexual harassment as defined in this Policy or if a Decision-maker or Appellate decision-maker makes a determination that a respondent is not responsible for sexual harassment as it is specifically defined in the Title IX regulations, the school district will take appropriate responsive action to address misconduct or inappropriate behavior the extent permitted or required by law, which may include conducting an investigation or imposing discipline outside of the formal Title IX grievance procedures where appropriate.

X. GRIEVANCE PROCEDURE AND PROCESS

The grievance procedure and process adopted by the school district shall be included with the Policy as an addendum, and may be reviewed and revised as deemed appropriate by the school district.

Title IX Grievance Procedure and Process Addendum to Policy 522

I. BASIC REQUIREMENTS FOR GRIEVANCE PROCESS

Equitable Treatment

1. The school district shall treat complainants and respondents equitably. However, equality or parity with respect to supportive measures provided to complainants and respondents is not required.
2. The school district will not impose any disciplinary sanctions or take any other actions against a respondent that do not constitute supportive measures until it has completed this grievance process and the respondent has been found responsible.
3. The school district will provide appropriate remedies to the complainant when a determination of responsibility for sexual harassment has been made against a respondent.

Objective and Unbiased Evaluation of Complaints

1. Title IX Personnel, including the Title IX Coordinator, Investigator, Decision-maker, and Appellate Decision-maker, shall be free from conflicts of interest or bias for or against complainants or respondents generally or a specific complainant or respondent.
2. Throughout the grievance process, Title IX Personnel will objectively evaluate all relevant evidence, inculpatory and exculpatory, and shall avoid credibility determinations based solely on a person's status as a complainant, respondent, or witness.
3. Title IX Personnel will presume that the respondent is not responsible for the alleged conduct until a determination regarding responsibility is made at the conclusion of the grievance process.

Confidentiality

To the extent permitted by governing law and regulations, the school district will not release private educational or personnel data about complainants, respondents, witnesses, allegations of sexual harassment, investigations, decisions, dismissals, and/or findings of responsibility. However, the school district's obligations under the implementing regulations for Title IX may require disclosure of certain private educational or personnel data to other parties and/or witnesses.

Right to an Advisor; Right to a Support Person

Complainants and respondents have the right, at their own expense, to be assisted by an advisor of their choice during all stages of any grievance proceeding, including all meetings and investigative interviews. The advisor may be, but is not required to be, an attorney. In general, an advisor is not permitted to speak for or on behalf of a complainant or respondent, appear in lieu of complainant or respondent, participate as a witness, or participate directly during any phase of the grievance process. An advisor to a complainant or respondent may prepare written submissions on behalf of the party.

Notice

The school district will send written notice of any investigative interviews or meetings to any party whose participation is invited or expected. The written notice will include the date, time, location, participants, and purpose of the meeting or interview, and will be provided so as to allow sufficient time for the party to prepare to participate.

Consolidation

The school district may, in its discretion, consolidate formal complaints as to allegations of sexual harassment against more than one respondent, or by more than one complainant against one or more respondents, or by one party against the other party, where the allegations of sexual harassment arise out of the same facts or circumstances.

Evidence

1. During the grievance process, the school district will not require, allow, rely upon, or otherwise use questions or evidence that constitute or seek disclosure of information protected under a legally recognized privilege, unless the person holding such privilege has waived the privilege.
2. The school district shall not access, consider, disclose, or otherwise use a party's medical, psychological, and similar treatment records unless the school district obtains the party's voluntary, written consent.

Burden of Proof

1. The burden of gathering evidence and the burden of proof shall remain upon the school district and not upon the parties.
2. The grievance process shall use a preponderance of the evidence standard (i.e. whether it is more likely than not that the respondent engaged in sexual harassment) for all formal complaints of sexual harassment, including when school district employees are respondents.

Timelines

1. Any informal resolution process must be completed within thirty (30) calendar days following the parties' agreement to participate in such informal process.

2. An appeal of a determination of responsibility or of a decision dismissing a formal complaint must be received by the school district within five (5) calendar days of the date the determination of responsibility or dismissal was provided to the parties.
3. Any appeal of a determination of responsibility or of a dismissal will be decided within thirty (30) calendar days of the day the appeal was received by the school district
4. The school district will seek to conclude the grievance process, including any appeal, within 120 calendar days of the date the formal complaint was received by the school district.
5. Although the school district strives to adhere to the timelines described above, in each case, the school district may extend the time frames for good cause. Good cause may include, without limitation: the complexity of the allegations; the severity and extent of the alleged misconduct; the number of parties, witnesses, and the types of other evidence (e.g., forensic evidence) involved; the availability of the parties, advisors, witnesses, and evidence (e.g., forensic evidence); concurrent law enforcement activity; intervening school district holidays, breaks, or other closures; the need for language assistance or accommodation of disabilities; and/or other unforeseen circumstances.

Potential Remedies and Disciplinary Sanctions

The following is the range of possible remedies that the school district may provide a complainant and disciplinary sanctions that the school district might impose upon a respondent, following determination of responsibility: counseling, extensions of deadlines or other course-related adjustments, modifications of work or class schedules, mutual or unilateral restrictions on contact between the parties, changes in transportation, changes in work locations, leaves of absence, monitoring of certain areas of the school district buildings or property, warning, suspension, exclusion, expulsion, transfer, remediation, termination, or discharge.

If the Decision-maker determines a student-respondent is responsible for violating this policy, the Decision-maker will impose or recommend appropriate remedies, including disciplinary sanctions/consequences. The discipline of a student-respondent must comply with the applicable provisions of [Policy 506](#) – Student Discipline, the Minnesota Pupil Fair Dismissal Act, the Individuals with Disabilities Education Act (IDEA) and/or Section 504 of the Rehabilitation Act of 1972, and their respective implementing regulations.

II. INITIAL RESPONSE AND ASSESSMENT BY THE TITLE IX COORDINATOR

- A. When the Title IX Coordinator receives a report, the Title IX Coordinator shall promptly contact the complainant confidentially 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.
- B. The school district will offer supportive measures to the complainant whether or not the complainant decides to make a formal complaint. The school district must maintain as confidential any supportive measures provided to the complainant or respondent, to the extent that maintaining such confidentiality would not impair the school district's ability to provide the supportive measures. The Title IX Coordinator is responsible for coordinating the effective implementation of supportive measures.
- C. If the complainant does not wish to file a formal complaint, the allegations will not be investigated by the school district unless the Title IX Coordinator determines that signing a

formal complaint to initiate an investigation against the complainant's wishes is not clearly unreasonable in light of the known circumstances.

- D. Upon receipt of a formal complaint, the school district must provide written notice of the formal complaint to the known parties with sufficient time to prepare a response before any initial interview. This written notice must contain:
- a. The allegations of sexual harassment, including sufficient details known at the time, the identities of the parties involved in the incident (if known), the conduct allegedly constituting sexual harassment, and the date and location of the alleged incident, if known;
 - b. A statement that the respondent is presumed not responsible for the alleged conduct and that a determination regarding responsibility will be made at the conclusion of the grievance process;
 - c. A statement explaining that the parties may have an advisor of their choice, who may be, but is not required to be, an attorney;
 - d. A statement that the parties may inspect and review evidence gathered pursuant to this policy;
 - e. A statement informing the parties of any code of conduct provision that prohibits knowingly making false statements or knowingly submitting false information; and
 - f. A copy of [Policy 522](#) and this Grievance Procedures document.

III. STATUS OF RESPONDENT DURING PENDENCY OF FORMAL COMPLAINT

Emergency Removal of a Student

1. The school district may remove a student-respondent from an education program or activity of the school district on an emergency basis before a determination regarding responsibility is made if:
 - a. The school district undertakes an individualized safety and risk analysis;
 - b. The school district determines that an immediate threat to the physical health or safety of any student or other individual arising from the allegations of sexual harassment justifies removal of the student-respondent; and
 - c. If the school district determines the student-respondent poses such a threat, it will so notify the student-respondent and the student-respondent will have an opportunity to challenge the decision immediately following the removal. In determining whether to impose emergency removal measures, the Title IX Coordinator shall consult related school district policies, including [Policy 506 –Student Discipline](#). The school district must take into consideration applicable requirements of the Individuals with Disabilities Education Act and Section 504 of the Rehabilitation Act of 1973, prior to removing a special education student or Section 504 student on an emergency basis.

Employee Administrative Leave

The school district may place a non-student employee on administrative leave during the pendency of the grievance process of a formal complaint. Such leave will typically be paid leave unless circumstances justify unpaid leave in compliance with legal requirements. The school district must take into consideration requirements of any applicable collective bargaining agreement or individual contract, Section 504 of the Rehabilitation Act of 1973, and the Americans with Disabilities Act prior to removing an individual with a qualifying disability.

IV. INFORMAL RESOLUTION OF A FORMAL COMPLAINT

- A. At any time prior to reaching a determination of responsibility, informal resolution may be offered and facilitated by the school district at the school district's discretion, but only after a formal complaint has been received by the school district.
- B. The school district may not require as a condition of enrollment or continued enrollment, or of employment or continued employment, or enjoyment of any other right, waiver of the right to a formal investigation and adjudication of formal complaints of sexual harassment.
- C. The informal resolution process may not be used to resolve allegations that a school district employee sexually harassed a student.
- D. The school district will not facilitate an informal resolution process without both parties' agreement, and will obtain their voluntary, written consent to participate in the informal resolution process. The school district will provide to the parties a written notice disclosing the allegations, the requirements of the informal resolution process including the circumstances under which it precludes the parties from resuming a formal complaint arising from the same allegations, the parties' right to withdraw from the informal resolution process, and any consequences resulting from participating in the informal resolution process, including the records that will be maintained or could be shared.
- E. At any time prior to agreeing to a resolution, any party has the right to withdraw from the informal resolution process and resume the grievance process with respect to the formal complaint.

V. DISMISSAL OF A FORMAL COMPLAINT

- A. Under federal law, the school district must dismiss a Title IX complaint, or a portion thereof, if the conduct alleged in a formal complaint or a portion thereof:
 - a. Would not meet the definition of sexual harassment, even if proven;
 - b. Did not occur in the school district's education program or activity; or
 - c. Did not occur against a person in the United States.
- B. The school district may, in its discretion, dismiss a formal complaint or allegations therein if:
 - a. The complainant informs the Title IX Coordinator in writing that the complainant desires to withdraw the formal complaint or allegations therein;
 - b. The respondent is no longer enrolled or employed by the school district; or
 - c. Specific circumstances prevent the school district from gathering sufficient evidence to reach a determination.
- C. The school district shall provide written notice to both parties of a dismissal. The notice must include the reasons for the dismissal and grounds upon which an appeal may be made.
- D. Dismissal of a formal complaint or a portion thereof does not preclude the school district from addressing the underlying conduct in any manner that the school district deems appropriate, including an investigation pursuant to other school district policies.

VI. INVESTIGATION OF A FORMAL COMPLAINT

- A. If a formal complaint is received by the school district, the school district will assign or designate an Investigator to investigate the allegations set forth in the formal complaint.
- B. If during the course of the investigation the school district decides to investigate any allegations about the complainant or respondent that were not included in the written notice of a formal complaint provided to the parties, the school district must provide notice of the additional allegations to the known parties.

- C. When a party's participation is invited or expected in an investigative interview, the Investigator will coordinate with the Title IX Coordinator to provide written notice to the party of the date, time, location, participants, and purposes of the investigative interview with sufficient time for the party to prepare.
- D. During the investigation, the Investigator must provide the parties with an equal opportunity to present witnesses for interviews, including fact witnesses and expert witnesses, and other inculpatory and exculpatory evidence.
- E. Prior to the completion of the investigative report, the Investigator, through the Title IX Coordinator, will provide the parties and their advisors (if any) with an equal opportunity to inspect and review any evidence directly related to the allegations. The evidence shall be provided in electronic format or hard copy and shall include all relevant evidence, evidence upon which the school district does not intend to rely in reaching a determination regarding responsibility, and any inculpatory or exculpatory evidence whether obtained from a party or another source. The parties will have ten (10) days to submit a written response, which the Investigator will consider prior to completion of the investigative report.
- F. The Investigator will prepare a written investigative report that fairly summarizes the relevant evidence. The investigative report may include credibility determinations that are not based on a person's status as a complainant, respondent or witness. The investigative report may include recommended findings of fact and conclusions. The school district will send the parties and their advisors (if any) a copy of the report in electronic format or hard copy, for their review and written response at least ten (10) days prior to a determination of responsibility.

VII. DETERMINATION REGARDING RESPONSIBILITY

- A. After the school district has sent the investigative report to both parties and before the school district has reached a determination regarding responsibility, the Decision-maker must afford each party the opportunity to submit written, relevant questions that a party wants asked of any party or witness. The time allowed for submitting questions and answers is at the discretion of the Decision-maker.
- B. The Decision-maker must provide the relevant questions submitted by the parties to the other parties or witnesses to whom the questions are offered, and then provide each party with the answers, and allow for additional, limited follow-up questions from each party.
- C. The Decision-maker must explain to the party proposing the questions any decision to exclude a question as not relevant.
- D. When the exchange of questions and answers has concluded, and the parties have been provided at least ten days to review and submit a written response to the investigative report, the Decision-maker must issue a written determination regarding responsibility that applies the preponderance of the evidence standard to the facts and circumstances of the formal complaint. The written determination of responsibility must include the following:
 - a. Identification of the allegations potentially constituting sexual harassment;
 - b. A description of the procedural steps taken from the receipt of the formal complaint through the determination, including any notifications to the parties, interviews with parties and witnesses, site visits, and methods used to gather other evidence;
 - c. Findings of fact supporting the determination;
 - d. Conclusions regarding the application of the school district's code of conduct to the facts;
 - e. A statement of, and rationale for, the result as to each allegation, including a determination regarding responsibility, any disciplinary sanctions the school district imposes on the respondent, and whether remedies designed to restore or preserve equal access to the

school district's education program or activity will be provided by the school district to the complainant; and

- f. The school district's procedures and permissible bases for the complainant and respondent to appeal and the date by which an appeal must be made.
- E. In determining appropriate disciplinary sanctions, the Decision-maker should consider the surrounding circumstances, the nature of the behavior, past incidents or past or continuing patterns of behavior, the relationships between the parties involved, and the context in which the alleged incident occurred.
- F. The written determination of responsibility must be provided to the parties simultaneously.
- G. The Title IX Coordinator is responsible for the effective implementation of any remedies.
- H. The determination regarding responsibility becomes final either on the date that the school district 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.

VIII. APPEALS

- A. The school district shall offer the parties an opportunity to appeal a determination regarding responsibility or the school district's dismissal of a formal complaint or any allegations therein, on the following bases:
 - a. A procedural irregularity that affected the outcome of the matter (e.g., a material deviation from established procedures);
 - b. New evidence that was not reasonably available at the time the determination regarding responsibility or dismissal was made, that could affect the outcome of the matter; and
 - c. The Title IX Coordinator, Investigator, or Decision-maker had a conflict of interest or bias for or against complainants or respondents generally or the individual complainant or respondent that affected the outcome of the matter.
- B. Notice of an appeal must be submitted to the Title IX Coordinator. If notice of an appeal is timely received by the school district, the school district will notify the parties in writing of the receipt of the appeal, assign or designate the Appellate Decision-maker, and give the parties a reasonable, equal opportunity to submit a written statement in support of, or challenging, the outcome.
- C. After reviewing the parties' written statements, the Appellate Decision-maker must issue a written decision describing the result of the appeal and the rationale for the result.
- D. The written decision describing the result of the appeal must be provided simultaneously to the parties.
- E. The decision of the Appellate Decision-maker is final. No further review beyond the appeal is permitted.

Adopted and effective on May 4, 2021.

District Policy 524

Book	Rochester Public Schools Policies
Section	500 - STUDENTS
Title	Internet Acceptable Use and Safety Policy
Number	522
Status	Active
Legal	15 U.S.C. § 6501 et seq. (Children's Online Privacy Protection Act) 17 U.S.C. § 101 et seq. (Copyrights)

47 U.S.C. § 254 (Children's Internet Protection Act of 2000 (CIPA))
 47 C.F.R. § 54.520 (FCC rules implementing CIPA)
 Minn. Stat. § 121A.031 (School Student Bullying Policy)
 Minn. Stat. §§ 125B.15 (Internet Access for Students)
 Tinker v. Des Moines Indep. Cmty. Sch. Dist., 393 U.S. 503, 89 S.Ct. 733, 21 L.Ed.2d 731 (1969)
 Minn. Stat. § 125B.26 (Telecommunications/Internet Access Equity Aid)
 United States v. Amer. Library Assoc., 539 U.S. 194, 123 S.Ct. 2297, 56 L.Ed.2d 221 (2003) Doninger v. Niehoff, 527 F.3d 41 (2nd Cir. 2008)
 R.S. v. Minnewaska Area Sch. Dist. No. 2149, No. 12-588, 2012 WL 3870868 (D. Minn. 2012)
 Tatro v. Univ. of Minnesota, 800 N.W.2d 811 (Minn. App. 2011), aff'd on other grounds 816 N.W.2d 509 (Minn. 2012)
 S.J.W. v. Lee's Summit R-7 Sch. Dist., 696 F.3d 771 (8th Cir. 2012)
 Kowalski v. Berkeley County Sch., 652 F.3d 565 (4th Cir. 2011)
 Layshock v. Hermitage Sch. Dist., 412 F.Supp. 2d 502 (W.D.Pa.2006)650 F.3d 205 (3rd Cir. 2011)
 Parents, Families and Friends of Lesbians and Gays, Inc. v. Camdenton R-III Sch. Dist., 853 F.Supp.2d 888 (W.D. Mo. 2012)
 M.T. v. Cent. York Sch. Dist., 937 A.2d 538 (Pa. Commw. Ct. 2007)

Cross References [403 - Discipline, Suspension, and Dismissal of School District Employees](#)
[406 - Public and Private Personnel Data](#)
[505 - Distribution of Nonschool-Sponsored Materials on School Premises by Students and Employees](#)
[506 - Student Discipline](#)
[515 - Protection and Privacy of Pupil Records](#)
[519 - Interviews of Students by Outside Agencies](#)
[521 - Student Disability Nondiscrimination](#)
[522 - Student Sex Nondiscrimination](#)
[603 - Curriculum Development](#)
[604 - Instructional Curriculum](#)
[606 - Textbooks and Instructional Materials](#)
[806 - Crisis Management](#)
[904 - Distribution of Materials on School District Property by Non-school Persons](#)

Adopted June 20, 2006
 Last Revised July 27, 2021
 Last Reviewed May 6, 2021

I. PURPOSE

The purpose of this policy is to establish requirements, expectations, and guidelines for access to the use of Electronic Technology.

II. DEFINITION

For purposes of this policy, the term "Electronic Technology" means all electronic systems, equipment, and devices that are owned, leased, or supplied by the School District, or are otherwise under the control of the School District, including, but not limited to, computers,

computer systems, networks, hardware, software, electronic devices, electronic programs, electronic storage media, databases, systems used to supply or facilitate Internet access, and Internet access provided by or gained through any School District service, system, device, or equipment. Personal devices are not supported on Rochester Public Schools systems. Connecting personal equipment to the district's secure network or installing personal software on any district-owned system is not permitted without prior approval from the technology department.

Personal devices may only be connected to the district's guest network/systems provided the personal devices comply with district standards and is compatible with the district's systems. Any devices attached to the district's network/systems are subject to the 524 Acceptable Use Policy and must adhere to the same policies and procedures as district owned equipment.

III. GENERAL STATEMENT OF POLICY

In making decisions regarding student and employee access to and use of Electronic Technology, the School District considers its own stated educational mission, goals, and objectives. The School District expects that staff will blend thoughtful use of Electronic Technology throughout the curriculum and will provide guidance and instruction to students in their use of such technology. Students and staff will be provided with opportunities to practice safe and ethical use of Electronic Technology at school to provide students with a relevant education. The School District may also use these tools and other communication technologies in fulfilling its responsibility for effectively communicating with the general public.

IV. LIMITED EDUCATIONAL PURPOSE

The School District is providing students and employees with access to Electronic Technology for education purposes. The School District system has a limited educational purpose, which include use of the system for classroom activities, educational research, and professional or career development activities. Users are expected to use Electronic Technology to further educational and professional goals consistent with the mission of the School District and school policies. Uses which might be acceptable on a user's private system may not be acceptable on Electronic Technology, which is owned, operated, or provided by the School District for a limited purpose.

V. USE OF SYSTEM IS A PRIVILEGE, NOT A RIGHT

Access to and use of Electronic Technology is a privilege, not a right. Depending on the nature and degree of the violation and the number of previous violations, unacceptable use of Electronic Technology may result in one or more of the following consequences: suspension or cancellation of use or access privileges; payments for damages and repairs; discipline under other appropriate School District policies, including suspension, expulsion, or exclusion; reprimand, suspension, or termination of employment; censure or removal from the Board; or civil or criminal consequences or liability under other applicable laws.

VI. UNACCEPTABLE USES

- A. The following uses of Electronic Technology are unacceptable:
 - a. Users may not use Electronic Technology to access, review, upload, download, store, print, post, receive, transmit or distribute:
 - i. pornographic, obscene or sexually explicit material or other visual depictions that are harmful to minors;

- ii. obscene, abusive, profane, lewd, vulgar, rude, inflammatory, threatening, disrespectful, or sexually explicit images, materials, language, or other data;
- iii. materials that use language or images that are inappropriate in the education setting or disruptive to the educational process;
- iv. materials that present a risk of harm to students, staff, Electronic Technology, or any School District property;
- v. materials that may cause a material and substantial disruption to the educational process;
- vi. materials that use language or images that advocate violence or discrimination toward other people (hate literature) or that may constitute harassment or discrimination.
- b. Users may not use Electronic Technology to knowingly or recklessly post, transmit or distribute false or defamatory information about a person or organization, or to harass another person, or to engage in personal attacks, including prejudicial or discriminatory attacks.
- c. Students are prohibited from audio or video recording on school property without prior permission from the principal or a teacher, and that permission will be granted only for an educational purpose.
- d. Users may not use Electronic Technology to engage in any illegal act or violate any local, state, or federal statute or law.
- e. Users may not use Electronic Technology to vandalize, damage or disable the property of another person or organization, may not make deliberate attempts to degrade or disrupt equipment, software or system performance by spreading computer viruses or by any other means, may not tamper with, modify or change the School District system software, hardware or wiring or take any action to violate the School District's security system, and may not use the School District Electronic Technology in such a way as to disrupt the use of the system by other users.
- f. Users may not use Electronic Technology to gain unauthorized access to information resources or to access another person's materials, information, or files without the implied or direct permission of that person.
- g. Users may not use Electronic Technology to post private information about another person, personal contact information about themselves or other persons, or other personally identifiable information, including, but not limited to, addresses, telephone numbers, school addresses, work addresses, identification numbers, account numbers, access codes or passwords, labeled photographs or other information that would make the individual's identity easily traceable, and may not repost a message that was sent to the user privately without permission of the person who sent the message.
- h. This paragraph does not prohibit the posting of employee contact information on School District webpages or communications between employees and other individuals when such communications are made for education-related purposes (i.e., communications with parents or other staff members related to students).
- i. Employees creating or posting school-related webpages may include personal contact information about themselves on a webpage. However, employees may not post personal contact information or other personally identifiable information about students unless:
 - i. such information is classified by the School District as directory information, and verification is made (1) that the School District has not received notice from a parent/guardian or eligible student that such information is not to be designated as directory information in accordance with Policy 515; or
 - ii. such information is not classified by the School District as directory information but written consent for release of the information to be posted has been obtained from a

parent/guardian or eligible student in accordance with Policy 515. In addition, prior to posting any personal contact or personally identifiable information on a school-related webpage, employees shall obtain written approval of the content of the postings from the building administrator.

These prohibitions specifically prohibit a user from utilizing the school district system to post personal information about a user or another individual on social networks, including, but not limited to, social networks such as “MySpace” and “Facebook,” “Twitter,” “Instagram,” “Snapchat,” and “Reddit,” and similar websites or applications.

- B. Users are responsible for complying with School District password security procedures. Users may not attempt to gain unauthorized access to Electronic Technology or any part of the School District’s electronic system or any other system through the School District system, attempt to log in through another person’s account, or user computer accounts, access codes or network identification other than those assigned to the user. Messages and records on the School District system may not be encrypted (except by appropriate School District authorities for legal compliance).
- C. Users may not use Electronic Technology to violate copyright laws or usage licensing agreements, or otherwise to use another person’s property without the person’s prior approval or proper citation, including the downloading or exchanging of pirated software or copying software to or from any school computer, and may not plagiarize works they find on the Internet.
- D. Users may not use Electronic Technology for conducting business, for unauthorized commercial purposes or for financial gain unrelated to the mission of the School District. Users may not use the School District system to offer or provide goods or services or to advertise services or products without approval of the Superintendent or designee. Users may not use Electronic Technology to purchase goods or services for personal use without authorization from the appropriate School District official.
- E. Users will not use the school district system to engage in bullying or cyberbullying in violation of the school district’s Bullying Prohibition Policy (MSBA/MASA Model Policy 514). This prohibition includes using any technology or other electronic communication off school premises to the extent that student learning or the school environment is substantially and materially disrupted.
 - a. This policy applies to the use of Electronic Technology regardless of whether or not the user is physically present on School District property and regardless of whether or not the user is attending a school sponsored event or activity.
 - b. If a user inadvertently accesses unacceptable materials or an unacceptable Internet site, the user must immediately disclose the inadvertent access to an appropriate School District official. In the case of a School District employee, the immediate disclosure will be to the employee’s immediate supervisor and/or the building administrator. In certain rare instances, a user also may access otherwise unacceptable materials if necessary to complete an assignment and if done with the prior approval of and with appropriate guidance from the appropriate teacher or, in the case of a School District employee, the building administrator.
 - c. Any student or School District employee who witnesses unacceptable use of Electronic Technology is encouraged to report this unauthorized use to the appropriate School District official.

VII. FILTER

School districts which receive certain federal funding, such as e-rate discounts, for purposes of Internet access and connection services and/or receive funds to purchase Internet accessible computers are subject to the federal Children's Internet Protection Act, effective in 2001. This law requires school districts to adopt an Internet safety policy which contains the provisions set forth below. Also, the Act requires such school districts to provide reasonable notice and hold at least one public hearing or meeting to address the proposed Internet safety policy prior to its implementation. School districts that do not seek such federal financial assistance need not adopt the alternative language set forth below nor meet the requirements with respect to a public meeting to review the policy. The following alternative language for school districts that seek such federal financial assistance satisfies both state and federal law requirements.

- A. The School District may monitor the online activities of both minors and adults when those activities occur using Electronic Technology. The School District will employ technology protection measures. The technology protection measures utilized will see to block or filter Internet access to any visual depictions that are:
 - a. Obscene;
 - b. Child pornography;
 - c. Harmful to minors.
- B. The term "harmful to minors" means any picture, image, graphic image file, or other visual depiction that:
 - a. Taken as a whole and with respect to minors, appeals to a prurient interest in nudity, sex, or excretion;
 - b. Depicts, describes, or represents, in a patently offensive way with respect to what is suitable for minors, an actual or simulated sexual act or sexual contact, actual or simulated normal or perverted sexual acts, or a lewd exhibition of the genitals;
 - c. Taken as a whole, lacks serious literary, artistic, political, or scientific value as to minors.
- C. Software filtering technology will be narrowly tailored and will not discriminate based on viewpoint.
- D. The Superintendent may disable the technology protection measure, during use by an adult, to enable access for bona fide research or other lawful purposes.
- E. The School District will educate students about appropriate online behavior, including interacting with other individuals on social networking websites and in chat rooms and cyberbullying awareness and response.
- F. The use of a "Proxy" server or service to bypass the filtering technology is not allowed and is a violation of this policy. Defeating or bypassing the filtering technology is also a violation of CIPA (Children's Internet Protection Act, [Federal Act, 2000]).

VIII. CONSISTENCY WITH OTHER SCHOOL POLICIES

All use of electronic technology must be consistent with School District policies and the mission of the School District.

IX. NO REASONABLE EXPECTATION OF PRIVACY

- A. By authorizing use of Electronic Technology, the School District does not relinquish exclusive control over its Electronic Technology or any data accessed, reviewed, uploaded, downloaded, stored, maintained, printed, posted, transmitted, or distributed using Electronic Technology. Users have no reasonable expectation of privacy in the contents of any data, including personal files that are accessed, reviewed, uploaded, downloaded, stored, maintained, printed, posted, transmitted, or distributed using Electronic Technology.

- B. The School District retains full ownership, authority, and control over its Electronic Technology. To the full extent permitted by law, the School District may monitor and inspect the use of Electronic Technology, including, but not limited to, any data that are accessed, reviewed, uploaded, downloaded, stored, maintained, printed, posted, transmitted, or distributed using Electronic Technology. Such monitoring and inspection may occur as authorized by the Superintendent, or the Superintendent's designee, without any notice to the user.
- C. Routine maintenance, monitoring, or inspection of Electronic Technology may lead to a discovery that a user has violated this policy, another School District policy, or the law.
- D. An investigation or search related to employee use will be conducted when authorized by the Superintendent, the Superintendent's designee, or the School Board. An investigation or search related to student use will be conducted when authorized by the building principal or assistant principal, the Superintendent, the Superintendent's designee, or the School Board.
- E. Parents have the right at any time to investigate or review the contents of their child's files and e-mail files, Parents have the right to request the termination of their child's individual account at any time.
- F. School district employees should be aware that the school district retains the right at any time to investigate or review the contents of their files and e-mail files. In addition, school district employees should be aware that data and other materials in files maintained on the school district system may be subject to review, disclosure or discovery under Minn, Stat. Ch. 13(the Minnesota Government Data Practices Act).
- G. The school district will cooperate fully with local, state and federal authorities in any investigation concerning or related to any illegal activities or activities not in compliance with school district policies conducted through the school district system.
- H. Parents and guardians should notify the building principal if they have concerns about their child's access to or use of Electronic Technology.
- I. School District employees should be aware that data and other materials in files that are sent, received, or maintained on or through the use of Electronic Technology are subject to review, disclosure, or discovery under Minnesota Statutes, Chapter 13 (the Minnesota Government Data Practices Act).
- J. Subject to the Minnesota Government Data Practices Act, the School District will cooperate fully with local, state, and federal authorities in any investigation concerning or related to any illegal activities or activities not in compliance with School District policies conducted through the School District system.

X. INTERNET USE AGREEMENT

- A. The proper use of the Internet, and the educational value to be gained from proper Internet use, is the joint responsibility of students, parents/guardians, and employees of the School District.
- B. Before using Electronic Technology to access the Internet, students and School District employees are required to review and sign an Internet Use Agreement.
- C. In lieu of the Internet Use Agreement Form, the District may use a pop-up window requiring students and employees to accept the terms and conditions as stated in the Internet Use Agreement before access will be granted to the user.

XI.LIMITATION ON SCHOOL DISTRICT LIABILITY

All use of Electronic Technology is at the user's own risk. Electronic Technology is provided on an "as is, as available" basis. The School District is not responsible for any damage users may suffer, including, but not limited to, loss, damage or unavailability of data accessed, processed, or stored on any Electronic Technology; for delays or changes in or interruptions of service; or any delivery

or non-delivery of information or materials, regardless of the cause. The School District is not responsible for the accuracy or quality of any advice or information obtained through or stored on Electronic Technology. The School District will not be responsible for financial obligations arising through unauthorized use of Electronic Technology.

XII.USER NOTIFICATION

- A. All users will be notified of this Policy. This notification will include the following:
 - a. Notification that Electronic Technology use is subject to compliance with School District policies.
 - b. Disclaimers limiting the School District's liability relative to the use of Electronic Technology.
- B. Information stored on school district diskettes, hard drives, or server.
- C. Information retrieved through school district computers, networks, or online resources,
- D. Personal property used to access district computers, networks, or online resources.
- E. Unauthorized financial obligations resulting from use of school district resources/account to access the Internet.
 - a. A description of the private rights and limitations of school sponsored/managed Internet accounts.
 - b. Notification that, even though the School District may use technical means to limit student Internet access, these limits do not provide a foolproof means for enforcing the provisions of this acceptable use policy.
 - c. Notification that goods and services can be purchased over the Internet that could potentially result in unwanted financial obligations and that any financial obligation incurred by a student through the Internet is the sole responsibility of the student and/or the student's parents/guardians.
 - d. Notification that the collection, creation, reception, maintenance, and dissemination of data via the Internet, including electronic communications, is governed by Policy 406, Public and Private Personnel Data, and Policy 515, Protection and Privacy of Pupil Records.
 - e. Notification that, should the user violate the School District's acceptable use policy, the user's access privileges may be revoked, school disciplinary action may be taken and/or appropriate legal action may be taken.
 - f. Notification that all provisions of the acceptable use policy are subordinate to local, state, and federal laws.

XIII. PARENTS' RESPONSIBILITY: NOTIFICATION OF STUDENT INTERNET USE

- A. Outside of school, parents bear responsibility for the same guidance of Internet use as they exercise with information sources such as television, telephones, radio, movies, and other possibly offensive media. Parents are responsible for monitoring their student's use of the school district system and of the Internet if the student is accessing the school district system from home or a remote location.
- B. Parents will be notified that their students will be using school district resources/accounts to access the Internet and that the school district will provide parents the option to request alternative activities not requiring Internet access. This notification should include:
 - a. A copy of the user notification form provided to the student user.
 - b. A description of parent/guardian responsibilities.
 - c. A notification that the parents have the option to request alternative educational activities not requiring Internet access and the material to exercise this option.

- d. A statement that the Internet Use Agreement must be signed by the user, the parent or guardian, and the supervising teacher prior to use by the student.
- e. A statement that the school district's acceptable use policy is available for parental review.

XIV. IMPLEMENTATION; POLICY REVIEW

- A. The school district administration may develop appropriate user notification forms, guidelines, and procedures necessary to implement this policy for submission to the school board for approval. Upon approval by the school board, such guidelines, forms, and procedures shall be an addendum to this policy.
- B. The administration shall revise the user notifications, including student and parent notifications, if necessary, to reflect the adoption of these guidelines and procedures.
- C. The school district Internet policies and procedures are available for review by all parents, guardians, staff, and members of the community.
- D. Because of the rapid changes in the development of the Internet, the school board shall conduct an annual review of this policy.

District Policy 614

Book	Rochester Public Schools Policies
Section	600 - Education Programs
Title	School District Testing Plan and Procedure
Number	614
Status	Adopted
Cross References	513 - Student Promotion, and/or Retention, and Program Design 601 - School District Curriculum and Instruction Goals 603 - Curriculum Development 613 - Graduation Requirements 615 - Testing Accommodations, Modifications, and Exemptions for IEPs, Section 504 Plans and LEP Students 616 - School District System Accountability 618 - Assessment of Student Achievement
Adopted	June 7, 2005
Last Revised	April 11, 2023
Last Reviewed	April 11, 2023

PURPOSE

It is the purpose of this policy to set forth the School District's testing plan and procedure.

GENERAL STATEMENT OF POLICY

The policy of the School District is to implement procedures for testing, test security, documentation, and record keeping.

DUTIES OF SCHOOL DISTRICT PERSONNEL REGARDING TEST ADMINISTRATION

A. Superintendent

a. Responsibilities before testing

- i. Designate a District assessment coordinator and District technology coordinator.
- ii. The Superintendent, or a designee who has been authorized to be the identified official with authority by the School Board, pre-authorizes staff access for applicable Minnesota Department of Education (MDE) secure systems.
- iii. Annually review and recertify staff who have access to MDE secure systems.
- iv. Read and complete the Assurance of Test Security and Non-Disclosure.
- v. Establish a culture of academic integrity.
- vi. Fully cooperate with MDE representatives conducting site visits or Minnesota Test of Academic Skills (MTAS) audits during testing.
- vii. Ensure student information is current and accurate.
- viii. Ensure that a current District test security procedure is in place and that all relevant staff have been provided District training on test administration and test security.
- ix. Ensure that a current process is included for tracking which students tested with which test monitors and any other adult(s) who were present in the

testing room (e.g., staff providing assistance, Education Support Professionals, etc.)

- x. Confirm the District assessment coordinator has current information and training specific to test security and the administration of statewide assessments.
- xi. Confirm the District assessment coordinator completes Pre-test Editing in the Test Web Edit System (WES).
- xii. Post on the School District website and in the Student Handbook the complete Parent/Guardian Guide and Refusal for Student Participation in Statewide Testing form.

b. Responsibilities after testing

- i. Confirm the District assessment coordinator and Minnesota Automated Reporting Student System (MARSS) coordinator complete Post-test Editing in Test WES.
- ii. Verify with the District assessment coordinator that all test security issues have been reported to MDE and are being addressed.
- iii. Confirm the MARSS coordinator has updated all student records for Post-test Editing.
- iv. Confirm the District assessment coordinator has finalized the District's assessment information prior to the close of Post-test Editing in Test WES.
- v. Confirm the District assessment coordinator, or designee, has access to the Graduation Requirements Records (GRR) system and enters necessary information.
- vi. Discuss assessment results with the District assessment coordinator and school administrators.

B. District Assessment Coordinator

a. Responsibilities before testing

- i. Serve as primary contact with MDE regarding policy and procedure questions related to test administration.
- ii. Read and complete the Assurance of Test Security and Non-Disclosure.
- iii. Confirm all staff who handle test materials, administer tests, or have access to secure test content have completed the Assurance of Test Security and Non-Disclosure.
- iv. Maintain the completed Assurance of Test Security and Non-Disclosure for two years after the end of the academic school year in which testing took place.
- v. Review with all staff the Assurance of Test Security and Non-Disclosure and their responsibilities thereunder.
- vi. Identify appropriate tests for students and ensure student data sent to service providers for testing are correct.
- vii. Establish District testing schedule within the testing windows specified by the MDE and service providers.
- viii. Prepare testing conditions, including user access to service provider websites, preparing readiness for online testing, preparing a plan for tracking which students test on which computers or devices, ensure accommodations are indicated as necessary, providing students with opportunity to become familiar with test format, item types, and tools prior to test administration; establishing process for inventorying and distributing secure test materials where necessary; preparing procedures for expected and unexpected

- situations occurring during testing; planning for addressing technical issues while testing; identify staff who will enter student responses from paper accommodated test materials and scores from MTAS administration online.
- ix. Train school assessment coordinators, test monitors, MTAS test administrators, and ACCESS (test for English language learners) and Alternate ACCESS test administrators.
 - 1. Provide training on proper test administration and test security.
 - 2. Verify staff complete any and all test-specific training.
 - x. Maintain security of test content, test materials, and record of all staff involved.
 - 1. Receive secure paper test materials from the service provider and immediately lock them in a previously identified secure area, inventory same, and contact service provider with any discrepancies.
 - 2. Organize secure test materials for online administrations and keep them secure.
 - 3. Define chain of custody for providing test materials to test monitors and administrators. The chain of custody must address the process for providing test materials on the day of testing, distributing test materials to and collecting test materials from students at the time of testing, keeping test materials secure between testing sessions, and returning test materials after testing is completed.
 - xi. Confirm that all students have appropriate test materials.
- b. Responsibilities on testing day(s).
- i. Conduct random, unannounced visits to testing rooms to observe staff adherence to test security and policies and procedures.
 - ii. Fully cooperate with MDE representatives conducting site visits or MTAS audits.
 - iii. Contact the MDE assessment contact within 24 hours of a security breach and submit the Test Security Notification in Test WES within 48 hours.
 - iv. Address invalidations and test or accountability codes.
- c. Responsibilities after testing
- i. Ensure that student responses from paper accommodated test materials and MTAS scores are entered.
 - ii. Arrange for secure disposal of all test materials that are not required to be returned within 48 hours after the close of the testing window.
 - iii. Return secure test materials as outlined in applicable manuals and resources.
 - iv. Collect security documents and maintain them for two years from the end of the academic school year in which testing took place.
 - v. Review student assessment data and resolve any issues.
 - vi. Distribute Individual Student Reports no later than fall parent/teacher conferences.
 - vii. Enter Graduation Requirements Records in the GRR system.
- C. School Principal
- a. Responsibilities before testing
- i. Designate a school assessment coordinator and technology coordinator for the building.
 - ii. Be knowledgeable about proper test administration and test security as outlined in manuals and directions.
 - iii. Read and complete the Assurance of Test Security and Non-Disclosure.

- iv. Communicate the importance of test security and expectation that staff will keep test content secure and act with honesty and integrity during test administration.
 - v. Provide adequate secure storage space for secure test materials before, during, and after testing until they are returned to the service provider or securely disposed of.
 - vi. Ensure adequate computers and/or devices are available and rooms appropriately set up for online testing.
 - vii. Verify that all test monitors and test administrators receive proper training for test administration.
 - viii. Ensure students taking specified tests have opportunity to become familiar with test format, item types, and tools prior to test administration.
 - b. Responsibilities on testing day(s).
 - i. Ensure that test administration policies and procedures and test security requirements in all manuals and directions are followed.
 - ii. Fully cooperate with MDE representatives conducting site visits or MTAS audits.
 - c. Responsibilities after testing.
 - i. Ensure all secure test materials are collected, returned, and/or disposed of securely as required in any manual.
 - ii. Ensure requirements for embargoed final assessment results are followed.
- D. School Assessment Coordinator
- a. Responsibilities before testing.
 - i. Implement test administration and test security policies and procedures.
 - ii. Read and complete the Assurance of Test Security and Non-Disclosure.
 - iii. Ensure all staff who handle test materials, administer tests, or have access to secure test content read and complete the Assurance of Test Security and Non-Disclosure.
 - iv. Identify appropriate tests for students and ensure student data sent to service providers for testing are correct.
 - v. Prepare testing conditions, including the following: schedule rooms and computer labs; arrange for test monitors and administrators; arrange for additional staff to assist with unexpected situations; arrange for technology staff to assist with technical issues; develop a plan for tracking which students test on which computers or devices; plan seating arrangements for students; ensure preparations are completed for Optional Local Purpose Assessment (OLPA), Minnesota Comprehensive Assessment (MCA), and ACCESS online testing; ensure accommodations are properly reported; confirm how secure paper test materials will arrive and quantities to expect; address accommodations and specific test administration procedures; determine staff who will enter the student responses from paper accommodated test materials and scores from MTAS administrations online.
 - vi. Train staff, including all state-provided training materials, policies and procedures, and test-specific training.
 - b. Maintain security of test content and test materials.
 - i. Receive secure paper test materials from the service provider and immediately lock them in a previously identified secure area, inventory same, and contact service provider with any discrepancies.

- ii. Organize secure test materials for online administrations and keep them secure.
 - iii. Follow chain of custody for providing test materials to test monitors and administrators. The chain of custody must address the process for providing test materials on the day of testing, distributing test materials to and collecting test materials from students at the time of testing, keeping test materials secure between testing sessions, and returning test materials after testing is completed.
 - iv. Identify need for additional test materials to District assessment coordinator.
 - v. Provide MTAS student data collection forms if necessary.
 - vi. Distribute applicable ACCESS and Alternate ACCESS Test Administrator Scripts and Test Administration Manuals to test administrators so they can become familiar with the script and prepare for test administration.
 - vii. Confirm that all students taking ACCESS and Alternate ACCESS have appropriate test materials and preprinted student information on the label is accurate.
 - c. Responsibilities on testing day(s).
 - i. Distribute materials to test monitors and ACCESS test administrators and ensure security of test materials between testing sessions and that District procedures are followed.
 - ii. Ensure Test Monitor and Student Directions and Test Administrator Scripts are followed and answer questions regarding same.
 - iii. Fully cooperate with MDE representatives conducting site visits or MTAS audits, as applicable.
 - iv. Conduct random, unannounced visits to testing rooms to observe staff adherence to test security and test administration policies and procedures.
 - v. Report testing irregularities to District assessment coordinator using the Test Administration Report.
 - vi. Report security breaches to the District assessment coordinator as soon as possible.
 - d. Responsibilities after testing.
 - i. Ensure that all paper test materials are kept locked and secure and security checklists completed.
 - ii. Ensure that student responses from paper accommodated test materials and MTAS scores are entered.
 - iii. Arrange for secure disposal of all test materials that are not required to be returned within 48 hours after the close of the testing window.
 - iv. Return secure test materials as outlined in applicable manuals and resources.
 - v. Prepare materials for pickup by designated carrier on designated date(s). Maintain security of all materials.
 - vi. Ensure requirements for embarkation.
- E. Technology Coordinator
- a. Ensure that District is prepared for online test administration and provide technical support to District staff.
 - b. Acquire all necessary user identifications and passwords.
 - c. Read and complete the Assurance of Test Security and Non-Disclosure.
 - d. Fully cooperate with MDE representatives conducting site visits or MTAS audits.
 - e. Attend District training and any service provider technology training.
 - f. Review, use, and be familiar with all service provider technical documentation.

- g. Prepare computers and devices for online testing.
 - h. Confirm site readiness.
 - i. Provide all necessary accessories for testing, technical support/troubleshooting during test administration and contact service provider help desks as needed.
- F. Test Monitor
- a. Responsibilities before testing.
 - i. Read and complete the Assurance of Test Security and Non-Disclosure.
 - ii. Attend trainings related to test administration and security.
 - iii. Complete required training course(s) for tests administering.
 - iv. Be knowledgeable about how to contact the school assessment coordinator during testing, where to pick up materials on day of test, and plan for securing test materials between test sessions.
 - v. Be knowledgeable regarding student accommodations.
 - vi. Remove or cover any instructional posters or visual materials in the testing room.
 - b. Responsibilities on testing day(s).
 - c. Before test.
 - i. Receive and maintain security of test materials.
 - ii. Verify that all test materials are received.
 - iii. Ensure proper number of computers/devices or paper accommodated test materials are present.
 - iv. Verify student testing tickets and appropriate allowable materials.
 - v. Assign numbered test books to individual students.
 - vi. Complete information as directed.
 - vii. Record extra test materials.
 - d. During test.
 - i. Verify that students are logged in and taking the correct test or using the correct grade-level and tier test booklet for students with paper accommodated test materials.
 - ii. Follow all directions and scripts exactly.
 - iii. Follow procedures for restricting student access to cell phones and other electronic devices.
 - iv. Stay in testing room and remain attentive during entire test session. Practice active monitoring by circulating throughout the room during testing.
 - v. Be knowledgeable about responding to emergency or unusual circumstances and technology issues.
 - vi. Do not review, discuss, capture, email, post, or share test content in any format.
 - vii. Ensure all students have been provided the opportunity to independently demonstrate their knowledge.
 - viii. Fully cooperate with MDE representatives conducting site visits or MTAS audits.
 - ix. Document students who require a scribe or translated directions or any unusual circumstances and report to school assessment coordinator.
 - x. Report any possible security breaches as soon as possible.
 - e. After test.
 - i. Follow directions and scripts exactly.
 - ii. Collect all materials and keep secure after each session. Upon completion return to the school assessment coordinator.

- iii. Immediately report any missing test materials to the school assessment coordinator.
- G. MTAS Test Administrator
 - a. Before testing.
 - i. Read and complete the Assurance of Test Security and Non-Disclosure.
 - ii. Attend trainings related to test administration and security.
 - iii. Complete required training course(s) for tests administering.
 - iv. Be knowledgeable as to when and where to pick up MTAS materials and the school's plan for keeping test materials secure.
 - v. Prepare test materials for administration, including objects and manipulatives, special instructions, and specific adaptations for each student.
 - b. Responsibility on testing day(s).
 - i. Before the test.
 - 1. Maintain security of materials.
 - 2. Confirm appropriate MTAS materials are available and prepared for student.
 - ii. During the test.
 - 1. Administer each task to each student and record the score.
 - 2. Be knowledgeable about how to contact the District or school assessment coordinator, if necessary, and responding to emergency and unusual circumstances.
 - 3. Fully cooperate with MDE representatives conducting site visits or MTAS audits.
 - 4. Document and report and unusual circumstances to District or school assessment coordinator.
 - iii. After the test.
 - 1. Keep materials secure.
 - 2. Return all materials.
 - 3. Return objects and manipulatives to classroom.
 - 4. Enter MTAS scores online or return data collection forms to the District or school assessment coordinator.
- H. SS Coordinator
 - a. Responsibilities before testing.
 - i. Confirm all eligible students have unique state student identification (SSID) or MARSS numbers.
 - ii. Ensure English language and special education designations are current and correct for students testing based on those designations.
 - iii. Submit MARSS data on an ongoing basis to ensure accurate student demographic and enrollment information.
 - b. Responsibilities after testing.
 - i. Ensure accurate enrollment of students in schools during the accountability windows.
 - ii. Ensure MARSS identifying characteristics are correct, especially for any student not taking an accountability test.
 - iii. Work with District assessment coordinator to edit discrepancies during the Post-test Edit window in Test WES.
- I. Any Person With Access to Test Materials
 - a. Read and complete the Assurance of Test Security and Non-Disclosure.

TEST SECURITY

- A. Test Security Procedures will be adopted by school District administration.
- B. Students will be informed of the following:
 - a. The importance of test security;
 - b. Expectation that students will keep test content secure;
 - c. Expectation that students will act with honesty and integrity during test administration;
 - d. Expectation that students will not access cell phones, wearable technology (e.g., smart watches, fitness trackers), or other devices that can electronically send or receive information. The test of a students who wears a device during testing must be invalidated. If a student completes testing then accesses a cell phone or other prohibited device (including wearable technology), the School District must take further action to determine if the test should be invalidated, rather than automatically invalidating the test.
 - e. Availability of the online Test Security Tip Line on the MDE website for reporting suspected incidents of cheating or other improper or unethical behavior.
- C. Staff will be informed of the following:
 - a. Availability of the online Test Security Tip Line on the MDE website for reporting suspected incidents of cheating or other improper or unethical behavior.
 - b. Other contact information and options for reporting security concerns.

REQUIRED DOCUMENTATION FOR PROGRAM AUDIT

- A. The School District shall maintain records necessary for program audits conducted by MDE. The records must include documentation consisting of the following:
 - a. Signed Assurance of Test Security and Non-Disclosure forms must be maintained for two years after the end of the academic year in which the testing took place.
 - b. School District security checklists provided in the test materials shipment must be maintained for two years after the end of the academic school year in which testing took place.
 - c. School security checklists provided in the test materials shipment must be maintained for two years after the end of the academic school year in which testing took place.
 - d. Test Monitor Test Materials Security Checklist provided for each group of students assigned to a test monitor must be maintained for two years after the end of the academic school year in which testing took place.
 - e. ACCESS and Alternate ACCESS Packing List and Security Checklist provided in the test materials shipment must be maintained for two years after the end of the academic school year in which testing took place.
 - f. Documentation of School District staff training on test administration and test security must be maintained for two years after the end of the academic school year in which testing took place.
 - g. Test Security Notification must be maintained for two years after the end of the academic school year in which testing took place.
 - h. Test Administration Report must be maintained for one year after the end of the academic school year in which testing took place.
 - i. Record of staff trainings and test-specific trainings must be maintained for one year after the end of the academic year in which testing took place.

Student Health

STUDENT HEALTH

In order to provide a safe and healthy learning environment for all students and staff, RPS will follow public health guidelines for health related policies and communicable disease. It is the responsibility of the parent/guardian to notify the Health Office at the student's school regarding health concerns or changes in student health status. For more information, contact your school Health Office or visit the RPS website (www.rochesterschools.org).

When a student is sick, parents often wonder whether or not to keep a child at home from school. Staying home and resting will help the body fight the sickness and is one of the best ways to keep others from becoming ill. For more information regarding appropriate times to keep your child at home, visit the RPS website (www.rochesterschools.org).

INFECTIOUS DISEASES

By law, a number of infectious diseases must be reported to the Minnesota Department of Health. The health office should be notified when a student has a communicable disease (e.g. chicken pox, strep throat, pertussis, norovirus, COVID-19) so appropriate measures may be taken. Notices may be sent home with other students when these conditions occur in a classroom. For a list of common childhood diseases, symptoms, communicability, and source of infection, please visit the Minnesota Department of Health <http://www.health.state.mn.us/diseasereport/>

HEAD LICE

In order to provide a safe and healthy learning environment for all students and staff, RPS will follow public health guidelines for head lice and communicable diseases.

Head lice infestation is a common problem among students. Although they are a nuisance, head lice do not transmit disease. School transmission is rare. If students are found to have live lice in their hair, parent/guardians will be contacted by a health office staff member. The students may remain in school until the end of the school day and return to school after the first application of treatment has been completed per directions sent home with the students.

CONJUNCTIVITIS (PINKEYE)

Conjunctivitis (pinkeye) is a common illness spread among young children, and causes redness and inflammation of both the eye and eyelid. Conjunctivitis is easily spread and typically resolves without medication. While it is contagious as long as symptoms are present, the American Academy of Pediatrics has stated that the risks associated with conjunctivitis infection are comparable to those of the common cold. Based on current research, cases of conjunctivitis now require **no exclusion** from school or childcare settings unless there is a fever present or the child is not healthy enough to participate in routine activities. If a fever is present, or if there is eye pain/discharge, it is recommended that the child be seen by their health care provider.

VISION AND HEARING SCREENINGS

Students will be screened to identify potential vision or hearing concerns. The screenings are not intended to replace professional examinations. Students in first grade will have a vision and

hearing screening. Students in third and seventh grades will only have a vision screening. Vision and hearing screenings will also be performed on elementary and middle school students new to Rochester Public Schools. If you wish your child to be excluded from either or both of these screenings, please notify your student's health office at the beginning of every school year. Vision and/or hearing screenings may also be performed for a student if there is parent or teacher concern. Parents will be notified through a referral process if the student does not pass either screening. For the current school year, screenings will be provided to students in first, third, and seventh grades.

MENTAL HEALTH

The Emotional and Mental Well-being Team promotes the social development, well-being, mental health, and academic achievement of all RPS students. Our interdisciplinary team promotes positive student connections with peers, family, school, and community. We support students' development of healthy relationships, self-reflection, problem-solving skills and academic planning to optimize college and career readiness.

The Team consists of professionals from several different areas of focus and training:

1. Chemical Health Specialists are Licensed Alcohol and Drug Counselors that support students struggling with substance use. The district employs two chemical health specialists housed at John Marshall High School and the Rochester Alternative Learning Center.
2. Mental Health Practitioners provide services to promote the development of skills that students do not have because of their mental health diagnosis. They provide services to students with the highest level of need through an embedded coaching model. The district employs 32 MHPs across the district, from early childhood through transition-age programs.
3. School-Based Mental Health Therapists are employed by our community mental health partner agencies that provide mental health therapy and skills services within our school building. Services are available at 15 different buildings across the district.
4. School Counselors are masters-level trained and licensed professionals that help students apply academic achievement strategies, manage emotions and build interpersonal skills, support mental health needs, and plan for postsecondary options (higher education, military, work force). All schools have a school counselor and our secondary buildings have multiple counselors.
5. School Social Workers are licensed professionals that support the non-academic needs of students. They can assist with mental health concerns, social-emotional or behavioral concerns, basic living needs, and connecting with resources as well as provide direct services to students.
6. Student Resiliency Specialists serve as a first point of contact for students at the high school setting. They provide individual and group support to students and facilitate connections with the other providers. At several schools, they also provide oversight to peer support programs.

Frequently Asked Questions

I am worried about my own mental health. What can I do?

If you are concerned about your own mental health, often the best thing you can do is to share with someone you trust how you are feeling. Many people suffering with mental illness stay silent which only makes your symptoms worse. There is help available and even just sharing your worries, thoughts and feelings may help you feel better. A first step you can take right now is [completing the screener](#). If the screener indicates a concern, share the results with a trusted adult or schedule an appointment with someone on the Emotional and Mental Well-being Team.

Will you tell my parents?

Students can request to meet with a member of the EMW Team without consent from parents, similar to how you could ask to talk with your teacher or principal. If you are meeting consistently, they may need to get consent from your parent/guardian, but they will talk with you first before reaching out.

What should I expect if I schedule an appointment with a member of the Emotional and Mental Well-being Team?

The provider will spend some time getting to know you and what is troubling you. They may use a screening tool and talk through the results with you. Together you will think through the issues and develop some next steps that you could take.

Where can I learn more?

- <https://www.mhanational.org/taking-good-care-yourself>
- <https://www.rochesterschools.org/families/student-services/emotional-and-mental-well-being-teams>

Notification of Rights Under FERPA

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 forty-five (45) days after the day the District receives a request for access.

Parents or eligible students who wish to inspect their child's or their education records should submit to the District a written request that identifies as precisely as possible the records they wish to inspect. Since the Minnesota Government Data Practices Act ("MGDPA") outlines a shorter time period for responding to a records request made by the subject of the records, the District will respond to the written request immediately, if possible, or within ten (10) days (excluding weekends and legal holidays), and arrange for inspection and review at one District site at a mutually agreeable time during normal business hours. If a parent or eligible student requests copies of records, the District reserves the right to impose a copying charge to the extent permitted by law. Requests to inspect records should be submitted to the District's Superintendent, who acts as the "Responsible Authority" pursuant to the MGDPA.

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 the District to amend their child's or their education record should submit to the District a written request that clearly identifies the item the requestor believes to be inaccurate, misleading or in violation of the privacy or other rights of the student; states the reason for this belief; and specifies the correction the requestor wishes the District to make. The request must be signed and dated by the requestor. The request should be submitted to the District's Superintendent.

The District will decide whether to amend the record within thirty (30) days of receipt of the request. If the District decides not to amend the record as requested by the parent or eligible student, the District 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 District discloses personally identifiable information ("PII") from the student's education records, except to the extent that federal and state law authorize disclosure without consent.

One exception, which permits disclosure without consent, is disclosure to school officials with legitimate educational interests. A school official includes: (a) a person duly elected to the School Board; (b) a person employed by the School Board in an administrative, supervisory, instructional or other professional position; (c) a person employed by the School Board as a temporary substitute in a professional position for the period of their performance as a substitute; and (d) a person employed by, or under contract to, the School Board to perform a special task such as a secretary, a clerk, as public information

officer or data practices compliance official, an attorney, or an auditor for the period of their performance as an employee or contractor. A school official has a legitimate educational interest if the interest directly relates to classroom instruction, teaching, student achievement and progress, discipline of a student, student health and welfare, and the ability to respond to a request for education data.

A legitimate educational interest includes, but is not limited to, a person's need to know in order to: (1) perform an administrative task required in the person's contract or position description; (2) perform a supervisory or instructional task directly related to the student's education; (3) perform a service or benefit for the student or student's family such as health care, counseling, student job placement or student financial aid; and (4) perform a task directly related to responding to a request for data.

Upon request, the District discloses education records without consent to officials of another school, school district, or institution of post-secondary education 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.

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

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

Student Privacy Information

This is a required information notice regarding how Rochester Public Schools has defined public directory information, how Rochester Public Schools will share basic contact information with military recruiters and post-secondary institutions, and how families may exercise the right to “opt out” of certain information sharing. Please take a moment to read this information, and if you wish to make your student’s directory information private or limit the disclosure of information on your student to military recruiters and post-secondary institutions, you will need to complete the appropriate forms by **October 1, 2023**.

Consistent with State and Federal law, School Board Policy 515 designates “**directory information**” as information contained in an education record of a student which would not generally be considered harmful or an invasion of privacy if disclosed. It includes, but is not limited to: the student’s name, address, telephone listing, photograph, date and place of birth, major field of study, dates of attendance, grade level, enrollment status (i.e. full-time or part-time), participation in officially recognized activities and sports, weight and height of members of athletic teams, degrees, honors and awards received, and the most recent educational agency or institution attended. It also includes the name, address and telephone number of the student’s parent(s). Directory information does not include personally identifiable data which references religion, race, color, social position, nationality; social security numbers; student I.D. numbers, user IDs or other unique personal identifiers that may be used to access educational records without the use of one or more factors that authenticate the student’s identity; or data collected from nonpublic school students, other than those who receive shared time educational services, unless written consent is given by the student’s parent or guardian.

Procedure for Making Any Student’s Directory Information Private

Directory information is classified as public information, unless a family completes an “opt out” form requesting some or all directory information to be treated as private. The parent or eligible student must complete *Form 515A1 Notice of Right to Refuse Release of Public Data* which will provide written notice to the Office of Registration & Records and will include the following:

1. Name of the student and/or parent, as appropriate
2. Home address
3. School presently attended by student
4. Parent’s legal relationship to student, if applicable
5. Specific categories of directory information to be made not public without the parent’s or eligible student’s prior written consent, which will only be applicable for that school year

Disclosure of Data to Military Recruitment Officers and Post-Secondary Educational Institutions

The School District will release the names, addresses, and home telephone numbers of secondary students in grades 11 and 12 to military recruiting officers and post-secondary educational institutions within sixty (60) days after the date of the request unless a parent or eligible student has refused in writing to the release of information to military recruiters and post-secondary institutions. Data released to military recruiting officers under this provision: 1) may be used only for the purpose of providing information to students about military service, state and federal veterans’ education benefits,

and other career and educational opportunities provided by the military; and 2) cannot be further disseminated to any other person except personnel of the recruiting services of the armed forces.

A parent or eligible student has the right to refuse the release of the name, address, or home telephone number to military recruiting officers and post-secondary educational institutions. To refuse the release of the above information to military recruiting officers and post-secondary educational institutions, a parent or eligible student must complete *Form 515A2 Notice of Right to Refuse Release of Public Data to Military Recruiters and/or Post Secondary Institutions* which will provide written notice to the Office of Registration & Records and will include the following:

1. Name of student and parent, as appropriate
2. Home address
3. Student's grade level
4. School presently attended by student
5. Parent's legal relationship to student, if applicable
6. Specific category or categories of information which are not to be released to military recruiters and post-secondary educational institutions
7. Specific category or categories of information which are not to be released to the public, including military recruiters and post-secondary educational institutions.

Even if a family or eligible student completes a Form 515A2, the District will still disclose without consent to officials of another school, school district, or institution of post-secondary education in which a student seeks or intends to enroll, or is already enrolled if the disclosure for purposes of the student's enrollment or transfer.

Forms discussed above can be found online by clicking the links below. Completed forms may be faxed to (507) 281-6086, or emailed to registration@rochesterschools.org or dropped off at the Edison Administration Building, Registration and Records Department, 615 7th Street SW, Rochester, MN 55902.

- [Form 515A1 Notice of Right to Refuse Release of Public Data](#)
- [Form 515A2 Notice of Right to Refuse Release of Public Data to Military Recruiters and/or Post Secondary Educational Institutions](#)

Parent/Guardian guide and refusal for student participation in Statewide Testing and Assessments

From the Minnesota Department of Education's website:

Statewide assessments are tests that are given to Minnesota students each spring. They can be thought of as a snapshot of what students have learned.

Just as student picture day provides a single image of a student for that school year, Minnesota's statewide assessments provide only part of the story of individual student learning. All the photos—from the full classroom, the full grade level or the full district—offer even greater insight. Think fashion trends. Hair styles. Pop culture.

In the same way, Minnesota's statewide assessments give teachers, school districts and state education leaders information in context that they can use to make decisions about education. Teachers and schools can use the information to help guide instruction and better support students. The state and members of the public can use the data to focus on the important goal of providing equitable opportunities for all students across the state.

You can view the parent/guardian guide and refusal for student participation in **Statewide Testing** on the [Minnesota Department of Education's website](#).

You can view the parent/guardian refusal for student participation in **Statewide assessments** form at the [Minnesota Department of Education's website](#).

Notices

Asbestos

AHERA 40 CFR Part 763.83 Section (c)

Rochester Public Schools is in full compliance with the Asbestos Hazard Emergency Response Act (AHERA). The act requires that all public and private K-12 school buildings be inspected for asbestos-containing materials. Regulations in the act also require development of a management plan that outlines scheduled building surveys semi-annually and inspections every three years.

It is important to note that asbestos-containing materials do not pose a health risk unless the asbestos is in an airborne condition. If a material has been identified as containing asbestos, a program is implemented to ensure that the material is maintained in good condition and that appropriate precautions are followed so that it does not become dangerous.

The District's intent is to promote a safe and healthy environment for all building occupants. To accomplish this goal, the District uses licensed asbestos contractors to respond to the proper maintenance or removal of identified material. These response actions are recorded and included with each building's asbestos management plan. All plans are available for review by appointment.

Indoor Air Quality

Rochester Public Schools is proud to take a leadership role in providing a safe, comfortable, and productive environment for students and staff. These initiatives support the District's aim of providing education in a safe and welcoming environment. Improving indoor air quality is an important aspect. The District follows U.S. Environmental Protection Agency guidelines to improve indoor air quality (IAQ). Each District site has an IAQ representative to assist in coordinating this program. Site representatives may be contacted through the school office.

Pesticide

Minnesota state law requires schools to inform parents and guardians if they apply certain pesticides on school property. Specifically, schools that apply these pesticides must maintain an estimated schedule of pesticide applications and make the schedule available to parents and guardians for review or copying at each school office. As a courtesy we also offer this notification to the general public via [our website](#). State law also requires that you be told that the long-term health effects on children from the application of such pesticides or the class of chemicals to which they belong may not be fully understood. Parents or guardians may request prior notification of individual pesticide applications at the school site.

Lead-in-water

Minnesota Statute 121A.335 requires public school buildings serving kindergarten through grade 12 to test for lead in water every five years. This statute also requires school districts to make the results of the testing available to the public for review and to notify parents of the availability of the information. Rochester Public School District has a lead-in-water management plan and testing program that complies with Minnesota Statute 121A.335, as well as recommendations from the Environmental Protection Agency's (EPA's) Lead Contamination Control Act (LCCA) and the Minnesota Department of Health (MDH).

Student Technology Device Use Agreement

Updated June 2022

Rochester Public School believes technology can enhance students' learning experiences by creating opportunities for personalized and relevant learning. Technology can be a tool to amplify student voices and empower them to think critically, communicate, collaborate, solve problems, and become digital citizens.

Device Ownership

All technology devices issued to students are owned by and are the property of the Rochester Public Schools. Technology devices are issued for **educational use only**, and use of a technology device for any purpose other than educational use results in consequences, up to and including loss of device privileges or other consequences as outlined in the Student Handbook.

A student's privilege of possession and use of a district-issued device is limited to, and conditioned upon, full and complete compliance with the applicable standards for acceptable use of a device set out in this Student Technology Device Use Agreement, as well as the district's [Internet Acceptable Use and Safety Policy 524](#), Student Handbook, and/or Student Code of Conduct.

Term of Possession

A student's privilege to use and possess an assigned technology device terminates not later than the last day of school, as determined by Rochester Public Schools, unless earlier terminated by RPS or upon a student's withdrawal from RPS.

The failure of a timely return of a technology device and the continued use of a technology device for non-school purposes without the consent of RPS will be considered unlawful appropriation of school property.

Acceptable Use

All students need to abide by the [Internet Acceptable Use and Safety Policy 524](#)

Students may not:

- Play internet games on the district-issued technology device except those assigned by your teacher.
- Download, save, or install any games, music, or non-school related applications or programs on the technology device.
- Search or view content that is not school and age appropriate.

When sending digital communication, students must adhere to the following rules:

- Use appropriate language.
- Refrain from transmitting any language or other material that is profane, lewd, obscene, abusive, bullying, or offensive to others.
- Do not send mass, chain, or spam emails.
- Do not engage in private chatting or e-mailing during class without express permission from the teacher.

Note: All e-mail sent and received on a technology device belonging to RPS is subject to inspection by the school or district at any time.

Technology Device Care

General Care

Students should not:

- Leave their technology device in any unsupervised area, including a car.
- Keep or store food/drink next to the device when in use or in a backpack.
- Carry the technology device while the screen is open.
- Reconfigure or change the hardware of the technology device in any way.
- Screen Care: Screens are particularly sensitive to damage from excessive pressure. Clean the display with a soft, dry cloth or anti-static cloth.

Students should not:

- Lean or place anything on the top of the technology device when it is closed.
- Place anything near the technology device that could put pressure on the screen.
- Place anything in the carrying case that will press against the cover.
- Damage the display or camera.
- Place anything on the keyboard before closing the lid (e.g. pens, pencils, etc).

Technology Device Security

Password Protection:

- Students must password protect their assigned technology device.
- Students are expected to promptly provide the passwords to the school designee upon request.
- Students are not to loan a technology device to other students or borrow a technology device from another student, or share passwords or user names with others.

Storage

- Technology devices must be stored in a secure area.

Filtering

- The district filters web traffic for district-issued devices. Students circumventing web filtering is in violation of [Policy 524, Section 7](#).

File Management

Students are responsible for ensuring that their work on the technology device is not lost due to malicious treatment of software or hardware, or accidental deletion.

Software

Originally Installed Software:

- Each assigned technology device will have software pre-installed. Students may not remove or alter the originally-installed software unless specifically instructed to do so by a teacher or school designee. Students may not download or install any additional software unless specifically instructed to do so by a teacher or school designee.
- Inspection: Technology devices may be checked periodically to ensure that no new software has been added, and software that is no longer needed has been removed. Students may also be selected at random to provide their technology device for inspection by a school designee.

Privacy and Safety

Students are expected to take precautions to protect their privacy and security when using an assigned technology device. Students should not:

- Enter chat rooms or send chain e-mails without written permission of a teacher or administrator.
- Open an e-mail or any attachment from a sender that the student does not recognize, without first consulting and receiving permission from a teacher or administrator.
- Open, use, or change computer files that do not belong to the student.

- Reveal their full name, phone number, home address, social security number, credit card numbers, password(s), or any identifying personal information through use of a technology device.

Remember that storage in any form on the technology device or any network provided or maintained by the district is not private or confidential.

Lost, Stolen or Damaged Device

- If a district-issued device is lost, stolen or damaged, the student must immediately notify a staff member or building administration.
- If a police report is filed, the student is expected to cooperate and provide truthful information.
- A student whose technology device is lost, stolen, or damaged due to a violation of this Student Technology Device Use Agreement, purposeful action, and/or negligence is subject to consequences as outlined in this agreement.
- If a lost or stolen technology device is not recovered or if a technology device is otherwise damaged, the student and the student's parent(s) or guardian(s) will be financially responsible for the technology device.

Consequences

If a student fails to timely and fully comply with all terms of this Student Technology Device Use Agreement, including timely return of an assigned technology device, the following consequences will result:

- **First Offense:** Written warning and/or up to one-week suspension from technology privileges. The student's parent or guardian will also be contacted.
- **Second Offense:** Two-week suspension from technology privileges. The student's parent or guardian will be contacted.
- **Third Offense:** Suspension from technology device privileges for a time to be determined by site administration based on circumstances and severity of the violation, not to exceed one school year. The student's parent or guardian will be notified.

Note: Consequences may not necessarily be followed in order, and that progressive consequences are not required depending on the circumstances and/or severity of any particular violation of this policy. Modifications will be made for students to continue learning upon loss of technology privileges. Students who fail to abide by the guidelines and requirements of this Student Technology Device Use Agreement are also subject to disciplinary consequences under the Student Code of Conduct.

Financial Responsibility

If a technology device is lost, stolen or damaged, the student and the student's parent(s) or guardian(s) will be responsible for the cost of repair or for the device's fair market value on the date of loss or damage.

The district will not pay for loss or damage caused by or resulting from the following:

1. Dishonest, fraudulent, or criminal acts.
2. Any loss to accounts, valuable documents, music or videos, records, or assignments. Students are responsible for backing-up their own data. A repair claim may only cover material issues with the device, not lost opportunities or data.
3. Loss caused by failure to use all reasonable means to protect the technology device that has been damaged.
4. Disappearance not accompanied by a police report.

Final determination of charges for repair or replacement will be made by building administration.

Replacement Costs

Prices may vary depending on availability, make or model, but average to the prices below. Please note that families may be responsible for the replacement costs associated with any part, accessory, or the full device. This cost will be billed at the cost of the specific repair or replacement up to the full cost of the device replacement.

Chromebook	
Full replacement cost	\$250
Keyboard	\$100
Motherboard	\$200
Cover	\$40
Hinge	\$30
USB Ports	\$30
Touchpad	\$30
Charger	\$35

iPad	
Full replacement cost	\$280
Screen	\$100
Charger	\$100

Notice to Parents and Caregivers: Student Accidents

Rochester Independent School District #535 does not carry Student Accident Insurance to cover accidents and/or injuries of students that occur at school or on field trips. Coverage for injuries that occur at school or on field trips is the responsibility of the health insurance policies of the parent or guardian.

If you do not have health insurance, and/or wish to purchase a student insurance policy, please contact your local insurance agent who will be able to assist you. If you wish to see if you qualify for the MinnesotaCare health program administered by the Department of Human Services, call (800) 657-3672 or visit their website at: <https://mn.gov/dhs/>.

MinnesotaCare is a publicly subsidized program for Minnesota residents who do not have access to affordable health care coverage.

Medicaid and the Children's Health Insurance Program (CHIP) Offer Free or Low-Cost Health Coverage to Children and Families

If you are eligible for health coverage from your employer, but are unable to afford the premiums, some States have premium assistance programs that can help pay for coverage. These States use funds from their Medicaid or CHIP programs to help people who are eligible for employer-sponsored health coverage, but need assistance in paying their health premiums.

If you or your dependents are already enrolled in Medicaid or CHIP and you live in Minnesota, you can contact your State Medicaid or CHIP office to find out if premium assistance is available.

If you or your dependents are NOT currently enrolled in Medicaid or CHIP, and you think you or any of your dependents might be eligible for either of these programs, you can contact your State Medicaid or CHIP office or dial 1-877-KIDS NOW or www.insurekidsnow.gov to find out how to apply. If you qualify, you can ask the State if it has a program that might help you pay the premiums for an employer-sponsored plan.

Once it is determined that you or your dependents are eligible for premium assistance under Medicaid or CHIP, your employer's health plan is required to permit you and your dependents to enroll in the plan – as long as you and your dependents are eligible, but not already enrolled in the employer's plan. This is called a 'Special Enrollment' opportunity, and you must request coverage within 60 days of being determined eligible for premium assistance.

The Minnesota - Medicaid contact information as of January 2011 is:

Website: <https://mn.gov/dhs/>

Phone (Outside of Twin City area): 800-366-5411

Phone (within Twin City area): 651-431-2700

Acknowledgement of Student Handbook

Please sign and return this form to your child's school or complete the form online through the Skyward family portal by October 1, 2023 in order to ensure that all parents, guardians, and students have received and reviewed a copy of the Rochester Public Schools ("RPS") Student Handbook ("Handbook"). You can also [complete the form online](#).

We, the undersigned, understand that the RPS Handbook contains information for parents, guardians, and students. We acknowledge that we have received and reviewed a copy of the Handbook.

We are aware that the Handbook contains information and policies for our review. We understand that all students will be held accountable for their behavior and that failure to abide by the guidelines for student behavior can result in disciplinary action. We further understand that our failure to return this acknowledgment does not excuse any individual from complying with the Handbook or any RPS policies, regulations, and guidelines.

We are aware that RPS reserves the right at any time to add to or modify the policies, regulations, and behavioral standards contained in the Handbook.

Signature of student: _____

Print name of student: _____

Date: _____

Signature of parent/caregiver: _____

Print name of parent/caregiver: _____

Date: _____

Do you have any concerns or suggestions regarding RPS's disciplinary policies, including any concerns or suggestions related to fairness and non-discrimination? Please provide them here:

Notes

