

# *Levi P. Dodge Middle School*



## **2020-2021 Student & Parent Handbook**

4200 208th Street West  
Farmington, MN 55024

Main Office: (651) 460-1500  
Attendance Line: (651)-460-1505  
(651) 460-1500

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**FARMINGTON AREA SCHOOL DISTRICT NO. 192**  
**POLICIES AND REGULATIONS**

**[Click Here](#) to view all policies online**

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## **LEVI P. DODGE MIDDLE SCHOOL**

*A community of learners thriving through an environment that fosters a passion for learning, collaboration, connections, and success for all!*

### **We Believe...**

The common goal of learning from one another will provide the best educational opportunity for all of our students.

All students are valued as unique learners.

Students can reach their full potential through challenging and engaging work.

Every student can learn and is capable of success.

Our actions have a significant and dramatic impact on our students every day.

Through focused collaboration our positive school culture impacts student learning.

In positivity, flexibility, and exploring new ways of thinking and doing.

Students and staff thrive in a unique and positive environment where they feel safe, valued, and accepted.

We grow, learn, and achieve best in a climate that respects individuals.

Students will be treated as individuals and respected as human beings.

## **WELCOME TO LEVI P. DODGE MIDDLE SCHOOL!**

*It is a pleasure to welcome each of you to Levi P. Dodge Middle School. Farmington Middle Schools offer a strong program in academic and co-curricular activities. Our responsibility to you and your parents is to help you acquire the tools of knowledge necessary to successfully pursue your education. We also want to help you build confidence in yourself and develop a compassion for your fellow human beings.*

*The middle school years (ages 11-14) are a transitional period between elementary and high school. Middle-level education is grounded in the diverse characteristics and needs of our young people. These middle school years should provide each student with an opportunity to experience many different interests and expand their skills. The overarching purpose of all schooling in our society, and therefore our goal, is to help students become good citizens, lifelong learners, and healthy, caring, and intellectually reflective individuals.*

*It is our intention to ensure each student has a positive and safe environment in which to learn and grow. We know that each of you has a special contribution to make and hope you become proactive in seeking out opportunities to participate.*

*The staff is committed to ensuring that every student progresses educationally. To achieve this objective, communication between the school and home is essential. We invite parents to become actively involved in their child's education and to volunteer to assist with activities at our school.*

*Best wishes for success and happiness during your years at Farmington Middle Schools. All staff members are ready and willing to help you in every possible way. Please feel free to go to any member of the staff for assistance.*

*Andy Nelson, Principal*

*Karl Kaste, Assistant Principal*

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Main Office – 651-460-1500  
Main Office Fax – 651-460-1510  
Attendance Line – 651-460-1505  
Emergency School Closing Information – 651-985-1100

## **Office Team**

Mr. Andy Nelson, Principal	651-460-1500
Mr. Karl Kaste, Assistant Principal	651-460-1500
Ms. Glee Slater, School Counselor	651-460-1599
Ms. Jennifer Hogan, School Counselor	651-460-1598
Ms. Tara Lien, Intervention Specialist	651-460-1530
Ms. Betsy Kintner, Building Administrative Assistant	651-460-1504
Ms. Lynn Karsten, Student Support Assistant	651-460-1505
Ms. Andrea Finnigsmier, School Nurse	651-460-1506
Mr. Colm Griffin, Middle School Athletics Director	651-460-1515

## **Frequently used numbers**

Media Center	651-460-1509
Pool Office	651-460-1515
Attendance	651-460-1505
District Athletics Office	651-252-2514
Chartwells Food Service	651-460-3820
District Emergency	952-985-1100
Marshall Lines bus transportation	651-463-8689

## **ACADEMIC ACHIEVEMENT RECOGNITION**

Dodge Middle School is committed to student academic success. There will be many ways throughout the course of a school year in which students are recognized and celebrated as a result of their efforts at school. Many celebrations will occur and recognition of students is an ongoing process throughout the year. We honor growth in student progress.

## **AFTER-SCHOOL CONDUCT**

Student conduct at school and after-school practices or functions would be the same as that expected during the regular school day. Inappropriate behavior at after-school activities may result in the same school consequences as if that behavior occurred during the school day. Student conduct at school also includes behavior on the bus and before school starts. Students not participating in after-school activities are expected to leave school property within 10 minutes following final dismissal.

## **ASSEMBLY ETIQUETTE AND COURTESY**

To assure quiet and courteous attention at assembly programs, students are requested to observe the following rules:

- ✓ Students in the audience should be respectful of all performers and invited guests.
- ✓ There should be no talking while the person on stage is speaking or performing.
- ✓ Laughing or applause is in order when it occurs as an appropriate response.
- ✓ Whistling, booing, or harassing behaviors are never acceptable. Students may be escorted out.
- ✓ Students are to sit in areas designated by their teachers.
- ✓ Students may be expected to leave the assembly if their personal behavior is deemed disruptive.

## **ATHLETIC ACTIVITIES**

Each and every student at Dodge Middle School is encouraged and invited to participate in the athletic activities listed below as they pertain to their grade level. Students participating in athletics are required to have a sports physical on file and to pay an activity fee. Documented sports physicals are required every three years. All District 192 student-athletes in grades 6-12 who are planning on participating in a sport must complete a registration packet and return the forms to the Farmington High School Athletic Office or Dodge Middle School Office.

Registration forms are available at the Farmington High School Athletic Office and both Farmington Middle Schools. These forms must be completed prior to the first day of practice, as student-athletes must be completely registered before they will be allowed to practice or participate in any way. This registration packet is a summary of the general athletic rules that students and parents should understand. Complete eligibility policies are found in the MSHSL official handbook. If there is a question about any rule interpretation, please contact the Athletic Director.

Farmington High School Athletic Office

651-252-2514

For the most current information on Farmington Area Athletics, visit our website at:

<http://fhs.farmington.k12.mn.us/athletics>.

### ***Middle School Student Participation Information:***

Athletics programs that are not offered at the Middle School level, but are offered at the High School are open to student-athletes in grades 7-12 (Exception – Cheerleading). Middle School student-athletes are encouraged to participate and/or tryout in these high school programs that are offered as 7-12 programs. Please note that 6<sup>th</sup> Grade student-athletes are eligible to participate in the following Middle School athletics programs: Boys & Girls Cross Country, Girls Swim & Dive, Girls Tennis, Wrestling, and Boys Tennis. Please note that 6<sup>th</sup> Grade student-athletes are only eligible to compete at the middle school level (No Varsity/JV/B-Squad/9<sup>th</sup> Grade competition).

### ***Refund Information:***

The Athletics Director will determine eligibility for refunds. Generally, refunds will be given to student-athletes who are injured or released from a roster prior to the first game/event. Student-athletes that become ineligible during the season per MSHSL and/or District 192 policy will not be granted a refund.

## **ATHLETICS / ACTIVITIES ELIGIBILITY GUIDELINES**

So that the standards and ideals of Farmington Activities will be upheld and enforced uniformly, the following minimum rules have been established and must be familiar to everyone.

- The Farmington High School Activities Department will be governed by the rules established by the Minnesota State High School league and the District #192 Board of Education. (see mshsl.org)
- There shall be no general conduct in or out of the activity season such as to bring discredit to a participant, his or her parents, the community, school or team. Such conduct to include theft, vandalism, assault, and racial/religious/sexual harassment. Penalties for rule violations will be administered at the discretion of the Activity Department and/or the school authorities. An appeals committee consisting of school personnel may entertain any appeals of ineligibility. The decision of this committee is final.
- The Activities Director will be responsible for declaring the student eligible or ineligible and to prepare the eligibility list to be sent to the Minnesota State High School League. A student will not be certified for competition:
  - ✓ Until a physical examination is on file in the activities office.
  - ✓ Until the MSHSL and Farmington Schools eligibility forms are signed by the student and a parent and are on file in the Activities Director's office. Penalties and violations will be accumulative from that time until the end of the senior year (graduation).
  - ✓ Unless all regulations and training rules of the Farmington Activities Department and the Minnesota State High School League are adhered to.

### **ATTENDANCE**

The Farmington School District 192 and Dodge Middle School is obligated to follow the Minnesota Law on School Attendance. The Farmington Board of Education and administration believe that it is the student's right and responsibility to be present in school.

Dodge Middle School encourages daily and regular student attendance. The school recognizes that school attendance is a shared responsibility by the student, parent, and school. Students who attend school are best prepared to perform successfully academically and socially. DMS supports all components within the District Student Attendance Policies and Regulations.

If a student will be absent, a parent/guardian must call Dodge Middle School's **attendance line at 651-460-1505** prior to 8:00 AM each day of the absence. We ask that parents/guardians provide the reason for the absence at the time they call. The school determines if the absence falls within the excused or unexcused parameters. If the school does not receive a call from the parent/guardian the day of the absence, the student's absence is automatically unexcused.

### **Pre planned Absences**

In order to arrange a pre planned absence, a parent/guardian should complete the "*Request to Waive Unexcused Status of Absence*" form. This can be obtained by visiting the DMS school website and clicking on "Attendance Information" or a copy can be provided in the school office. Please submit this form at least 5 school days in advance of the absence.

### **Excused Absences**

- ✓ Illness – student remains at home or sent home by school nurse (if a pattern of absences result due to an illness, a written medical excuse from the doctor or school nurse can be required by the school)
- ✓ Serious illness or death in student's immediate family
- ✓ Death of student's close friend or relative
- ✓ Medical or dental appointments or treatment
- ✓ Court appearances occasioned by family or personal action
- ✓ Religious instruction not to exceed three hours in any week
- ✓ Physical emergency conditions such as fire, storm, or flood
- ✓ Official school field trip or other school-sponsored outing
- ✓ Observation of religious holiday



- ✓ Removal of student prior to a suspension – suspensions are treated as excused absences and students are permitted to complete makeup work

### **Unexcused Absences**

- ✓ Any absence in which the student failed to comply with any reporting requirements of the school district attendance policies and procedures
- ✓ Work at home
- ✓ Work at a business, except under a school-sponsored work release program
- ✓ Vacations – unless pre-approved form is submitted to school office ahead of vacation and approval is granted.
- ✓ Personal trips to colleges and universities – unless pre-approval submitted to school office ahead of trip and approval is granted.
- ✓ Transportation problems (students are expected to use district-wide provided busing), oversleeping, skipping classes, babysitting for siblings, friends or relatives are not excused absences

### **Excessive Tardiness and Truancy**

It cannot be stressed enough the importance of students attending school. Excessive tardiness leads to absenteeism. Absenteeism can lead to excessive absenteeism and this leads to truancy. This is not a preferred position for the school or families. DMS cooperates with the Dakota County Truancy Prevention and Intervention. Upon accumulating seven (7) unexcused absences, the student is referred to the Dakota County Attorney's office, and in turn, the School Success Project. A student may require counseling in areas such as truancy laws, time management, student responsibility, drug and alcohol related issues, and criminal risks.

### **Incomplete Assignments and Grades Due to Absences**

1. *Incomplete assignments* - If a student has been absent for an excused reason, that student will be given the number of school days absent plus one day to complete assigned work..
2. *Incomplete grades for marking period* - A student receiving an incomplete (I) grade for a quarter, semester or full-year class will have two weeks from the conclusion of the marking period to make up incomplete work.
3. Incomplete assignments not completed within the two-week period may not receive credit.. These scores will then be used to compute a final quarter grade. Work, incomplete from the beginning of a marking period, does not necessarily qualify a student for an incomplete grade.

### **BUS PASS PROCEDURE**

Students who wish to ride a bus home with a friend, must bring written parent permission to the office that includes the date, the name of the student with whom they are riding home, the bus number, and a parent's phone number and signature. The office staff will stamp the note and the student must hand the note to the bus driver upon boarding. Unstamped notes will not be accepted. Students should bring this note to the office prior to 12:00.

### **BIRTHDAY CELEBRATIONS**

We ask that students not receive birthday balloons, flowers, cakes, pizzas, cupcakes, or candies at DMS. These objects of celebration do interfere with bus safety/driver vision and have caused problems in the classroom and the cafeteria over lunch time. Any deliveries or items as previously listed brought to DMS will be kept in the office and given to the student at the end of the school day.

### **CAFETERIA AND LUNCHROOM OPERATIONS**

- ✓ Students may have self-assigned seats. These seats may be re-assigned based upon the need to maintain a positive atmosphere in the cafeteria.
- ✓ Lunch supervisors may assign students/tables as Table/Lunch Captains for a period of time. These captains will assure the table/lunchroom is cleaned and left in an orderly manner.
- ✓ Students are to use conversation tones in the cafeteria.
- ✓ Students should honor each other's placement in the lunch line and avoid "cutting" in front of others
- ✓ Food throwing, flicking of food or littering may result in an assigned seat, assigned "restitution" cleaning, detention, suspension and/or removal from the lunchroom.
- ✓ Students will be dismissed one table at a time by the lunchroom supervisor.

- ✓ All students will have a role in maintaining the cleanliness of the cafeteria.
- ✓ It is a privilege to eat in the cafeteria. Students may be asked to eat elsewhere if their personal behavior warrants it.

### **CANDY/GUM/FOOD**

Open beverage containers, with the exception of plain bottled water, are not allowed in the building with the exception of the cafeteria. Candy/gum/food outside of the cafeteria may only be consumed with permission and may be limited. Respectful and responsible treatment of school furniture, equipment, and overall learning environment is expected.

### **CONFERENCES AND PROGRESS REPORTS**

Conferences at DMS are student-led. During the conference, students will discuss their academic progress and show parents samples of their work. Teachers will host the conference and provide additional supporting information. On conference nights, parents also have an opportunity to visit briefly with teachers during open times between conferences. Progress reports are issued following each term. Report cards take time to process and will be available via the Infinite Campus Web Access Account. The entire process can take up to ten days. Families may request a paper copy by calling the main office.

### **DANCE / ACTIVITY GUIDELINES**

- ✓ When a student leaves, he/she may not return.
- ✓ Appropriate school behavior is expected from all students at all times.
- ✓ Food and beverages may be consumed in designated areas only.
- ✓ Dress must be acceptable school attire.
- ✓ No students will be allowed in after the doors have been locked.
- ✓ Activities are open to Dodge Middle School students.
- ✓ Students may be denied the privilege of attending dance activities due to previous behavior disruptions at school or other events. Any student who displays a behavior disruption at a dance/activity night will be excluded from future dances.
- ✓ Students will be allowed into the locker areas 10 minutes before the end of the dance/activity for students to retrieve personal items.
- ✓ A student must be present in school if he/she is to be eligible to attend a dance/activity night.
- ✓ All students should be picked up promptly at the end of the event.

### **DRESS FOR THE SCHOOL ENVIRONMENT**

Students should dress in a manner that supports a safe and respectful climate of learning for all members of the learning community. Clothing needs to be:

- Free of anything containing conveying obscene, racist, discriminatory, or violent messages.
- Free from anything promoting or advertising alcohol, illicit drug, tobacco, or any illegal substances.
- Consistent with what is typically worn in an educational setting, including shirts, bottoms, and shoes.
- Supportive of personal safety and the safety of others.

Fashion changes often. Therefore, a general rule to follow is to wear clothing that would typically be worn in a casual, yet professional, setting. What is worn socially in settings such as movies, the mall, or pool, would not always be appropriate for school. School administrators and counselors welcome students to meet with them and discuss if they would like support or guidance in making appropriate clothing decisions.

Items not needed for the classroom need to be kept in the student's locker during the school day.

DMS administration may make the determination that a student's dress is not appropriate for the school environment. In this event, efforts will be made to allow the student to fix the issue with parent contact with the goal of minimizing time out of class.

## **DROP OFF / PICK UP PROCEDURES**

Parents/guardians electing to drop their students off in the morning should do so at the Pool Entrance doors at the West end of the building. Students are not to be dropped off in the turn lanes or in the lanes of traffic in the small parking lot on the Northeast side of the building. Students that are dropped off after school begins should be dropped off at the Main Entrance doors as the Pool Entrance doors are locked once school begins. Parents/guardians electing to pick up their students after school must do so by pulling into a parking space in either the Pool Entrance parking lot or in an available visitors parking space in the small parking lot outside the Main Entrance. Cars cannot block the curb areas or bus coral after school as this is where buses line up to load/transfer students. These practices are in place to ensure the safety of our students.

## **EMERGENCY DRILLS**

We are required to run a number of emergency drills. Directions will be posted in every room. Procedures and options will be applied by staff in each drill situation. Students are expected to follow staff's lead. The teachers will carefully review these directions with students. Students are expected to participate respectfully and appropriately in these drills. Please see maps posted in the classrooms.

## **EMERGENCY PROCEDURES**

The safety of students and staff are the highest priority in the event of an emergency. The Superintendent's Office will coordinate decisions with the Farmington Police Department, the Dakota County Sheriff's Office, and other state and federal authorities responsible for public safety, transportation, and communications, as needed.

In the event of an emergency occurring during regular school hours, it is understandable that every family will wish to obtain information about the safety of students and staff. In order to provide the maximum possible attention to students and leave phone lines open for public safety personnel, the district requests that parents use the emergency numbers below to be provided with constantly updated messages. It is requested that you not call individual school offices or classrooms in order to allow staff to focus on student needs.

The district's "School House E-News" will be used to provide brief school updates via your email. E-News is also used to communicate in the event of a school closing or other emergency and can be sent to your email address.

Please keep these numbers on your person for easy reference:

Farmington District Emergency Phone Numbers:

952-985-1100      651-463-9090 ext 1900

## **GUEST TEACHERS**

Guest teachers are important to the success at Dodge Middle School. They provide the school a tremendous service by taking the place of teachers who are absent due to illness and staff development. They deserve the same respect given the regular classroom teacher. It is everyone's responsibility to welcome them to our school and to help them feel positive and respected while working in our school and district.

Any student misconduct toward guest teachers may result in appropriate consequences.

## **HOMEWORK**

The amount of homework varies with the subject involved. Students may be required to complete some lessons at home. Students are expected to utilize their resources to document homework assignments. Students, who come to class without the expected work complete, may receive reduced credit and/or a request made to stay after school by an individual teacher or team.

When student absence occurs, students should be sure to check with their teachers regarding work missed. Parents may also access assignments / grade information by obtaining and accessing a Family Web Access account through the district office.

## **IN-SCHOOL SUSPENSION AND STRUCTURES LEARNING CENTER EXPECTATIONS**

In-school suspension is a consequence assigned by school administration to students who are truant, tardy, or misbehave in school. Structured Learning Center time may be assigned by administration or teachers.

- ✓ Students must do school work (the monitor may assign work to detained students).
- ✓ No talking or socializing.
- ✓ No eating or drinking
- ✓ Students must be out of the building immediately following any school detentions.
- ✓ It is the responsibility of parents to arrange for transportation for students after detentions are served.
- ✓ Students that arrive late to detention will not be allowed in detention and will be required to serve it on a different day.

### **LOCKERS**

All students will be assigned an individual locker. You should only use the locker assigned to you. To assure this protection, it is necessary that you do not reveal your combination to any other person! Valuables should never be left in your locker even though you have it locked. If you must bring money or valuables to school, carry them with you or check them in the office. The school is not responsible for personal property losses. Any loss, however, should be reported immediately to the main office.

Law permits the inspection of student lockers.. Student privacy will be respected in the light of this understanding. At no time does the school district relinquish its exclusive control of lockers provided for the convenience of students. Inspection of the interior of lockers may be conducted by school authorities for any reason at any time, without notice, without student consent, and without a search warrant. The personal possessions of students within a school locker may be searched when school authorities have a reasonable suspicion that the search will uncover evidence of a violation of law or school rules.

### **LOST AND FOUND**

All articles of value found in the building should be turned in at the office. Each locker room also has a lost and found area. If students' names are placed on sweaters, caps, and jackets, lost items turned into the office can be easily identified and returned. Two weeks following the end of the school year, all lost and found items will be donated to charity.

### **MEDIA CENTER**

The Media Center is an integral part of the educational process for students at Dodge Middle School. It provides various learning opportunities to students on an individual basis, as well as on a group and classroom basis.

Books, magazines, newspapers, encyclopedias, videotape, compact disk, laser disc, and computer software are available for either research or educational use. These materials are listed in the electronic computer catalog. In addition to the above materials, a video-recording studio is located in the Media Center for student/classroom production. Students are encouraged to familiarize themselves with the Media Center and its services.

While students are most times required, and always encouraged, to check out materials, it is the student who is responsible for them. All items are given a due date and are expected to be back on time. Parents, it may be helpful for your son/daughter to have a designated spot in the home where books or materials reside when not in use. Materials need to be returned, not only on time, but also in good condition. Lockers, book bags and desks can sometimes be hazardous to books and magazines.

Posted rules and regulations are expected to be followed. Please feel free to call (651) 460-1509 with any questions or concerns.

### **MUSIC DEPARTMENT PERFORMANCE REQUIREMENTS**

Public performances are an important part of a student's musical education. They are the culmination of months of preparation and practice. It is not possible to duplicate the experience of playing in an ensemble for a live audience.

Attendance at all music department performances is required of students enrolled in band and choir.

However, we recognize occasional unavoidable conflicts occur. Students must discuss schedule conflicts with their director as soon as possible prior to the performance. An alternative performance and/or a written assignment will be required of students who cannot attend a concert. Alternative assignments will be assigned by the director and will be due before the end of the term.

## **PHYSICAL EDUCATION**

Students are to wear suitable physical education attire, black shorts and grey T-shirts, as recommended by the Physical Education teachers and as indicated on this year's supply list. If illness or injury prevents a student from participation for a day, a note from a physician is required and must be given to the nurse.

All students will be assigned a locker space for physical education purposes. The student is responsible for their locker and personal belongings. Any losses should be reported to the physical education teacher.

The physical education program is heavily based upon participation for grading purposes.

## **PLAGIARISM AND PROJECT THEFT**

Plagiarism is the taking of someone's ideas or words and passing them on as one's own. Students are expected to do their own work and not borrow or take other's work to be used as their own.

No credit will be given for work copied or plagiarized. The person giving their completed work to another is also cheating, by penalizing those who legitimately completed the assigned work. No credit will be given for work loaned or copied from others.

Teachers may determine whether an opportunity will exist to redo the plagiarized or copied assignment.

## **PROTECTION AND PRIVACY OF STUDENT RECORDS**

Pursuant to the requirements of the School District regarding the requirements of federal law, the following constitutes the School District's Annual Notification to parents and students regarding data privacy practices of the school district.

The school district has adopted a Student Record Data Privacy Policy incorporating state and federal requirements as to data privacy rights in student educational records.

### **Privacy Rights**

Educational records which identify or could be used to identify a student other than directory information, may not be released to members of the public without the written permission of the student's parent or guardian, or if the student is 18 or attends a postsecondary institution, the student. This general rule is subject to specific and limited exceptions which cannot be set out here due to limitations of space but which are set out in the complete policy.

Directory Information:

- ✓ Student's name
- ✓ Date and place of birth
- ✓ Names of the student's parents
- ✓ Participation in officially recognized activities
- ✓ Grade levels complete

- ✓ Weight and height of members of athletic teams
- ✓ Dates of attendance
- ✓ Degrees and awards received
- ✓ The most previous educational institution attended
- ✓ Photo of student, if available

Directory information may be released to the public without prior parent or student consent unless the parent or student, if the student is 18 or older, has objected in writing to the release of one or more category of such information.

### **PUBLISHING STUDENT WORK AND MEDIA RELEASE**

Farmington Area Public Schools value the use of technology tools in the classroom. Utilization of technology may increase student engagement, encourage student participation, boost creativity, facilitate communication with other learners and educators in other parts of the nation and world, and expand the classroom experience beyond physical barriers.

The use of technology tools may include, but is not limited to, blogs, videos, wikis, electronic pen pals, and others that make it possible to share content with classmates, students across the globe, and, where appropriate, the general public. Through the use of these educational tools, the school district may cause student work or video/audio images to be published by including materials in instructional materials, booklets, blogs, emails, websites, closed circuit television, messaging, video/audio connections on the Internet or intranet, brochures or flyers used in award ceremonies, sports, or fine arts presentations, and any other form that may be used to distribute or communicate the work.

Parents/guardians may deny consent for any or all publication of student work or video/audio recordings.

### **SCHOOL BUS BEHAVIOR AND SAFETY RULES**

#### **\*\*\*Bus Transportation is a Privilege, Not a Right!\*\*\***

In order to assure order and safety on the school buses, students are expected to follow specific rules. Violations of these rules will result in warnings, bus violation slips, or possible suspension of bus privileges. Written warnings will be issued at the time of a safety bus violation infraction. A “bus violation slip” will be issued when a suspension from riding privileges is issued:

- ✓ Follow directions of the bus driver at all times.
- ✓ Stay seated while bus is moving.
- ✓ Keep hands, feet, and objects to self.
- ✓ No harassing or teasing of other students.
- ✓ No swearing, screaming, yelling or creating loud noises.
- ✓ Absolutely no smoking.
- ✓ Please be on time, the bus cannot wait.
- ✓ Keep the bus clean.
- ✓ Keep head, hands, and arms inside bus.
- ✓ Treat bus and equipment respectfully.
- ✓ Cross in front of bus at driver’s signal.

Severe disruptions, which include, but are not limited to the following behaviors, may result in suspension or permanent suspension of bus privileges:

- ✓ Use of tobacco, alcohol, or other chemicals.
- ✓ Inappropriate behavior such as teasing, harassing, spitting or fighting.
- ✓ Damage to the bus
- ✓ Threat or harm to bus driver or another student.
- ✓ Insubordination to the bus driver.
- ✓ Possession of nuisance articles
- ✓ District discipline policies apply on the bus as well.

All Bus Violation Slips are issued by the bus drivers and must be signed by a parent/guardian and returned to the bus driver before bus privileges will be resumed. Accumulation of three (3) Bus Violation Slips could result in a conference involving

the student, parent/guardian, bus driver, transportation manager, and/or school principal. The student, at this point, may be permanently suspended from transportation privileges.

### **SCHOOL COUNSELING SERVICES**

School counselors assist students with personal, social, academic and future career planning. Two school counselors are located in the main office, and students are assigned to a specific counselor.

If a student would like to see a school counselor he or she will go to the main office and complete a "request to see counselor" form. The counselor will call the student down as soon as she is available.

During the school year, the counselors provide individual and group counseling, coordinate and deliver classroom presentations, assist students in conflict resolution and provide counseling resources, register and orientate new students to the school, and register current students for their next grade.

The following student help groups may be available for students to participate in if there is a concern or need in that area. Parents/Guardians if you do not want your student to participate in small groups, please contact your student's counselor by the end of September.

✓	Teen Support Group	✓	Military Families Group
✓	Transitions Group	✓	Relationship Group
✓	Anger Management Group	✓	Grief and Loss Group
✓	Family Change	✓	Academic Support Group
✓	ADHD Support Group	✓	Conflict Resolution Group
✓	Assertiveness Group	✓	Skills for Success Group

### **SCHOOL EMERGENCY PROCEDURES**

✓ **Emergencies** -To cope with emergency situations, the school needs to know how to reach parents/guardians, quickly. Parents will update their Emergency Card at the beginning of the school year listing current phone numbers of parents/guardians to 2 alternative contacts. Please notify the school of any changes in address or phone numbers. In case of an emergency and no contacts could be made from the emergency card, a call to a doctor and/or social service may be made as a last resort.

✓ **Accidents and Illnesses** - If an accident or illness occurs during the school day, every effort will be made to notify parents/guardians. If the student's condition warrants being at home, the parents will be asked to pick up their student. Please make sure your student is fully recovered and free of a temperature for 24 hours before having them return to school. All student dismissals from school due to illness must go through the nurse's office..

✓ **Emergency School Closings** - Notices of school closing because of weather or other emergencies will be broadcast over WCCO (dial 830 AM). Whenever possible, such announcements will be called into these stations the evening before or the first thing in the morning before the buses start their run. The snow emergency phone number can also be called (952) 985-1100.

✓ **Student Messages** - To support a focused learning environment, we ask that communication between parent and student be kept to a minimum. Phone calls made from the classroom will be at the discretion of the classroom teacher.

### **SCHOOL FOOD SERVICE PROGRAM**

Information about food service prices and menus is available on the Farmington School District website.  
[www.farmington.k12.mn.us](http://www.farmington.k12.mn.us).

Application for free and reduced price lunches will be available during August in each school office or from the Director of Food Service in the Instructional Service Center. Completed applications should be returned to the Food Service Director's Office. Any comments or suggestions regarding the food service program are always welcome. Please direct comments to the Food Service Director, Instructional Service Center, 510 Walnut Street, phone # 651-463-5025.

All DMS students participate in the computerized lunch system. Lunch tickets are NOT used. Families have a Family Food Service Account established in which pre-payments are made. Every time a student purchases a lunch, he/she punches in their appropriate "PIN" number and then the appropriate amount will be deducted from the Family Food Service Account. Students may use the same "PIN" number to purchase items from the concession stand in addition to, or instead of the lunches listed on the menu. These purchases will also be deducted from the Family Food Service Account. (Parents may block their child from making concession item purchases by contacting the food service office and making a request to do so

or by filling out the form available online.) Your lunch account balance can be obtained from the website. You will need your 6 digit family ID# and a pin # (which is the last 4 digits of your phone#) or you can use the SchoolConnects System by calling 651 463-9090, Ext. 1200 for an update on your account balance. Balances are updated nightly.

If you would like to receive an email notification when your balance reaches \$15.00, please send an email to [foodservice@farmington.k12.mn.us](mailto:foodservice@farmington.k12.mn.us).

ISD 192 imposes a negative balance policy. When the balance in your lunch account reaches -\$20.00, no reimbursable lunch will be provided without cash payment. Your child/children may purchase a cheese sandwich and milk for \$.40 in these cases.

Families will be able to make payments into their food service accounts at any time. A payment can be sent to school with your child in an envelope marked "FOOD SERVICE", and placed in the "FOOD SERVICE PAYMENT" box located in the serving line. You may also make a payment online. Please keep in mind that there is a three -day turnaround for payments to be recorded. If you send a check with your student, and you have students at more than one school, please contact the food service office so that all of your students in the district can eat. If mailing a check please mail to Food Service, 510 WALNUT STREET, FARMINGTON, MN 55024-1344.

Deposits into your family meal account can now be made online. Once you click the link below, you will need to create an account with eFunds by clicking on "Register". During the registration process, you will be asked for your Family ID number to link all of your children to your account. Your Family ID number is the six-digit number found on your welcome letter. All children in a family are on one account; therefore, please make only one payment per family, not per student.

### **SCHOOL HOURS**

School building hours will be set and sent to families. Typically, students will be allowed in the building ten minutes before school starts and ten minutes after dismissal except for regularly scheduled and supervised activities. Students are expected to leave the building at the end of the school day unless they are scheduled for a sponsored activity.

### **SIGNS**

The office staff must approve any signs or posters to be posted in the building.

### **SPECIAL EDUCATION**

A variety of Special Education Services are available for students with special needs. If parents have a concern for their child in any of these areas, they are encouraged to contact their child's teacher. If a teacher feels a child is in need of these services, he/she will contact the parents and follow due process in setting up conferences to determine testing, and if necessary, programming.

If your child is evaluated to see if they are eligible for special education, the Farmington Area Public Schools will share your child's name and date of birth with the Minnesota Department of Human Services (DHS) to find out if your child is on Medical Assistance or MinnesotaCare. If you do not want the district to share your child's name and date of birth with DHS you need to let us know in writing at the time of consent for an evaluation. To make a request, please call the Special Education office at 651-463-5020.

### **Special Education Record Retention**

Notice is hereby given as to the length of time that a child's special education file will be maintained. The record will be retained until after a child's 21<sup>st</sup> birthday in accordance with the school district's retention schedule. At that time, the contents will be destroyed with the exception of the child's last IEP, last Evaluation Report, last Notice of Proposed Action, standardized and achievement test results related to special education, and the most recent information regarding the student's name, address, and phone number.

### **SPORTSMANSHIP**

The behavior of Farmington Middle School students shall at all times be a positive reflection of themselves, their school, and their community.



## BE A GOOD SPORT...

Do...

Cheer with vigor and enthusiasm  
Support your team and cheerleaders  
Be a gracious host — a courteous visitor

Don't...

Boo officials or opposing players  
Display rowdy behavior  
Stomp on the bleachers or throw confetti  
Bring noise makers to games

Remember...

That discourtesy on the part of even one student reflects discredit on the entire student body.

## **STRUCTURED LEARNING CENTER (SLC)**

Maintaining a positive learning environment is a high priority. A Structured Learning Center (SLC) is a temporary environment for students who at a given time are either not meeting behavior expectations in the classroom, or simply need more oversight in their work. The purpose of the SLC is to provide an hourly or all-day alternative education program for students. A more serious alternative may be assigned when deemed necessary.

Objectives of the SLC are as follows:

- ✓ To reduce out-of-school time resulting from misbehavior.
- ✓ To provide an opportunity for students to reflect upon any misbehavior and to prepare a plan for improved behavior.
- ✓ To provide a supervised environment where study assignments can be completed with assistance.
- ✓ To discourage continued misbehavior.
- ✓ To encourage self-discipline in the student.
- ✓ Students should report to the office in the event the supervisor is not present in the SLC.

**A student who receives either ISS or OSS will be excluded from all athletic practices and/or competition during the time of the suspension.**

## **STUDENT MANAGEMENT**

Every student and employee of Farmington Area Public Schools is entitled to learn and work in a safe school environment. To ensure this Independent School District 192 has several district policies (District Discipline, Harassment, Hazing, Weapons, Bullying, Acceptable Use, and School Attendance, see attached) related to discipline and student management in the district and schools. Those policies are attached. In addition to the policies each school in the district utilizes the Handbook for Student Management. It is a resource guide for students and parents and it provides a series of guidelines that school administrators and staff use when interacting with students, parents, and the community regarding a safe school environment. This guide addresses the following infraction areas and the respective consequences.

- |  |   |
|--|---|
| ✓ Abuse, Verbal  | ✓ Flammable Lighter                           |
| ✓ Alcohol or Chemicals, Possession or Use                                    | ✓ Gang / Threat Group Activity                |
| ✓ Alcohol or Chemicals, Possession with Intent to Distribute or Sell         | ✓ Harassment                                  |
| ✓ Arson  | ✓ Hazing                                      |
| ✓ Assault, Aggravated  | ✓ Insubordination                             |
| ✓ Assault, Physical  | ✓ Multiple / Chronic Violations               |
| ✓ Bomb Threat/Terroristic Threat   | ✓ Nuisance Objects                            |
| ✓ Breaking and Entering and / or Unauthorized Entry in or on School Property | ✓ Offensive Behavior                          |
| ✓ Bullying and / or Intimidating Behavior                                    | ✓ Potentially Dangerous Tools / Pocket Knives |
|  | ✓ Records or Identification Falsification     |
|  | ✓ Robbery or Extortion                        |
|  | ✓ Sexual Misconduct                           |

- ✓ Electronic Device Misuse
- ✓ Dishonesty, Scholastic
- ✓ Disorderly conduct
- ✓ Disruptive Behavior
- ✓ Dress and Grooming
- ✓ Driving, Carelessly or Recklessly
- ✓ Explosive and Incendiary Devices / Detonation of Ammunition
- ✓ False Reporting
- ✓ Fighting
- ✓ Fire Alarm, False
- ✓ Fire Extinguisher, Unauthorized Use
- ✓ Firearms
- ✓ Fireworks or Possession of Ammunition
- ✓ Technology and Telecommunication Misuse
- ✓ Theft, Receiving or Possessing Stolen Property
- ✓ Threatening Physical harm Toward Students, Staff Members or Other Persons
- ✓ Tobacco Use or Possession
- ✓ Trespassing
- ✓ Truancy
- ✓ Unique Situations
- ✓ Vandalism, Minor Acts (Less than \$500)
- ✓ Vandalism, Major Acts (More than \$500)
- ✓ Vehicle, Unauthorized Parking
- ✓ Weapons (exclusive of firearms)

Students are expected to behave in accordance with federal, state, and local laws and rules; district, athletic and activity policies and school regulations; and to do so in a manner that respects the rights and safety of others. Staff will take corrective action when student behavior does not fall within the guidelines.

District-wide discipline guidelines are listed in the Handbook for Student Management. These guidelines and the potential consequences apply at any time a student is present on school district property or participating in a school-sponsored activity. Listed in the Handbook are the violations and the recommended consequences. These guidelines are based upon Farmington Area Public Schools Board of Education Policies and have been Board of Education reviewed and approved.

Teachers have the responsibility of attempting to modify disruptive student behavior by such means as conferring with the student, using positive reinforcement, or contacting the student's parents/guardians. When such measures are not effective or when the teacher determines it is otherwise appropriate based upon the student's conduct, the teacher shall have the authority to remove the student from class pursuant to the procedures established by this discipline policy. "Removal from class" and "removal" mean any actions taken by a teacher, principal, or other school district employee to prohibit a student from attending a class or activity period for a period of time not to exceed five (5) days, pursuant to this discipline policy.

### **STUDENT MANAGEMENT OPTIONS**

It is the general policy of the school district to utilize progressive discipline to the extent reasonable and appropriate based upon the specific facts and circumstances of student conduct. The specific form of discipline chosen in a particular case is solely within the discretion of the school district. At a minimum, violation of school district rules, regulations, policies or procedures will result in discussion of the violation and a verbal warning. The school district shall, however, impose more severe disciplinary sanctions for any violation, including exclusion or expulsion, if warranted by the student's misconduct, as determined by the school district. The District will adhere to the Handbook for Student Management, as approved by the Farmington Area Schools Board of Education. Disciplinary action may include, but is not limited to one or more of the following:

✓ Student conference with teacher, principal, counselor or other school district personnel, and verbal warning
✓ Parent/guardian contact
✓ Parent/guardian conference
✓ Removal from class
✓ In-school suspension
✓ Suspension from extracurricular activities
✓ Detention or restriction of privileges
✓ Loss of school privileges
✓ In-school monitoring or revised class schedule
✓ Modifies school programs
✓ Referral to in-school support services

✓	Referral to community resources or outside agency services
✓	Financial restitution
✓	Assignment to alternative program
✓	Assignment to Structured Learning Center
✓	Transfer to another school
✓	Referral to police, other law enforcement agencies, or other appropriate authorities
✓	Petition County Court for juvenile delinquency adjudication
✓	Out-of-school suspension under the Pupil Fair Dismissal Act
✓	Preparation of an admission or readmission plan
✓	Expulsion under the Pupil Fair Dismissal Act
✓	Exclusion under the Pupil Fair Dismissal Act
✓	Other disciplinary action as deemed appropriate by the school district
✓	Restorative justice

## **STUDENT MEDICATIONS**

School District 192 Policy JL (Student Medication – attachment) addresses the distribution of medication at school. All medication, prescription and over the counter must be administered and/or coordinated through the health office and the licensed school nurse. This includes Tylenol, Advil, cold medicine and inhalers but is not limited to these. Parents are asked to contact the health office for further details. The required permission form is on the district web site or is available from the health office at school. **No student is to have in his or her possession any medication unless contact with the health office has been made.**

The following items must be provided if medication is required during the school day:

- ✓ A Medication Parent Authorization Form must be completed and returned to the health office **annually** for prescription and over-the-counter medications.
- ✓ A doctor's order for prescription and over-the counter medication must also be received to administer the medication.
- ✓ The medication must be brought to school by a parent or guardian for safety reasons. Parents are also asked to call the health office with any changes in medications, dosage, or time it is to be given.
- ✓ The medication must be brought to school in the original bottle that is labeled with the student's name, name of medication, dose and time it is to be given. NO baggies of medication will be accepted.

The licensed school nurse, a nurse substitute or designee, will distribute medications.

See Policy #JL in the back of this handbook.

## **STUDENT PERMISSION TO LEAVE THE BUILDING & HALLWAY PASSING**

A student must have parental permission to leave the building for appointments, family needs, etc. A phone call to the middle school office (651) 460-1500 or a signed note from a parent/guardian is required. The student will then be given a written pass for permission to leave the building.

In case of illness during the school hours, students must report to the nurse's office with a signed pass from a teacher. The nurse will determine if a student should be excused home due to illness. Students may not contact home asking to be picked up due to illness without first visiting the school nurse.

## **STUDENT PERSONAL PROPERTY**

- ✓ Balloons - No latex balloons in school please!
- ✓ Bicycles - Parental discretion is advised when allowing students to bring bicycles to school. Things to consider are safety factors, weather conditions, and risk of vandalism, and theft. Students who ride bikes are to park them in the designated bike racks. We advise that all bikes be locked, as the school cannot be held liable for theft or damage.
- ✓ Electronic Devices – Students should bring their school issued iPad, fully charged, to school daily. All other electronic devices, including cell phones, need to be silenced and not used or taken out during school hours. (From the time students arrive in the building in the morning until our dismissal.) Personal electronic devices that are used during the

school day may be taken and held in the main office until the end of the day. Repeat violations may result in a parent needing to pick up the device from school.

*The school and school district is not responsible for lost/stolen items.*

- ✓ Money - Students are discouraged from bringing more money than what they need to spend at school each day.
- ✓ Property/Valuables - Any loss of property should be reported immediately to the administration. However, if you have brought valuable items to school, students run the risk of losing them.. It is difficult and disruptive to investigate, and the school does not guarantee finding these lost or stolen items.
- ✓ School Books and Materials - There will be no charge for the use of student textbooks and most related educational materials. Students should understand, however, that they are responsible for the care and safekeeping of all school materials provided for their use. The school will charge the student an appropriate replacement fee for textbooks, workbooks, locks or library books lost, stolen, damaged or destroyed. We strongly encourage students to mark their personal belongings of value, i.e., Phy. Ed. clothing, tennis shoes, calculators, jackets, etc. with a permanent marker.

### **STUDENT RETENTION, PROMOTION, AND ACCELERATION**

At the end of each quarter, the House Team will review student grades and attendance. Students who are showing insufficient academic progress or demonstrate attendance concerns will be identified and an attempt will be made to develop a plan in collaboration with the student to improve student performance and clarify expectations.

Prior to the end of the academic year those students who have failed to attain sufficient academic progress will be identified by parent(s) and team. The student's situation will be individually reviewed, and decisions regarding retention will be made based upon the unique needs of each individual. All final decisions regarding student promotion will be determined considering input of parents, teachers, nurse, counselor and administration in accordance with ISD 192 policy IKE: Student Retention, Promotion, and Acceleration. In addition to academic performance, the following areas will be considered when making a retention consideration. The full policy (#IKE) can be found on the district website.

- |   |   |
|---|---|
| ✓ Student's age                               | ✓ Student's levels of maturity and behavior |
| ✓ School attendance                           | ✓ Student's life experiences                |
| ✓ Student's measured intelligence             | ✓ Family moves                              |
| ✓ Student's physical size                     | ✓ Student's emotional problems              |
| ✓ Student's knowledge of the English language | ✓ Student's present grade placement         |
| ✓ Student's attitude about retention          | ✓ Parent's school participation history     |
| ✓ Previous grade retention                    | ✓ History of serious behavioral problems    |
| ✓ Student's interest in school work           |   |
| ✓ Standardized test scores                    |   |

### **STUDENT TELEPHONE USE**

A student phone is available for emergency purposes in the office before and after school and between classes. Phone use during class is only to be done with a signed pass from an adult. Classroom teachers may permit students to utilize classroom phones. Students are allowed to carry cellular telephones with the understanding that they are not to be used, seen, or heard during the school day.

Unless a telephone message to a student is an emergency, classes will not be interrupted. Please make family arrangements before leaving for school each morning.

### **TARDINESS**

Each time that a student reports to class late and is unexcused that student will be counted as tardy. Chronic tardiness to school or class will be managed on an individual basis. Excessive tardiness may result in a referral to the Dakota County Truancy Prevention and Intervention Program.

## **PLEDGE OF ALLEGIANCE**

### Pledge of Allegiance - Policy 531

The school board recognizes the need to provide instruction in the proper etiquette, display, and respect of the United States flag. The purpose of this policy is to provide for recitation of the Pledge of Allegiance and instruction in school to help further that end. Students in this school district shall recite the pledge of allegiance to the flag of the United States of America one or more times each week. The recitation shall be conducted by each individual classroom teacher or the teacher's surrogate, or over a school intercom system by a person designated by the school principal or other person having administrative control over the school. Any student or teacher may decline to participate in recitation of the pledge of allegiance to the flag. Students must respect the choice not to recite the pledge. Students will be instructed in the proper etiquette toward, correct display of, and respect for the flag in patriotic exercises.

## **TIGER CONNECTIONS**

Tiger Connections is an advisory period intended to provide students with a meaningful connection with an adult and peers in the building. Each Tiger Connections has approximately 25 students and meets at the beginning of each day. Students will be engaged in affective activities, team-building, and goal-setting.

## **VISITORS TO THE BUILDING**

Students from other schools are **not** allowed to attend classes at Dodge Middle School. For those adults wishing to attend classes with their child or tour the building, pre-arrangements with the office is required. **ALL** visitors need to check into the office prior to entering the building.

## **WITHDRAWALS FROM SCHOOL**

When students transfer from Dodge Middle School, a parent/guardian must call to notify the main office. Students will then be given a checkout slip that all teachers must sign. All school loan obligations (books, lunch charges, locks, etc.) must be taken care of prior to your last enrolled day.

# **FARMINGTON SCHOOL DISTRICT NO. 192**

## **POLICIES AND REGULATIONS**

### **Policy #503 - Student Attendance**

#### **I. PURPOSE**

- A. The school board believes that regular school attendance is directly related to success in academic work, benefits students socially, provides opportunities for important communications between teachers and students, and establishes regular habits of dependability important to the future of the student. The purpose of this policy is to encourage regular school attendance. It is intended to be positive and not punitive.
- B. This policy also recognizes that class attendance is a joint responsibility to be shared by the student, parent or guardian, teacher, and administrators. This policy will assist students in attending class.

#### **II. GENERAL STATEMENT OF POLICY**

##### **A. Responsibilities**

###### **1. Student's Responsibility**

It is the student's right to be in school. It is also the student's responsibility to attend all assigned classes and study halls every day that school is in session and to be aware of and follow the correct procedures when absent from an assigned class or study hall. Finally, it is the student's responsibility to request any missed assignments due to an absence.

###### **2. Parent or Guardian's Responsibility**

It is the responsibility of the student's parent or guardian to ensure the student is attending school, to inform the school in the event of a student absence, and to work cooperatively with the school and the student to solve any attendance problems that may arise.

###### **3. Teacher's Responsibility**

It is the teacher's responsibility to take daily attendance and to maintain accurate attendance records in each assigned class and study hall. It is also the teacher's responsibility to be familiar with all procedures governing attendance and to apply these procedures uniformly. It is also the teacher's responsibility to provide any student who has been absent with any missed assignments upon request. Finally, it is the teacher's responsibility to work cooperatively with the student's parent or guardian and the student to solve any attendance problems that may arise.

###### **4. Administrator's Responsibility**

- a. It is the administrator's responsibility to require students to attend all assigned classes and study halls. It is also the administrator's responsibility to be familiar with all procedures governing attendance and to apply these procedures uniformly to all students, to maintain accurate records on student attendance, and to prepare a list of the previous day's absences stating the status of each. Finally, it is the administrator's responsibility to inform the student's parent or guardian of the student's attendance and to work cooperatively with them and the student to solve attendance problems.
- b. In accordance with the Minnesota Compulsory Instruction Law, Minn. Stat. § 120A.22, the students of the school district are REQUIRED to attend all assigned classes and/or study halls every day school is in session, unless the student has been excused by the school board from attendance because the student has already completed state and school

district standards required to graduate from high school, has withdrawn, or has a valid excuse for absence.

B. Attendance Procedures

Attendance procedures shall be presented to the school board for review and approval. When approved by the school board, the attendance procedures will be included as an addendum to this policy.

1. Excused Absences

a. To be considered an excused absence, the student's parent or legal guardian may be asked to verify, in writing, the reason for the student's absence from school. A note from a physician or a licensed mental health professional stating that the student cannot attend school is a valid excuse.

b. The following reasons shall be sufficient to constitute excused absences:

- (1) Illness.
- (2) Serious illness in the student's immediate family.
- (3) A death or funeral in the student's immediate family or of a close friend or relative.
- (4) Medical, dental, or orthodontic treatment, or a counseling appointment.
- (5) Court appearances occasioned by family or personal action.
- (6) Religious instruction not to exceed three hours in any week.
- (7) Physical emergency conditions such as fire, flood, storm, etc.
- (8) Official school field trip or other school-sponsored outing.
- (9) Removal of a student pursuant to a suspension. Suspensions are to be handled as excused absences and students will be permitted to complete makeup work.
- (10) Family emergencies.
- (11) Active duty in any military branch of the United States.
- (12) A student's condition that requires ongoing treatment for a mental health diagnosis.

c. Consequences of Excused Absences

- (1) Students whose absences are excused are required to make up all assignments missed or to complete alternative assignments as deemed appropriate by the classroom teacher.
- (2) Work missed because of absence must be made up within five days from the date of the student's return to school. Any work not completed within this period shall result in "no credit" for the missed assignment. However, the building principal or the classroom teacher may extend the time allowed for completion of make-up work in the case of an extended illness or other extenuating circumstances.

2. Unexcused Absences

- a. The following are examples of absences which will not be excused:
  - (1) Truancy. An absence by a student which was not approved by the parent and/or the school district.
  - (2) Any absence in which the student failed to comply with any reporting requirements of the school district's attendance procedures.
  - (3) Work at home.
  - (4) Work at a business, except under a school-sponsored work release program.
  - (5) Vacations with family.
  - (6) Personal trips to schools or colleges.

Absences resulting from cumulated unexcused tardies for purposes of this policy, will be as follows: four unexcused tardies at the beginning of the school day shall equal one unexcused absence.

- (8) Any other absence not included under the attendance procedures set out in this policy.

b. Consequences of Unexcused Absences

- (1) Absences resulting from official suspension will be handled in accordance with the Pupil Fair Dismissal Act, Minn. Stat. §§ 121A.40-121A.56.
- (2) Days during which a student is suspended from school shall not be counted in a student's total accumulated unexcused absences.
- (3) In cases of recurring unexcused absences of an elementary student, the administration may report the problem to Dakota County Social Services. In cases of recurring unexcused absences of a middle school or high school student, the administration may request the county attorney to file a petition with the juvenile court, pursuant to Minnesota Statutes.
- (4) Students with unexcused absences shall be subject to discipline in the following manner, subject to administrative discretion:
  - (a) At the secondary level, a student may not be allowed to make up work missed due to an unexcused absence, potentially resulting in a loss of credit for missing assignments.
  - (b) After five unexcused absences in a term, the student may be required to attend a conference with the student's parent and school administrator, in order to develop an attendance contract.
  - (c) If the result of a grade reduction or loss of credit has the effect of an expulsion, the school district will follow the procedures set forth in the Pupil Fair Dismissal Act, Minn. Stat. §§ 121A.40-121A.56.

C. Tardiness

- 1. Definition: Students are expected to be in their assigned area at designated times. Failure to do so constitutes tardiness.



2. Procedures for Reporting Tardiness

- a. Students tardy at the start of school must report to the school office for an admission slip.
- b. Tardiness between periods will be handled by the teacher.

3. Excused Tardiness

Valid excuses for tardiness are:

- a. Illness.
- b. Serious illness in the student's immediate family.
- c. A death or funeral in the student's immediate family or of a close friend or relative.
- d. Medical, dental, orthodontic, or mental health treatment.
- e. Court appearances occasioned by family or personal action.
- f. Physical emergency conditions such as fire, flood, storm, etc.
- g. Any tardiness for which the student has been excused in writing by an administrator or faculty member.

4. Unexcused Tardiness

- a. An unexcused tardiness is failing to be in an assigned area at the designated time class period commences without a valid excuse.

The following are other examples of tardiness which will not be excused, subject to the discretion of the administrator: oversleeping, missing the bus, traffic congestion, car trouble, weather (except in the case of school cancellation), and locker malfunction.

D. Participation in Extracurricular Activities and School-Sponsored On-the-Job Training Programs

- 1. This policy applies to all students involved in any extracurricular activity scheduled either during or outside the school day and any school-sponsored on-the-job training programs.
- 2. School-initiated absences will be accepted and participation permitted.
- 3. A student may not participate in any activity or program if he or she has an unexcused absence from any class during the day.
- 4. If a student is suspended from any class, he or she may not participate in any activity or program that day.
- 5. If a student is absent from school due to medical reasons, he or she must present a physician's statement or a statement from the student's parent or guardian clearing the student for participation that day. The note must be presented to the coach or advisor before the student participates in the activity or program.

**III. DISSEMINATION OF POLICY**

Copies of this policy shall be made available to all students and parents at the commencement of each school year. This policy shall also be available upon request in each principal's office.

#### IV. REQUIRED REPORTING

##### A. Continuing Truant

Minn. Stat. § 260A.02 provides that a continuing truant is a student who is subject to the compulsory instruction requirements of Minn. Stat. § 120A.22 and is absent from instruction in a school, as defined in Minn. Stat. § 120A.05, without valid excuse within a single school year for:

1. Three days if the child is in elementary school; or
2. Three or more class periods on three days if the child is in middle school, junior high school, or high school.

##### B. Reporting Responsibility

When a student is initially classified as a continuing truant, Minn. Stat. § 260A.03 provides that the school attendance officer or other designated school official shall notify the student's parent or legal guardian, by first class mail or other reasonable means, of the following:

1. That the child is truant;
2. That the parent or guardian should notify the school if there is a valid excuse for the child's absences;
3. That the parent or guardian is obligated to compel the attendance of the child at school pursuant to Minn. Stat. § 120A.22 and parents or guardians who fail to meet this obligation may be subject to prosecution under Minn. Stat. § 120A.34;
4. That this notification serves as the notification required by Minn. Stat. § 120A.34;
5. That alternative educational programs and services may be available in the district;
6. That the parent or guardian has the right to meet with appropriate school personnel to discuss solutions to the child's truancy;
7. That if the child continues to be truant, the parent and child may be subject to juvenile court proceedings under Minn. Stat. Ch. 260;
8. That if the child is subject to juvenile court proceedings, the child may be subject to suspension, restriction, or delay of the child's driving privilege pursuant to Minn. Stat. § 260C.201; and
9. That it is recommended that the parent or guardian accompany the child to school and attend classes with the child for one day.

##### C. Habitual Truant

1. A habitual truant is a child under the age of 16 years who is absent from attendance at school without lawful excuse for seven school days if the child is in elementary school or for one or more class periods on seven school days if the child is in middle school, junior high school, or high school, or a child who is 16 or 17 years of age who is absent from attendance at school without lawful excuse for one or more class periods on seven school days and who has not lawfully withdrawn from school.
2. A school district attendance officer shall refer a habitual truant child and the child's parent or legal guardian to appropriate services and procedures, under Minn. Stat. Ch. 260A.

## **Policy #JL - Student Medication**

### **I. PURPOSE**

The purpose of this policy is to set forth the provisions that must be followed when administering non emergency prescription medication to students at school.

### **II. GENERAL STATEMENT OF POLICY**

The school district acknowledges that some students may require prescribed drugs or medication during the school day. The school district's licensed school nurse, trained health clerk, principal, or teacher will administer prescribed medications in accordance with law and school district procedures.

### **III. REQUIREMENTS**

- A. The administration of prescription medication or drugs at school requires a completed signed request from the student's parent. An oral request must be reduced to writing within two school days, provided that the school district may rely on an oral request until a written request is received.
- B. An "Administering Prescription Medications" form must be completed annually (once per school year) and/or when a change in the prescription or requirements for administration occurs.
- C. Prescription medication must come to school in the original container labeled for the student by a pharmacist in accordance with law, and must be administered in a manner consistent with the instructions on the label.
- D. The school nurse may request to receive further information about the prescription, if needed, prior to administration of the substance.
- E. Prescription medications are not to be carried by the student, but will be left with the appropriate school district personnel. Exceptions to this requirement are: prescription asthma medications self-administered with an inhaler (See Part J.5. below), and medications administered as noted in a written agreement between the school district and the parent or as specified in an IEP (individualized education program), Section 504 plan, or IHP (individual health plan).
- F. The school must be notified immediately by the parent or student 18 years old or older in writing of any change in the student's prescription medication administration. A new medical authorization or container label with new pharmacy instructions shall be required immediately as well.
- G. For drugs or medicine used by children with a disability, administration may be as provided in the IEP, Section 504 plan or IHP.
- H. The school nurse, or other designated person, shall be responsible for the filing of the Administering Prescription Medications form in the health records section of the student file. The school nurse, or other designated person, shall be responsible for providing a copy of such form to the principal and to other personnel designated to administer the medication.
- I. Procedures for administration of drugs and medicine at school and school activities shall be developed in consultation with a school nurse, a licensed school nurse, or a public or private health organization or other appropriate party (if appropriately contracted by the school district under Minn. Stat. § 121A.21). The school district administration shall submit these procedures and any additional guidelines and procedures necessary to implement this policy to the school board for approval. Upon approval by the school board, such guidelines and procedures shall be an addendum to this policy.

J. Specific Exceptions:

1. Special health treatments and health functions such as catheterization, tracheostomy suctioning, and gastrostomy feedings do not constitute administration of drugs and medicine;
2. Emergency health procedures, including emergency administration of drugs and medicine are not subject to this policy;
3. Drugs or medicine provided or administered by a public health agency to prevent or control an illness or a disease outbreak are not governed by this policy;
4. Drugs or medicines used at school in connection with services for which a minor may give effective consent are not governed by this policy;
5. Drugs or medicines that are prescription asthma or reactive airway disease medications can be self-administered by a student with an asthma inhaler if:
  - a. the school district has received a written authorization from the pupil's parent permitting the student to self-administer the medication;
  - b. the inhaler is properly labeled for that student; and
  - c. the parent has not requested school personnel to administer the medication to the student.

The parent must submit written authorization for the student to self-administer the medication each school year. In a school that does not have a school nurse or school nursing services, the student's parent or guardian must submit written verification from the prescribing professional which documents that an assessment of the student's knowledge and skills to safely possess and use an asthma inhaler in a school setting has been completed.

If the School District employs a school nurse or provides school nursing services under another arrangement, the school nurse or other appropriate party must assess the student's knowledge and skills to safely possess and use an asthma inhaler in a school setting and enter into the student's school health record a plan to implement safe possession and use of asthma inhalers;

6. Medications:
  - a. that are used off school grounds;
  - b. that are used in connection with athletics or extracurricular activities; or
  - c. that are used in connection with activities that occur before or after the regular school day are not governed by this policy.
7. Nonprescription Medication. A secondary student may possess and use nonprescription pain relief in a manner consistent with the labeling, if the school district has received written authorization from the student's parent or guardian permitting the student to self-administer the medication. The parent or guardian must submit written authorization for the student to self-administer the medication each school year. The school district may revoke a student's privilege to possess and use nonprescription pain relievers if the school district determines that the student is abusing the privilege. This provision does not apply to the possession or use of any drug or product containing ephedrine or pseudoephedrine as its sole active ingredient or as one of its active ingredients. Except as stated in this paragraph, only prescription medications are governed by this policy.
8. At the start of each school year or at the time a student enrolls in school, whichever is first, a student's parent, school staff, including those responsible for student health care, and the prescribing medical professional must develop and implement an individualized written health

plan for a student who is prescribed nonsyringe injectors of epinephrine that enables the student to:

- a. possess nonsyringe injectors of epinephrine; or
- b. if the parent and prescribing medical professional determine the student is unable to possess the epinephrine, have immediate access to nonsyringe injectors of epinephrine in close proximity to the student at all times during the instructional day.

The plan must designate the school staff responsible for implementing the student's health plan, including recognizing anaphylaxis and administering nonsyringe injectors of epinephrine when required, consistent with state law. This health plan may be included in a student's § 504 plan.

K. "Parent" for students 18 years old or older is the student.

### **Policy JAF - Student Discipline**

#### **I. PURPOSE**

The purpose of this policy is to ensure that students are aware of and comply with the school district's expectations for student conduct. Such compliance will enhance the school district's ability to maintain discipline and ensure that there is no interference with the educational process. The school district will take appropriate disciplinary action when students fail to adhere to the Code of Student Conduct established by this policy.

#### **II. GENERAL STATEMENT OF POLICY**

The school board recognizes that individual responsibility and mutual respect are essential components of the educational process. The school board further recognizes that nurturing the maturity of each student is of primary importance and is closely linked with the balance that must be maintained between authority and self-discipline as the individual progresses from a child's dependence on authority to the more mature behavior of self-control.

All students are entitled to learn and develop in a setting which promotes respect of self, others, and property. Proper positive discipline can only result from an environment which provides options and stresses student self-direction, decision-making, and responsibility. Schools can function effectively only with internal discipline based on mutual understanding of rights and responsibilities.

Students must conduct themselves in an appropriate manner that maintains a climate in which learning can take place. Overall decorum affects student attitudes and influences student behavior. Proper student conduct is necessary to facilitate the education process and to create an atmosphere conducive to high student achievement.

Although this policy emphasizes the development of self-discipline, it is recognized that there are instances when it will be necessary to administer disciplinary measures. The position of the school district is that a fair and equitable district-wide student discipline policy will contribute to the quality of the student's educational experience. This discipline policy is adopted in accordance with and subject to the Minnesota Pupil Fair Dismissal Act, Minn. Stat. §§ 121A.40-121A.56.

In view of the foregoing and in accordance with Minn. Stat. § 121A.55, the school board, with the participation of school district administrators, teachers, employees, students, parents, community members, and such other individuals and organizations as appropriate, has developed this policy which governs student conduct and applies to all students of the school district.

Consistent discipline procedures and consequences are detailed in a companion document entitled "Guidelines for Disciplinary Action."

#### **III. AREAS OF RESPONSIBILITY**

- A. The School Board. The school board holds all school personnel responsible for the maintenance of order within the school district and supports all personnel acting within the framework of this discipline policy.
- B. Superintendent. The superintendent shall establish guidelines and directives to carry out this policy, hold all school 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 shall also establish guidelines and directives for using the services of appropriate agencies for assisting students and parents. Any guidelines or directives established to implement this policy shall be submitted to the school board for approval and shall be attached as an addendum to this policy.
- C. Principal. The school principal is given the responsibility and authority to formulate building rules and regulations necessary to enforce this policy, subject to final school board approval. The principal shall give direction and support to all school personnel performing their duties within the framework of this policy. The principal shall consult with parents of students conducting themselves in a manner contrary to the policy. The principal shall also involve other professional employees in the disposition of behavior referrals and shall make use of those agencies appropriate for assisting students and parents. A principal, in exercising his or her 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.
- D. Teachers. All teachers shall be responsible for providing a well-planned teaching/learning environment and shall have primary responsibility for student conduct, with appropriate assistance from the administration. All teachers shall enforce the Code of Student Conduct. In exercising the teacher's lawful authority, a teacher 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.
- E. Other School District Personnel. All school district personnel shall be responsible for contributing to the atmosphere of mutual respect within the school. Their responsibilities relating to student behavior shall be as authorized and directed by the superintendent. A school employee, school bus driver, or other agent of a school district, in exercising his or her 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.
- F. Parents or Legal Guardians. Parents and guardians shall be held responsible for the behavior of their children as determined by law and community practice. They are expected to cooperate with school authorities and to participate regarding the behavior of their children.
- G. Students. All students shall be held individually responsible for their behavior and for knowing and obeying the Code of Student Conduct and this policy.
- H. Community Members. Members of the community are expected to contribute to the establishment of an atmosphere in which rights and duties are effectively acknowledged and fulfilled.

#### **IV. STUDENT RIGHTS**

All students have the right to an education and the right to learn.

#### **V. 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'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.

## **VI. CODE OF STUDENT CONDUCT**

- A. The following are examples of unacceptable behavior subject to disciplinary action by the school district. These examples are not intended to be an exclusive list. Any student who engages in any of these activities shall be disciplined in accordance with this policy. This policy applies to all school buildings, school grounds, and school property; school-sponsored activities or trips; school bus stops; school buses, school vehicles, school contracted vehicles, or any other vehicles approved for school district purposes; the area of entrance or departure from school premises or events; and all school-related functions. This policy also applies to any student whose conduct at any time or in any place interferes with or obstructs the mission or operations of the school district or the safety or welfare of the student, other students, or employees.
  - 1. Violations against property including, but not limited to, damage to or destruction of school property or the property of others, failure to compensate for damage or destruction of such property, arson, breaking and entering, theft, robbery, possession of stolen property, extortion, trespassing, unauthorized usage, or vandalism;
  - 2. The use of profanity or obscene language, or the possession of obscene materials;
  - 3. Gambling, including, but not limited to, playing a game of chance for stakes;
  - 4. Violation of the school district's Hazing Prohibition Policy;
  - 5. Attendance problems including, but not limited to, truancy, absenteeism, tardiness, skipping classes, or leaving school grounds without permission;
  - 6. Violation of the school district's Student Attendance Policy;
  - 7. Opposition to authority using physical force or violence;
  - 8. Using, possessing, or distributing tobacco or tobacco paraphernalia;
  - 9. Using, possessing, distributing, intending to distribute, making a request to another person for (solicitation), or being under the influence of alcohol or other intoxicating substances or look-alike substances;

10. Using, possessing, distributing, intending to distribute, making a request to another person for (solicitation), or being under the influence of narcotics, drugs, or other controlled substances, or look-alike substances, except as prescribed by a physician, including one student sharing prescription medication with another student;
11. Using, possessing, or distributing items or articles that are illegal or harmful to persons or property including, but not limited to, drug paraphernalia;
12. Using, possessing, or distributing weapons, or look-alike weapons or other dangerous objects;
13. Violation of the school district's Weapons Policy;
14. Violation of the school district's Violence Prevention Policy;
15. Possession of ammunition including, but not limited to, bullets or other projectiles designed to be used in or as a weapon;
16. Possession, use, or distribution of explosives or any compound or mixture, the primary or common purpose or intended use of which is to function as an explosive;
17. Possession, use, or distribution of fireworks or any substance or combination of substances or article prepared for the purpose of producing a visible or an audible effect by combustion, explosion, deflagration or detonation;
18. Using an ignition device, including a butane or disposable lighter or matches, inside an educational building and under circumstances where there is a risk of fire, except where the device is used in a manner authorized by the school;
19. Violation of any local, state, or federal law as appropriate;
20. Acts disruptive of the educational process, including, but not limited to, disobedience, disruptive or disrespectful behavior, defiance of authority, cheating, insolence, insubordination, failure to identify oneself, improper activation of fire alarms, or bomb threats;
21. Violation of the school district's Internet Acceptable Use and Safety Policy;
22. Possession of nuisance devices or objects which cause distractions and may facilitate cheating including, but not limited to, pagers, radios, and phones, including picture phones;
23. Violation of school bus or transportation rules or the school district's Student Transportation Safety Policy;
24. Violation of parking or school traffic rules and regulations, including, but not limited to, driving on school property in such a manner as to endanger persons or property;
25. Violation of directives or guidelines relating to lockers or improperly gaining access to a school locker;
26. Violation of the school district's Search of Student Lockers, Desks, Personal Possessions, and Student's Person Policy;
27. Violation of the school district's Student Use and Parking of Motor Vehicles; Patrols, Inspections, and Searches Policy;
28. Possession or distribution of slanderous, libelous, or pornographic materials;
29. Violation of the school district's Bullying Prohibition Policy;



30. Student attire or personal grooming which creates a danger to health or safety or creates a disruption to the educational process, including clothing which bears a message which is lewd, vulgar, or obscene, apparel promoting products or activities that are illegal for use by minors, or clothing containing objectionable emblems, signs, words, objects, or pictures communicating a message that is racist, sexist, or otherwise derogatory to a protected minority group or which connotes gang membership;
31. Criminal activity;
32. Falsification of any records, documents, notes, or signatures;
33. Tampering with, changing, or altering records or documents of the school district by any method including, but not limited to, computer access or other electronic means;
34. Scholastic dishonesty which includes, but is not limited to, cheating on a school assignment or test, plagiarism, or collusion, including the use of picture phones or other technology to accomplish this end;
35. Impertinent or disrespectful language toward teachers or other school district personnel;
36. Violation of the school district's Harassment and Violence Policy;
37. Actions, including fighting or any other assaultive behavior, which causes or could cause injury to the student or other persons or which otherwise endangers the health, safety, or welfare of teachers, students, other school district personnel, or other persons;
38. Committing an act which inflicts great bodily harm upon another person, even though accidental or a result of poor judgment;
39. Violations against persons, including, but not limited to, assault or threatened assault, fighting, harassment, interference or obstruction, attack with a weapon, or look-alike weapon, sexual assault, illegal or inappropriate sexual conduct, or indecent exposure;
40. Verbal assaults or verbally abusive behavior including, but not limited to, use of language that is discriminatory, abusive, obscene, threatening, intimidating, or that degrades other people;
41. Physical or verbal threats including, but not limited to, the staging or reporting of dangerous or hazardous situations that do not exist;
42. Inappropriate, abusive, threatening, or demeaning actions based on race, color, creed, religion, sex, marital status, status with regard to public assistance, disability, national origin, or sexual orientation;
43. Violation of the school district's Distribution of Nonschool-Sponsored Materials on School Premises by Students and Employees Policy;
44. Violation of school rules, regulations, policies, or procedures, including, but not limited to, those policies specifically enumerated in this policy;
45. Other acts, as determined by the school district, which are disruptive of the educational process or dangerous or detrimental to the student or other students, school district personnel or surrounding persons, or which violate the rights of others or which damage or endanger the property of the school, or which otherwise interferes with or obstruct the mission or operations of the school district or the safety or welfare of students or employees.

## **VII. DISCIPLINARY ACTION OPTIONS**

The general policy of the school district is to utilize progressive discipline to the extent reasonable and appropriate based upon the specific facts and circumstances of student misconduct. The specific form of discipline chosen in a particular case is solely within the discretion of the school district. At a minimum, violation of school district rules, regulations, policies, or procedures will result in discussion of the violation and a verbal warning. The school district shall, however, impose more severe disciplinary sanctions for any violation, including exclusion or expulsion, if warranted by the student's misconduct, as determined by the school district. Disciplinary action may include, but is not limited to, one or more of the following:

- A. Student conference with teacher, principal, counselor, or other school district personnel, and verbal warning;
- B. Confiscation by school district personnel and/or by law enforcement of any item, article, object, or thing, prohibited by, or used in the violation of, any school district policy, rule, regulation, procedure, or state or federal law. If confiscated by the school district, the confiscated item, article, object, or thing will be released only to the parent/guardian following the completion of any investigation or disciplinary action instituted or taken related to the violation.
- C. Parent contact;
- D. Parent conference;
- E. Removal from class;
- F. In-school suspension;
- G. Suspension from extracurricular activities;
- H. Detention or restriction of privileges;
- I. Loss of school privileges;
- J. In-school monitoring or revised class schedule;
- K. Referral to in-school support services;
- L. Referral to community resources or outside agency services;
- M. Financial restitution;
- N. Referral to police, other law enforcement agencies, or other appropriate authorities;
- O. A request for a petition to be filed in district court for juvenile delinquency adjudication;
- P. Out-of-school suspension under the Pupil Fair Dismissal Act;
- Q. Preparation of an admission or readmission plan;
- R. Saturday school;
- S. Expulsion under the Pupil Fair Dismissal Act;
- T. Exclusion under the Pupil Fair Dismissal Act; and/or
- U. Other disciplinary action as deemed appropriate by the school district.

## **VIII. REMOVAL OF STUDENTS FROM CLASS**

- A. Teachers have the responsibility of attempting to modify disruptive student behavior by such means as conferring with the student, using positive reinforcement, assigning detention or other consequences, or contacting the student's parents. When such measures fail, or when the teacher determines it is otherwise appropriate based upon the student's conduct, the teacher shall have the authority to remove the student from class pursuant to the procedures established by this discipline policy. "Removal from class" and "removal" mean any actions taken by a teacher, principal, or other school district employee to prohibit a student from attending a class or activity period for a period of time not to exceed five (5) days, pursuant to this discipline policy.

Grounds for removal from class shall include any of the following:

1. 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;
2. Willful conduct that endangers surrounding persons, including school district employees, the student or other students, or the property of the school;
3. Willful violation of any school rules, regulations, policies or procedures, including the Code of Student Conduct in this policy; or
4. Other conduct, which in the discretion of the teacher or administration, requires removal of the student from class.

Such removal shall be for at least one (1) activity period or class period of instruction for a given course of study and shall not exceed five (5) such periods.

- B. If a student is removed from class more than ten (10) times in a school year, the school district shall notify the parent or guardian of the student's tenth removal from class and make reasonable attempts to convene a meeting with the student's parent or guardian to discuss the problem that is causing the student to be removed from class.

### **C. Procedures for Removal of a Student From a Class**

1. Teachers and administrators may remove students from class for disruptive behavior. A written explanation must accompany or follow a student removed from a class.
2. Students may be directed to the Principal's Office or another designated space as the teacher directs.
3. When students are removed from class, they will make plans for avoiding reoccurrence of that behavior. This may include writing a reflective behavior plan.
4. Parent/guardian will be notified by mail or phone when their child is removed from class.
5. A parent/guardian meeting or conference may be required depending upon the severity of the student's misbehavior.
6. Students will be provided with schoolwork when removed from class.
7. The student removed from class will be the responsibility of the principal or the principal's designee while in the office.

8. A re-entry conference may be held and include parents/guardians, teacher(s) and pupil-personnel support staff.

## **IX. DISMISSAL**

- A. “Dismissal” means the denial of the current educational program to any student, including exclusion, expulsion and suspension. Dismissal does not include removal from class.

The school district shall not deny due process or equal protection of the law to any student involved in a dismissal proceeding which may result in suspension, exclusion or expulsion.

The school district shall not dismiss any student without attempting to provide alternative educational services before dismissal proceedings, except where it appears that the student will create an immediate and substantial danger to self or to surrounding persons or property.

- B. Violations leading to suspension, based upon severity, may also be grounds for actions leading to expulsion, and/or exclusion. A student may be dismissed on any of the following grounds:

1. Willful violation of any reasonable school board regulation, including those found in this policy;
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.

- C. Suspension Procedures

1. “Suspension” means an action by the school administration, under rules promulgated by the School Board, prohibiting a student from attending school for a period of no more than ten (10) school days; provided, however, if a suspension is longer than five (5) school days, the suspending administrator shall provide the superintendent with a reason for the longer term of suspension. This definition does not apply to dismissal for one (1) school day or less where a student with a disability does not receive regular or special education instruction during that dismissal period.
2. If a student’s total days of removal from school exceed ten (10) cumulative days in a school year, the school district shall make reasonable attempts to convene a meeting with the student and the student’s parent or guardian before subsequently removing the student from school and, with the permission of the parent or guardian, arrange for a mental health screening for the student at the parent or guardian’s expense. The purpose of this meeting is to attempt to determine the pupil’s need for assessment or other services or whether the parent or guardian should have the student assessed or diagnosed to determine whether the student needs treatment for a mental health disorder.
3. Each suspension action may include a readmission plan. The plan shall include, where appropriate, a provision for implementing alternative educational services upon readmission which must not be used to extend the current suspension. A readmission plan must not obligate a parent or guardian to provide psychotropic drugs to their student as a condition of readmission. School administration must not use the refusal of a parent or guardian to consent to the administration of psychotropic drugs to their student or to consent to a psychiatric evaluation, screening, or examination of the student as a ground, by itself, to prohibit the student from attending class or participating in a school-related activity, or as a basis of a charge of child abuse, child neglect, or medical or educational neglect. The school administration may not impose consecutive suspensions against the same student for the same course of conduct, or incident of misconduct, except where the student will create an immediate and substantial danger to self or to surrounding

persons or property or where the school district is in the process of initiating an expulsion, in which case the school administration may extend the suspension to a total of fifteen (15) days.

4. A child with a disability may be suspended. When a child with a disability has been suspended for more than five (5) consecutive days or ten (10) cumulative school days in the same year, and that suspension does not involve a recommendation for expulsion or exclusion or other change in placement under federal law, relevant members of the child's IEP team, including at least one of the child's teachers, shall meet and determine the extent to which the child needs services in order to continue to participate in the general education curriculum, although in another setting, and to progress toward meeting the goals in the child's IEP. That meeting must occur as soon as possible, but no more than ten (10) days after the sixth (6<sup>th</sup>) consecutive day of suspension or the tenth (10<sup>th</sup>) cumulative day of suspension has elapsed.
5. The school administration shall implement alternative educational services when the suspension exceeds five (5) days. 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 assessments, homebound instruction, supervised homework, or enrollment in another district or in an alternative learning center under Minn. Stat. § 123A.05 selected to allow the pupil to progress toward meeting graduation standards under Minn. Stat. § 120B.02, although in a different setting.
6. The school administration shall not suspend a student from school without an informal administrative conference with the student. The informal administrative conference shall take place before the suspension, except where it appears that the student will create an immediate and substantial danger to self or to surrounding persons or property, in which case the conference shall take place as soon as practicable following the suspension. At the informal administrative conference, a school administrator shall notify the student of the grounds for the suspension, provide an explanation of the evidence the authorities have, and the student may present the student's version of the facts. A separate administrative conference is required for each period of suspension.
7. After school administration notifies a student of the grounds for suspension, school administration may, instead of imposing the suspension, do one or more of the following:
  - a. strongly encourage a parent or guardian of the student to attend school with the student for one day;
  - b. assign the student to attend school on Saturday as supervised by the principal or the principal's designee; and
  - c. petition the juvenile court that the student is in need of services under Minn. Stat. Ch. 260C.
8. A written notice containing the grounds for suspension, a brief statement of the facts, a description of the testimony, a readmission plan, and a copy of the Minnesota Pupil Fair Dismissal Act, Minn. Stat. §§ 121A.40-121A.56, shall be personally served upon the student at or before the time the suspension is to take effect, and upon the student's parent or guardian by mail within forty-eight (48) hours of the conference. (See attached sample Notice of Suspension.)
9. The school administration shall make reasonable efforts to notify the student's parent or guardian of the suspension by telephone as soon as possible following suspension.
10. In the event a student is suspended without an informal administrative conference on the grounds that the student will create an immediate and substantial danger to surrounding persons or property, the written notice shall be served upon the student and the student's parent or guardian within forty-eight (48) hours of the suspension. Service by mail shall be complete upon mailing.

11. Notwithstanding the foregoing provisions, the student may be suspended pending the school board's decision in an expulsion or exclusion proceeding, provided that alternative educational services are implemented to the extent that suspension exceeds five (5) days.

D. Expulsion and Exclusion Procedures

1. "Expulsion" means a school board action to prohibit an enrolled student from further attendance for up to twelve (12) months from the date the student is expelled. The authority to expel rests with the school board.
2. "Exclusion" means an action taken by the school board to prevent enrollment or re-enrollment of a student for a period that shall not extend beyond the school year. The authority to exclude rests with the school board.
3. All expulsion and exclusion proceedings will be held pursuant to and in accordance with the provisions of the Minnesota Pupil Fair Dismissal Act, Minn. Stat. §§121A.40-121A.56.
4. No expulsion or exclusion shall be imposed without a hearing, unless the right to a hearing is waived in writing by the student and parent or guardian.
5. The student and parent or guardian shall be provided written notice of the school district's intent to initiate expulsion or exclusion proceedings. This notice shall be served upon the student and his or her parent or guardian personally or by mail, and shall contain a complete statement of the facts; a list of the witnesses and a description of their testimony; state the date, time and place of hearing; be accompanied by a copy of the Pupil Fair Dismissal Act, Minn. Stat. §§ 121A.40-121A.56; describe alternative educational services accorded the student in an attempt to avoid the expulsion proceedings; and inform the student and parent or guardian of their right to: (1) have a representative of the student's own choosing, including legal counsel at the hearing; (2) examine the student's records before the hearing; (3) present evidence; and (4) confront and cross-examine witnesses. The school district shall advise the student's parent or guardian that free or low-cost legal assistance may be available and that a legal assistance resource list is available from the Minnesota Department of Education (MDE).
6. The hearing shall be scheduled within ten (10) days of the service of the written notice unless an extension, not to exceed five (5) days, is requested for good cause by the school district, student, parent, or guardian.
7. All hearings shall be held at a time and place reasonably convenient to the student, parent, or guardian and shall be closed, unless the student, parent, or guardian requests an open hearing.
8. The school district shall record the hearing proceedings at district expense, and a party may obtain a transcript at its own expense.
9. The student shall have a right to a representative of the student's own choosing, including legal counsel, at the student's sole expense. The school district shall advise the student's parent or guardian that free or low-cost legal assistance may be available and that a legal assistance resource list is available from MDE. The school board may appoint an attorney to represent the school district in any proceeding.
10. If the student designates a representative other than the parent or guardian, the representative must have a written authorization from the student and the parent or guardian providing them with access to and/or copies of the student's records.
11. All expulsion or exclusion hearings shall take place before and be conducted by an independent hearing officer designated by the school district. The hearing shall be conducted in a fair and impartial manner. Testimony shall be given under oath and the hearing officer shall have the power to issue subpoenas and administer oaths.

12. At a reasonable time prior to the hearing, the student, parent or guardian, or authorized representative shall be given access to all school district records pertaining to the student, including any tests or reports upon which the proposed dismissal action may be based.
13. The student, parent or guardian, or authorized representative, shall have the right to compel the presence of any school district employee or agent or any other person who may have evidence upon which the proposed dismissal action may be based, and to confront and cross-examine any witnesses testifying for the school district.
14. The student, parent or guardian, or authorized representative, shall have the right to present evidence and testimony, including expert psychological or educational testimony.
15. The student cannot be compelled to testify in the dismissal proceedings.
16. The hearing officer shall prepare findings and a recommendation based solely upon substantial evidence presented at the hearing, which must be made to the school board and served upon the parties within two (2) days after the close of the hearing.
17. The school board shall base its decision upon the findings and recommendation of the hearing officer and shall render its decision at a meeting held within five (5) days after receiving the findings and recommendation. The school board may provide the parties with the opportunity to present exceptions and comments to the hearing officer's findings and recommendation provided that neither party presents any evidence not admitted at the hearing. The decision by the school board must be based on the record, must be in writing, and must state the controlling facts on which the decision is made in sufficient detail to apprise the parties and the Commissioner of Education (Commissioner) of the basis and reason for the decision.
18. A party to an expulsion or exclusion decision made by the school board may appeal the decision to the Commissioner within twenty-one (21) calendar days of school board action pursuant to Minn. Stat. § 121A.49. The decision of the school board shall be implemented during the appeal to the Commissioner.
19. The school district shall report any suspension, expulsion or exclusion action taken to the appropriate public service agency, when the student is under the supervision of such agency.
20. The school district must report, through the MDE electronic reporting system, each expulsion or exclusion within thirty (30) days of the effective date of the action to the Commissioner. This report must include a statement of alternative educational services given the student and the reason for, the effective date, and the duration of the exclusion or expulsion. The report must also include the student's age, grade, gender, race, and special education status. The dismissal report must include state student identification numbers of affected students.
21. Whenever a student fails to return to school within ten (10) school days of the termination of dismissal, a school administrator shall inform the student and his/her parent or guardian by mail of the student's right to attend and to be reinstated in the school district.

## **X. ADMISSION OR READMISSION PLAN**

A school administrator shall prepare and enforce an admission or readmission plan for any student who is excluded or expelled from school. The plan may include measures to improve the student's behavior, including completing a character education program consistent with Minn. Stat. § 120B.232, Subd. 1, and require parental involvement in the admission or readmission process, and may indicate the consequences to the student of not improving the student's behavior. The readmission plan must not obligate parents to provide a sympathomimetic medication for their child as a condition of readmission.

## **XI. NOTIFICATION OF POLICY VIOLATIONS**

Notification of any violation of this policy and resulting disciplinary action shall be as provided herein, or as otherwise provided by the Pupil Fair Dismissal Act or other applicable law. The teacher, principal or other school district official may provide additional notification as deemed appropriate.

## **XII. STUDENT DISCIPLINE RECORDS**

The policy of the school district is that complete and accurate student discipline records be maintained. The collection, dissemination, and maintenance of student discipline records shall be consistent with applicable school district policies and federal and state law, including the Minnesota Government Data Practices Act, Minn. Stat. Ch. 13.

## **XIII. DISABLED STUDENTS**

Students who are currently identified as eligible under the IDEA or Section 504 will be subject to the provisions of this policy, unless the student's IEP or 504 plan specifies a necessary modification.

Before initiating an expulsion or exclusion of a student with a disability, relevant members of the child's IEP team and the child's parent shall, consistent with federal law, conduct a manifestation determination and determine whether the child's behavior was (i) caused by or had a direct and substantial relationship to the child's disability and (ii) whether the child's conduct was a direct result of a failure to implement the child's IEP. If the student's educational program is appropriate and the behavior is not a manifestation of the student's disability, the school student who is also a dependent student who is or has been in attendance in the school district to inspect or review the education records of the student, except those records which are made confidential by state or federal law or as otherwise provided in Section VIII. of this policy.

### **B. Response to Request for Access**

The school district shall respond to any request pursuant to Subdivision A. of this section immediately, if possible, or within ten (10) days of the date of the request, excluding Saturdays, Sundays, and legal holidays.

### **C. Right to Inspect and Review**

The right to inspect and review education records under Subdivision A. of this section includes:

1. The right to a response from the school district to reasonable requests for explanations and interpretations of records; and
2. If circumstances effectively prevent the parent or eligible student from exercising the right to inspect and review the education records, the school district shall provide the parent or eligible student with a copy of the records requested or make other arrangements for the parent or eligible student to inspect and review the requested records.
3. Nothing in this policy shall be construed as limiting the frequency of inspection of the education records of a student with a disability by the student's parent or guardian or by the student upon the student reaching the age of majority.

### **D. Form of Request**

Parents or eligible students shall submit to the school district a written request to inspect education records which identify as precisely as possible the record or records he or she wishes to inspect.

### **E. Collection of Student Records**

If a student's education records are maintained in more than one location, the responsible authority may collect copies of the records or the records themselves from the various locations so they may be inspected at one site. However, if the parent or eligible student wishes to inspect these records where they are



maintained, the school district shall attempt to accommodate those wishes. The parent or eligible student shall be notified of the time and place where the records may be inspected.

F. Records Containing Information on More Than One Student

If the education records of a student contain information on more than one student, the parent or eligible student may inspect and review or be informed of only the specific information which pertains to that student.

G. Authority to Inspect or Review

The school district may presume that either parent of the student has authority to inspect or review the education records of a student unless the school district has been provided with evidence that there is a legally binding instrument or a state law or court order governing such matters as marriage dissolution, separation, or custody which provides to the contrary.

H. Fees for Copies of Records

1. The school district shall charge a reasonable fee for providing photocopies or printed copies of records unless printing a copy is the only method to provide for the inspection of data. In determining the amount of the reasonable fee, the school district shall consider the following:
  - a. the cost of materials, including paper, used to provide the copies;
  - b. the cost of the labor required to prepare the copies;
  - c. any schedule of standard copying charges established by the school district in its normal course of operations;
  - d. any special costs necessary to produce such copies from machine based record-keeping systems, including but not limited to computers and microfilm systems; and
  - e. mailing costs.
2. If 100 or fewer pages of black and white, letter or legal size paper copies are requested, actual costs shall not be used, and, instead, the charge shall be no more than 25 cents for each page copied.
3. The cost of providing copies shall be borne by the parent or eligible student.
4. The responsible authority, however, may not impose a fee for a copy of an education record made for a parent or eligible student if doing so would effectively prevent or, in the case of a student with a disability, impair the parent or eligible student from exercising their right to inspect or review the student's education records.

**XV. REQUEST TO AMEND RECORDS; PROCEDURES TO CHALLENGE DATA**

A. Request to Amend Education Records

The parent of a student or an eligible student who believes that information contained in the education records of the student is inaccurate, misleading, or violates the privacy rights of the student may request that the school district amend those records.

1. The request shall be in writing, shall identify the item the requestor believes to be inaccurate, misleading, or in violation of the privacy or other rights of the student, shall state the reason for this belief, and shall specify the correction the requestor wishes the school district to make. The request shall be signed and dated by the requestor.

2. The school district shall decide whether to amend the education records of the student in accordance with the request within thirty (30) days after receiving the request.
3. If the school district decides to refuse to amend the education records of the student in accordance with the request, it shall inform the parent of the student or the eligible student of the refusal and advise the parent or eligible student of the right to a hearing under Subdivision B. of this section.

B. Right to a Hearing

If the school district refuses to amend the education records of a student, the school district, on request, shall provide an opportunity for a hearing in order to challenge the content of the student's education records to ensure that information in the education records of the student is not inaccurate, misleading, or otherwise in violation of the privacy or other rights of the student. A hearing shall be conducted in accordance with Subdivision C. of this section.

1. If, as a result of the hearing, the school district decides that the information is inaccurate, misleading, or otherwise in violation of the privacy or other rights of the student, it shall amend the education records of the student accordingly and so inform the parent of the student or the eligible student in writing.
2. If, as a result of the hearing, the school district decides that the information is not inaccurate, misleading, or otherwise in violation of the privacy or other rights of the student, it shall inform the parent or eligible student of the right to place a statement in the record commenting on the contested information in the record or stating why he or she disagrees with the decision of the school district, or both.
3. Any statement placed in the education records of the student under Subdivision B. of this section shall:
  - a. be maintained by the school district as part of the education records of the student so long as the record or contested portion thereof is maintained by the school district; and
  - b. if the education records of the student or the contested portion thereof is disclosed by the school district to any party, the explanation shall also be disclosed to that party.

C. Conduct of Hearing

1. The hearing shall be held within a reasonable period of time after the school district has received the request, and the parent of the student or the eligible student shall be given notice of the date, place, and time reasonably in advance of the hearing.
2. The hearing may be conducted by any individual, including an official of the school district who does not have a direct interest in the outcome of the hearing. The school board attorney shall be in attendance to present the school board's position and advise the designated hearing officer on legal and evidentiary matters.
3. The parent of the student or eligible student shall be afforded a full and fair opportunity for hearing to present evidence relative to the issues raised under Subdivisions A. and B. of this section and may be assisted or represented by individuals of his or her choice at his or her own expense, including an attorney.
4. The school district shall make a decision in writing within a reasonable period of time after the conclusion of the hearing. The decision shall be based solely on evidence presented at the hearing and shall include a summary of evidence and reasons for the decision.

D. Appeal

The final decision of the designated hearing officer may be appealed in accordance with the applicable provisions of Minn. Stat. Ch. 14 relating to contested cases.

#### **XVI. PROBLEMS ACCESSING DATA**

- A. The data practices compliance official is the designated employee to whom persons may direct questions or concerns regarding problems in obtaining access to data or other data practices problems.
- B. Data practices compliance official means the Director of Human Resources.
- C. Any request by an individual with a disability for reasonable modifications of the school district's policies or procedures for purposes of accessing records shall be made to the data practices compliance official. district will proceed with discipline – up to and including expulsion – as if the student did not have a disability, unless the student's educational program provides otherwise. If the team determines that the behavior subject to discipline is a manifestation of the student's disability, the team shall conduct a functional behavioral assessment and implement a behavioral intervention plan for such student provided that the school district had not conducted such assessment prior to the manifestation determination before the behavior that resulted in a change of placement. Where a behavioral intervention plan previously has been developed, the team will review the behavioral intervention plan and modify it as necessary to address the behavior.

When a student who has an IEP is excluded or expelled for misbehavior that is not a manifestation of the student's disability, the school district shall continue to provide special education and related services during the period of expulsion or exclusion.

#### **XIV. OPEN ENROLLED STUDENTS**

The school district may terminate the enrollment of a nonresident student enrolled under an Enrollment Option Program (Minn. Stat. § 124D.03) or Enrollment in Nonresident District (Minn. Stat. § 124D.08) at the end of a school year if the student meets the definition of a habitual truant, the student has been provided appropriate services for truancy (Minn. Stat. Ch. 260A), and the student's case has been referred to juvenile court. The school district may also terminate the enrollment of a nonresident student over the age of sixteen (16) enrolled under an Enrollment Options Program if the student is absent without lawful excuse for one or more periods on fifteen (15) school days and has not lawfully withdrawn from school.

#### **XV. DISTRIBUTION OF POLICY**

The school district will notify students and parents of the existence and contents of this policy in such manner as it deems appropriate. Copies of this discipline policy shall be made available to all students and parents at the commencement of each school year and to all new students and parents upon enrollment. This policy shall also be available upon request in each principal's office.

#### **XVI. REVIEW OF POLICY**

The principal and representatives of parents, students and staff in each school building shall confer at least annually to review this discipline policy, determine if the policy is working as intended, and to assess whether the discipline policy has been enforced. Any recommended changes shall be submitted to the superintendent for consideration by the school board, which shall conduct an annual review of this policy.

### **Policy #ACB - Policy Prohibiting Harassment and Violence**

#### **I. PURPOSE**

The purpose of this policy is to maintain a learning and working environment that is free from harassment and violence on the basis of race, color, creed, religion, national origin, sex, age, marital status, familial status, status with regard to public assistance, sexual orientation, or disability.

#### **II. GENERAL STATEMENT OF POLICY**

- A. The policy of the school district is to maintain a learning and working environment that is free from harassment and violence on the basis of race, color, creed, religion, national origin, sex, age, marital status, familial status, status with regard to public assistance, sexual orientation, or disability. The school district prohibits any form of harassment or violence on the basis of race, color, creed, religion, national origin, sex, age, marital status, familial status, status with regard to public assistance, sexual orientation, or disability.
- B. A violation of this policy occurs when any pupil, teacher, administrator, or other school personnel of the school district harasses a pupil, teacher, administrator, or other school personnel or group of pupils, teachers, administrators, or other school personnel through conduct or communication based on a person's race, color, creed, religion, national origin, sex, age, marital status, familial status, status with regard to public assistance, sexual orientation, or disability, as defined by this policy. (For purposes of this policy, school personnel includes school board members, school employees, agents, volunteers, contractors, or persons subject to the supervision and control of the district.)
- C. A violation of this policy occurs when any pupil, teacher, administrator, or other school personnel of the school district inflicts, threatens to inflict, or attempts to inflict violence upon any pupil, teacher, administrator, or other school personnel or group of pupils, teachers, administrators, or other school personnel based on a person's race, color, creed, religion, national origin, sex, age, marital status, familial status, status with regard to public assistance, sexual orientation, or disability.
- D. The school district will act to investigate all complaints, either formal or informal, verbal or written, of harassment or violence based on a person's race, color, creed, religion, national origin, sex, age, marital status, familial status, status with regard to public assistance, sexual orientation, or disability, and to discipline or take appropriate action against any pupil, teacher, administrator, or other school personnel who is found to have violated this policy.

### **III. DEFINITIONS**

- A. "Assault" is:
  - 1. an act done with intent to cause fear in another of immediate bodily harm or death;
  - 2. the intentional infliction of or attempt to inflict bodily harm upon another; or
  - 3. the threat to do bodily harm to another with present ability to carry out the threat.
- B. "Harassment" prohibited by this policy 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, 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.
- C. "Immediately" means as soon as possible but in no event longer than 24 hours.
- D. Protected Classifications; Definitions
  - 1. "Disability" means any condition or characteristic that renders a person a disabled person. A disabled person is any person who:

- a. has a physical, sensory, or mental impairment which materially limits one or more major life activities;
  - b. has a record of such an impairment; or
  - c. is regarded as having such an impairment.
- 2. “Familial status” means the condition of one or more minors being domiciled with:
  - a. their parent or parents or the minor’s legal guardian; or
  - b. the designee of the parent or parents or guardian with the written permission of the parent or parents or guardian. The protections afforded against harassment on the basis of family status apply to any person who is pregnant or is in the process of securing legal custody of an individual who has not attained the age of majority.
- 3. “Marital status” means whether a person is single, married, remarried, divorced, separated, or a surviving spouse and, in employment cases, includes protection against harassment on the basis of the identity, situation, actions, or beliefs of a spouse or former spouse.
- 4. “National origin” means the place of birth of an individual or of any of the individual’s lineal ancestors.
- 5. “Sex” includes, but is not limited to, pregnancy, childbirth, and disabilities related to pregnancy or childbirth.
- 6. “Sexual orientation” means having or being perceived as having an emotional, physical, or sexual attachment to another person without regard to the sex of that person or having or being perceived as having an orientation for such attachment, or having or being perceived as having a self-image or identity not traditionally associated with one’s biological maleness or femaleness. “Sexual orientation” does not include a physical or sexual attachment to children by an adult.
- 7. “Status with regard to public assistance” means the condition of being a recipient of federal, state, or local assistance, including medical assistance, or of being a tenant receiving federal, state, or local subsidies, including rental assistance or rent supplements.

E. Sexual Harassment; Definition

- 1. Sexual harassment consists of unwelcome sexual advances, requests for sexual favors, sexually motivated physical conduct or other verbal or physical conduct or communication of a sexual nature when:
  - a. submission to that conduct or communication is made a term or condition, either explicitly or implicitly, of obtaining employment or an education; or
  - b. submission to or rejection of that conduct or communication by an individual is used as a factor in decisions affecting that individual’s employment or education; or
  - c. that conduct or communication has the purpose or effect of substantially or unreasonably interfering with an individual’s employment or education, or creating an intimidating, hostile, or offensive employment or educational environment.
- 2. Sexual harassment may include, but is not limited to:
  - a. unwelcome verbal harassment or abuse;
  - b. unwelcome pressure for sexual activity;

- c. unwelcome, sexually motivated, or inappropriate patting, pinching, or physical contact, other than necessary restraint of pupil(s) by teachers, administrators, or other school personnel to avoid physical harm to persons or property;
- d. unwelcome sexual behavior or words, including demands for sexual favors, accompanied by implied or overt threats concerning an individual's employment or educational status;
- e. unwelcome sexual behavior or words, including demands for sexual favors, accompanied by implied or overt promises of preferential treatment with regard to an individual's employment or educational status; or
- f. unwelcome behavior or words directed at an individual because of gender.

F. Sexual Violence; Definition

- 1. Sexual violence is a physical act of aggression or force or the threat thereof which involves the touching of another's intimate parts, or forcing a person to touch any person's intimate parts. Intimate parts, as defined in Minn. Stat. § 609.341, includes the primary genital area, groin, inner thigh, buttocks, or breast, as well as the clothing covering these areas.
- 2. Sexual violence may include, but is not limited to:
  - a. touching, patting, grabbing, or pinching another person's intimate parts, whether that person is of the same sex or the opposite sex;
  - b. coercing, forcing, or attempting to coerce or force the touching of anyone's intimate parts;
  - c. coercing, forcing, or attempting to coerce or force sexual intercourse or a sexual act on another; or
  - d. threatening to force or coerce sexual acts, including the touching of intimate parts or intercourse, on another.

G. Violence; Definition

Violence prohibited by this policy is 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.

**IV. REPORTING PROCEDURES**

- A. Any person who believes he or she has been the victim of harassment or violence on the basis of race, color, creed, religion, national origin, sex, age, marital status, familial status, status with regard to public assistance, sexual orientation, or disability by a pupil, teacher, administrator, or other school personnel of the school district, or any person with knowledge or belief of conduct which may constitute harassment or violence prohibited by this policy toward a pupil, teacher, administrator, or other school personnel or group of pupils, teachers, administrators, or other school personnel should report the alleged acts immediately to an appropriate school district official designated by this policy. The school district encourages the reporting party or complainant to use the report form available from the principal of each building or available from the school district office, but oral reports shall be considered complaints as well. Nothing in this policy shall prevent any person from reporting harassment or violence directly to a school district human rights officer or to the superintendent.

- B. In Each School Building. The building principal, the principal's designee, or the building supervisor (hereinafter building report taker) is the person responsible for receiving oral or written reports of harassment or violence prohibited by this policy at the building level. Any adult school district personnel who receives a report of harassment or violence prohibited by this policy shall inform the building report taker immediately. If the complaint involves the building report taker, the complaint shall be made or filed directly with the superintendent or the school district human rights officer by the reporting party or complainant. School district personnel who fail to inform the building report taker of a report of harassment or violence in a timely manner may be subject to disciplinary action.
- C. Upon receipt of a report, the building report taker must notify the school district human rights officer immediately, without screening or investigating the report. The building report taker may request, but may not insist upon, a written complaint. A written statement of the facts alleged will be forwarded as soon as practicable by the building report taker to the human rights officer. If the report was given verbally, the building report taker shall personally reduce it to written form within 24 hours and forward it to the human rights officer. Failure to forward any harassment or violence report or complaint as provided herein may result in disciplinary action against the building report taker.
- D. In the District. The school board hereby designates the Director of Human Resources as the school district human rights officer(s) to receive reports or complaints of harassment or violence prohibited by this policy. If the complaint involves a human rights officer, the complaint shall be filed directly with the superintendent.<sup>1</sup>
- E. The school district shall conspicuously post the name of the human rights officer(s), including mailing addresses and telephone numbers.
- F. Submission of a good faith complaint or report of harassment or violence prohibited by this policy will not affect the complainant or reporter's future employment, grades, or work assignments.
- G. Use of formal reporting forms is not mandatory.
- H. Reports of harassment or violence prohibited by this policy are classified as private educational and/or personnel data and/or confidential investigative data and will not be disclosed except as permitted by law. The school district will respect the privacy of the complainant(s), the individual(s) against whom the complaint is filed, and the witnesses as much as possible, consistent with the school district's legal obligations to investigate, to take appropriate action, and to comply with any discovery or disclosure obligations.

## **V. INVESTIGATION**

- A. By authority of the school district, the human rights officer, upon receipt of a report or complaint alleging harassment or violence prohibited by this policy, shall immediately undertake or authorize an investigation. The investigation may be conducted by school district officials or by a third party designated by the school district.
- B. The investigation may consist of personal interviews with the complainant, the individual(s) against whom the complaint is filed, and others who may have knowledge of the alleged incident(s) or circumstances giving rise to the complaint. The investigation may also consist of any other methods and documents deemed pertinent by the investigator.
- C. In determining whether alleged conduct constitutes a violation of this policy, the school district 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 incidents occurred. Whether a particular action or incident constitutes a violation of this policy requires a determination based on all the facts and surrounding circumstances.

- D. In addition, the school district may take immediate steps, at its discretion, to protect the complainant, pupils, teachers, administrators, or other school personnel pending completion of an investigation of alleged harassment or violence prohibited by this policy.
- E. The investigation will be completed as soon as practicable. The school district human rights officer shall make a written report to the superintendent upon completion of the investigation. If the complaint involves the superintendent, the report may be filed directly with the school board. The report shall include a determination of whether the allegations have been substantiated as factual and whether they appear to be violations of this policy.

## **VI. SCHOOL DISTRICT ACTION**

- A. Upon completion of the investigation, the school district will take appropriate action. Such action may include, but is not limited to, warning, suspension, exclusion, expulsion, transfer, remediation, termination, or discharge. School district action taken for violation of this policy will be consistent with requirements of applicable collective bargaining agreements, Minnesota and federal law, and school district policies.
- B. The result of the school district's investigation of each complaint filed under these procedures will be reported in writing to the complainant by the school district in accordance with state and federal law regarding data or records privacy.

## **VII. REPRISAL**

The school district will discipline or take appropriate action against any pupil, teacher, administrator, or other school personnel who retaliates against any person who makes a good faith report of alleged harassment or violence prohibited by this policy or any person who testifies, assists, or participates in an investigation, or who testifies, assists, or participates in a proceeding or hearing relating to such harassment or violence. Retaliation includes, but is not limited to, any form of intimidation, reprisal, harassment, or intentional disparate treatment.

## **VIII. RIGHT TO ALTERNATIVE COMPLAINT PROCEDURES**

These procedures do not deny the right of any individual to pursue other avenues of recourse which may include filing charges with the Minnesota Department of Human Rights, initiating civil action, or seeking redress under state criminal statutes and/or federal law.

## **IX. HARASSMENT OR VIOLENCE AS ABUSE**

- A. Under certain circumstances, alleged harassment or violence may also be possible abuse under Minnesota law. If so, the duties of mandatory reporting under Minn. Stat. § 626.556 may be applicable.
- B. Nothing in this policy will prohibit the school district from taking immediate action to protect victims of alleged harassment, violence, or abuse.

## **X. DISSEMINATION OF POLICY AND TRAINING**

- A. This policy shall be conspicuously posted throughout each school building in areas accessible to pupils and staff members.
- B. This policy shall be given to each school district employee and independent contractor at the time of entering into the person's employment contract.
- C. This policy shall appear in the student handbook.
- D. The school district will develop a method of discussing this policy with students and employees.



- E. The school district may implement violence prevention and character development education programs to prevent and reduce policy violations. Such programs may offer instruction on character education including, but not limited to, character qualities such as attentiveness, truthfulness, respect for authority, diligence, gratefulness, self-discipline, patience, forgiveness, respect for others, peacemaking, and resourcefulness.
- F. This policy shall be reviewed at least annually for compliance with state and federal law.

### **Policy #ACC - Hazing Prohibition**

#### **I. PURPOSE**

The purpose of this policy is to maintain a safe learning environment for students and staff that is free from hazing. Hazing activities of any type are inconsistent with the educational goals of the school district and are prohibited at all times.

#### **II. GENERAL STATEMENT OF POLICY**

- A. No student, teacher, administrator, volunteer, contractor, or other employee of the school district shall plan, direct, encourage, aid, or engage in hazing.
- B. No teacher, administrator, volunteer, contractor, or other employee of the school district shall permit, condone, or tolerate hazing.
- C. Apparent permission or consent by a person being hazed does not lessen the prohibitions contained in this policy.
- D. This policy applies to behavior that occurs on or off school property and during and after school hours.
- E. A person who engages in an act that violates school policy or law in order to be initiated into or affiliated with a student organization shall be subject to discipline for that act.
- F. The school district will act to investigate all complaints of hazing and will discipline or take appropriate action against any student, teacher, administrator, volunteer, contractor, or other employee of the school district who is found to have violated this policy.

#### **III. DEFINITIONS**

- A. “Hazing” means 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.
5. Any activity that causes or requires the student to perform a task that involves violation of state or federal law or of school district policies or regulations.

- B. “Student organization” means a group, club, or organization having students as its primary members or participants. It includes grade levels, classes, teams, activities, or particular school events. A student organization does not have to be an official school organization to come within the terms of this definition.

#### **IV. REPORTING PROCEDURES**

- A. Any person who believes he or she has been the victim of hazing or any person with knowledge or belief of conduct which may constitute hazing shall report the alleged acts immediately to an appropriate school district official designated by this policy.
- B. The building principal, the principal’s designee, or the building supervisor (hereinafter building report taker) is the person responsible for receiving reports of hazing at the building level. Any person may report hazing directly to a school district human rights officer or to the superintendent. If the complaint involves the building report taker, the complaint shall be made or filed directly with the superintendent or the school district human rights officer by the reporting party or complainant.
- C. Teachers, administrators, volunteers, contractors, and other employees of the school district shall be particularly alert to possible situations, circumstances, or events which might include hazing. Any such person who receives a report of, observes, or has other knowledge or belief of conduct which may constitute hazing shall inform the building report taker immediately. School district personnel who fail to inform the building report taker of conduct that may constitute hazing in a timely manner may be subject to disciplinary action.
- D. Submission of a good faith complaint or report of hazing will not affect the complainant or reporter’s future employment, grades, or work assignments.
- E. Reports of hazing are classified as private educational and/or personnel data and/or confidential investigative data and will not be disclosed except as permitted by law. The school district will respect the privacy of the complainant(s), the individual(s) against whom the complaint is filed, and the witnesses as much as possible, consistent with the school district’s legal obligations to investigate, to take appropriate action, and to comply with any discovery or disclosure obligations.

#### **V. SCHOOL DISTRICT ACTION**

- A. Upon receipt of a complaint or report of hazing, the school district shall undertake or authorize an investigation by school district officials or a third party designated by the school district.

- B. The school district may take immediate steps, at its discretion, to protect the complainant, reporter, students, or others pending completion of an investigation of hazing.
- C. Upon completion of the investigation, the school district will take appropriate action. Such action may include, but is not limited to, warning, suspension, exclusion, expulsion, transfer, remediation, termination, or discharge. Disciplinary consequences will be sufficiently severe to deter violations and to appropriately discipline prohibited behavior. School district action taken for violation of this policy will be consistent with the requirements of applicable collective bargaining agreements, applicable statutory authority, including the Minnesota Pupil Fair Dismissal Act, school district policies, and regulations.
- D. The school district is not authorized to disclose to a victim private educational or personnel data regarding an alleged perpetrator who is a student or employee of the school district. School officials will notify the parent(s) or guardian(s) of students involved in a hazing incident and the remedial action taken, to the extent permitted by law, based on a confirmed report.

## **VI. REPRISAL**

The school district will discipline or take appropriate action against any student, teacher, administrator, volunteer, contractor, or other employee of the school district who retaliates against any person who makes a good faith report of alleged hazing or against any person who testifies, assists, or participates in an investigation, or against any person who testifies, assists, or participates in a proceeding or hearing relating to such hazing. Retaliation includes, but is not limited to, any form of intimidation, reprisal, harassment, or intentional disparate treatment.

## **VII. DISSEMINATION OF POLICY**

- A. This policy shall appear in each school's student handbook and in each school's building and staff handbooks.
- B. The school district will develop a method of discussing this policy with students and employees.

# **Policy #FPA - SCHOOL WEAPONS POLICY**

## **I. PURPOSE**

The purpose of this policy is to assure a safe school environment for students, staff and the public.

## **II. GENERAL STATEMENT OF POLICY**

No student or nonstudent, including adults and visitors, shall possess, use or distribute a weapon when in a school location except as provided in this policy. The school district will act to enforce this policy and to discipline or take appropriate action against any student, teacher, administrator, school employee, volunteer, or member of the public who violates this policy.

## **III. DEFINITIONS**

- A. "Weapon"
  - 1. A "weapon" means 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; airguns; pellet guns; BB guns; all knives; blades; clubs; metal knuckles; numchucks; throwing stars; explosives; fireworks; mace and other propellants; stunguns; ammunition; poisons; chains; arrows; and objects that have been modified to serve as a weapon.
  - 2. No person shall possess, use or distribute any object, device or instrument having the appearance of a weapon and such objects, devices or instruments shall be treated as weapons including, but

not limited to, weapons listed above which are broken or non-functional, look-alike guns; toy guns; and any object that is a facsimile of a real weapon.

3. No person shall use articles designed for other purposes (i.e., lasers or laser pointers, belts, combs, pencils, files, scissors, etc.), to inflict bodily harm and/or intimidate and such use will be treated as the possession and use of a weapon.
- B. “School Location” includes any school building or grounds, whether leased, rented, owned or controlled by the school, locations of school activities or trips, bus stops, school buses or school vehicles, school-contracted vehicles, the area of entrance or departure from school premises or events, all locations where school-related functions are conducted, and anywhere students are under the jurisdiction of the school district.
- C. “Possession” means having a weapon on one’s person or in an area subject to one’s control in a school location.

#### **IV. EXCEPTIONS**

- A. A student who finds a weapon on the way to school or in a school location, or a student who discovers that he or she accidentally has a weapon in his or her possession, and takes the weapon immediately to the principal’s office shall not be considered to possess a weapon. If it would be impractical or dangerous to take the weapon to the principal’s office, a student shall not be considered to possess a weapon if he or she immediately turns the weapon over to an administrator, teacher or head coach or immediately notifies an administrator, teacher or head coach of the weapon’s location.
- B. It shall not be a violation of this policy if a nonstudent (or student where specified) falls within one of the following categories:
  1. active licensed peace officers;
  2. military personnel, or students or nonstudents participating in military training, who are on duty performing official duties;
  3. persons authorized to carry a pistol under Minn. Stat. § 624.714 while in a motor vehicle or outside of a motor vehicle for the purpose of directly placing a firearm in, or retrieving it from, the trunk or rear area of the vehicle;
  4. persons who keep or store in a motor vehicle pistols in accordance with Minn. Stat. §§ 624.714 or 624.715 or other firearms in accordance with § 97B.045;
    - a. Section 624.714 specifies procedures and standards for obtaining pistol permits and penalties for the failure to do so. Section 624.715 defines an exception to the pistol permit requirements for “antique firearms which are carried or possessed as curiosities or for their historical significance or value.”
    - b. Section 97B.045 generally provides that a firearm may not be transported in a motor vehicle unless it is (1) unloaded and in a gun case without any portion of the firearm exposed; (2) unloaded and in the closed trunk; or (3) a handgun carried in compliance with §§ 624.714 and 624.715.
  5. firearm safety or marksmanship courses or activities for students or nonstudents conducted on school property;
  6. possession of dangerous weapons, BB guns, or replica firearms by a ceremonial color guard;
  7. a gun or knife show held on school property;

8. possession of dangerous weapons, BB guns, or replica firearms with written permission of the principal or other person having general control and supervision of the school or the director of a child care center; or
9. persons who are on unimproved property owned or leased by a child care center, school or school district unless the person knows that a student is currently present on the land for a school-related activity.

C. Policy Application to Instructional Equipment/Tools

While the school district takes a firm “Zero Tolerance” position on the possession, use or distribution of weapons by students, and a similar position with regard to nonstudents, such a position is not meant to interfere with instruction or the use of appropriate equipment and tools by students or nonstudents. Such equipment and tools, when properly possessed, used and stored, shall not be considered in violation of the rule against the possession, use or distribution of weapons. However, when authorized instructional and work equipment and tools are used in a potentially dangerous or threatening manner, such possession and use will be treated as the possession and use of a weapon.

D. Firearms in School Parking Lots and Parking Facilities

A school district may not prohibit the lawful carry or possession of firearms in a school parking lot or parking facility. For purposes of this policy, the “lawful” carry or possession of a firearm in a school parking lot or parking facility is specifically limited to nonstudent permit-holders authorized under Minn. Stat. § 624.714 to carry a pistol in the interior of a vehicle or outside the motor vehicle for the purpose of directly placing a firearm in, or retrieving it from, the trunk or rear area of the vehicle. Any possession or carry of a firearm beyond the immediate vicinity of a permit-holder’s vehicle shall constitute a violation of this policy.

**V. CONSEQUENCES FOR STUDENT WEAPON POSSESSION/USE/ DISTRIBUTION**

- A. The school district takes a position of “Zero Tolerance” in regard to the possession, use or distribution of weapons by students. Consequently, the minimum consequence for students possessing, using or distributing weapons shall include:

1. immediate out-of-school suspension;
2. confiscation of the weapon;
3. immediate notification of police;
4. parent or guardian notification; and
5. recommendation to the superintendent of dismissal for a period of time not to exceed one year.

- B. Pursuant to Minnesota law, a student who brings a firearm, as defined by federal law, to school will be expelled for at least one year. The school board may modify this requirement on a case-by-case basis.

C. Administrative Discretion

While the school district takes a “Zero Tolerance” position on the possession, use or distribution of weapons by students, the superintendent may use discretion in determining whether, under the circumstances, a course of action other than the minimum consequences specified above is warranted. If so, other appropriate action may be taken, including consideration of a recommendation for lesser discipline.

**VI. CONSEQUENCES FOR WEAPON POSSESSION/USE/DISTRIBUTION BY NONSTUDENTS**

A. Employees

1. An employee who violates the terms of this policy is subject to disciplinary action, including nonrenewal, suspension, or discharge as deemed appropriate by the school board.
2. Sanctions against employees, including nonrenewal, suspension, or discharge shall be pursuant to and in accordance with applicable statutory authority, collective bargaining agreements, and school district policies.
3. When an employee violates the weapons policy, law enforcement may be notified, as appropriate.

B. Other Nonstudents

1. Any member of the public who violates this policy shall be informed of the policy and asked to leave the school location. Depending on the circumstances, the person may be barred from future entry to school locations. In addition, if the person is a student in another school district, that school district may be contacted concerning the policy violation.
2. If appropriate, law enforcement will be notified of the policy violation by the member of the public and may be asked to provide an escort to remove the member of the public from the school location.

**Policy #IMA - Acceptable Use of District Technology**

I. INTRODUCTION

The use of Independent School District No. 192 computers, computer networks, and Internet resources is a key element of the curriculum and instruction in Independent School District No. 192. The Independent School District No. 192 computer network is intended for educational purposes. Independent School District No. 192 expects that staff will incorporate appropriate use of computer network and Internet resources into the curriculum and will provide guidance and instruction to students as to their uses.

Despite its tremendous educational potential, the Internet also presents the potential for security vulnerabilities and user abuse. For safety purposes, Independent School District No. 192 employs methods to protect network resources and users. The school board expects all employees and students to abide by procedures set forth below governing the use of Independent School District No. 192's computers, computer networks, and Internet resources. Failure to follow the guidelines may result in disciplinary action. Independent School District No. 192 is not responsible for ensuring the accuracy or usability of any information found on external networks.

Parent(s)/guardian(s) will be given the opportunity to determine their child's access to the Internet when they first begin school in Independent School District No. 192, Grade 3, Grade 6, and Grade 9. Independent School District No. 192 will not be responsible for any and all claims arising out of or related to the usage of this interconnected computer system.

II. ACCESS

- A. Independent School District No. 192 offers Internet access for staff and student use. This policy sets for the online acceptable use procedures for all staff and students using the district's computers and network. This acceptable use policy applies to all technologies capable of accessing, inputting, or extracting information/data from the district's computer network, electronic mail (e-mail), and Internet.
- B. Students and employees shall have access to Internet information resources through computers and mobile devices located in their classroom, library, computer lab, office, or other location.
- C. Students and their parent(s)/guardian(s) must sign an Acceptable Use Consent form to be granted access to the

Internet via the Independent School District No. 192 computer network.

- D. Signatures will be required when students first begin school (Grade 3 or above), Grade 3, Grade 6, and Grade 9. Parent(s)/guardian(s) can withdraw their approval at any time.
- E. The school district shall provide each employee, where appropriate, an email account, learning management system account, telephone and voicemail account, and file/cloud storage allocation.
- F. The school district shall provide each student, where appropriate, an email account, learning management system account, and file/cloud storage allocation.
- G. The use of the school district technology systems and access to the Internet is a privilege, not a right. The school district reserves the right to limit or remove any user's access to the school district's computer system, equipment, email/voicemail system, and Internet access at any time. Depending on the nature and degree of a violation and the number of previous violations, unacceptable use of a school district system or the Internet may result in one or more of the following consequences: suspension or cancellation of use or access privileges; payments for damages and repairs; loss of credit and/or reduction of grade; discipline under other appropriate school district policies including suspension, expulsion, exclusion, or termination of employment; or civil or criminal liability under other applicable laws.

### III. EDUCATIONAL PURPOSE

- A. The Independent School District No. 192 computer network has not been established as a public access service and is not an "open" or "limited open" forum. The term "educational purposes" includes, but is not limited to, information management, classroom activities, media-center projects, educational research, career development, and curriculum activities using computers and Internet resources.
- B. The Independent School District No. 192 computer network has not been established as a public access service or a public forum. Independent School District No. 192 has the right to place reasonable restrictions on the material accessed or posted through the system into the intranet, email, voicemail, web sites, list server, blog site, or other school district system. Students and employees are expected to follow the rules set forth in this policy and the law when using the Independent School District No. 192 computer network and Internet resources. Network activity may be monitored to ensure educational utilization and compliance with policy and law.
- C. Students and employees may not use the Independent School District No. 192 computer network for non-educational or commercial purposes. This means that no products or services may be offered, provided, or purchased through the district computer network, unless such products or services are for a defined educational purpose and such activity has been approved by the Superintendent or designee.
- D. Independent School District No. 192 computers may not be used for political lobbying, but may be used to communicate with elected representatives and to express opinions to them on political issues.
- E. Employees and School Board members shall utilize the school district-assigned email account for all email communication related to their roles with Independent School District No. 192. Employees and School Board members should avoid use of the school district-assigned email account for electronic solicitation, distribution of "chain letters," sending the messages unrelated to job role to large numbers of recipients, or for any commercial purpose.
- F. Independent School District No. 192 may offer network and Internet resources to guests and visitors to school facilities. This guest access, whether made available through wired or wireless network, does not establish an open, limited open, or public forum. All guidelines of this policy apply to students and employees accessing network or Internet resources through the school district guest access, sometimes referred to as "Wi-Fi." Users other than students and employees must agree to "Terms of Use" prior to use of guest access.

#### IV. YOUR RIGHTS AND RESPONSIBILITIES

##### A. Free Speech

A student's right to free speech applies to communication on the Internet. Independent School District No. 192 computer network is considered a limited forum, similar to the school newspaper, and, therefore, the district may restrict speech for valid educational reasons. The district shall not restrict speech on the basis of a disagreement with the opinions expressed.

##### B. Search and Seizure

1. Students and employees should not expect any privacy in the contents of personal files on the district systems. Administrators and faculty may review files and messages to maintain system integrity and ensure that users are acting responsibly.
2. The district may examine all information stored on district technology resources at any time. The district may monitor staff and student technology usage. Electronic communications, all data stored on the district's technology resources, and downloaded material, including deleted files, may be intercepted, accessed, or searched by a district administrator or designees at any time.
3. Routine maintenance and monitoring of Independent School District No. 192 technology systems may lead to discovery that this policy or other school board policies and/or federal, state, or local laws have been violated.
4. An individual search shall be conducted if there is reasonable suspicion that this policy, school board policies, and/or laws have been violated. The investigation shall be reasonable and related to the suspected violation.
5. Parent(s)/guardian(s) of students have the right at any time to request to see the contents of student's files stored on school district technology systems.

##### C. District Employees

Rights, responsibilities, and duties of district employees as they relate to school district network and Internet resources are governed by the school board policies and procedures, applicable individual agreements between the employee and the school district, and applicable master agreements between the district and the employee bargaining units. Employees may be disciplined or terminated for violating the district's policies, regulations, and procedures.

##### D. Due Process

The district shall cooperate fully with local, state, or federal officials in any investigation related to any illegal activities conducted through Independent School District No. 192 computer network.

#### V. UNACCEPTABLE USES

The following uses of the Independent School District No. 192 computer network and Internet resources are considered unacceptable:

##### A. Personal Safety

1. Students and employees shall not post or provide personal contact information about themselves or other people on the Internet without the consent of the subject of the information. Personal contact information includes a student's or employee's home address or telephone number.
2. Student shall not agree to meet with someone contacted or met using school district network resources without parent's approval.



3. Students shall promptly disclose to their teacher or other school employee any content viewed using school district network resources that is inappropriate or causes discomfort.

#### B. Illegal Activities

1. Students and employees shall not attempt to gain unauthorized access to Independent School District No. 192 computer network or to any other computer system through Independent School District No. 192 computer network or go beyond authorized access. This includes attempting to log in through another person's account or access another person's files. These actions are illegal, even if only for the purposes of "browsing."
2. Students and employees shall not make deliberate attempts to disrupt the computer systems or destroy data by spreading computer viruses, adware, malware, or by any other means. These actions are illegal, and criminal prosecution and/or disciplinary action will be pursued.
3. Students and employees shall not use Independent School District No. 192 computer network system to engage in any act that is illegal; that facilitates gambling; or that violates any local, state, or federal statute. Students and staff shall not use the Internet or the school district's computer network to harass, bully, or threaten the safety of others.
4. Misuse of the school district's computer equipment or network including but not limited to, deletion or violation of password protected information, computer programs, data, password or system files; inappropriate access of files, directories, Internet sites; deliberate contamination of system unethical use of information, or violation of copyright laws is prohibited.
5. Physical abuse or tampering with school district computer, telecommunications, or network equipment is prohibited. Such abuse or tampering will be considered vandalism, destruction and defacement of school district property.

#### C. System Security

1. Employees are responsible for their individual email, voicemail, file directory, and shared directory accounts and should take all reasonable precautions to prevent others from being able to use their accounts. If the need arises to share access to such accounts, contact the technology department. Unless authorized, staff should not provide their login identity and/or passwords to another person.
2. Students shall immediately notify a teacher or administrator if they have identified a possible security problem in the school district network or Internet resources. Students should not look for security problems, because this may be construed as an illegal attempt to gain access. Under no conditions should students provide other students with their login identity and/or network password.
3. Students and employees shall avoid the inadvertent spread of computer viruses by following all school district procedures related to introducing downloaded files or software, file storage devices, or other hardware or software brought into the school from outside.
4. Students who gain access to teacher computer files, directory, programs, and web site without permission from a teacher may be disciplined.
5. Tampering with the school district's computer security system, and/or applications, and/or documents, and/or equipment will be considered vandalism, destruction, and defacement of school property. Please be advised that it is a federal offense (felony) to break into any security system. Financial and legal consequences of such actions are the responsibility of the user and/or student's parent or guardian.

#### D. Inappropriate Language

1. Restrictions against inappropriate language apply to public messages, private messages, material posted on web pages, social networking sites, and other school district network or Internet resource capable of

electronic communication.

2. Students and employees shall not use obscene, profane, lewd, vulgar, rude, inflammatory, threatening, or disrespectful language or graphic representations of such language.
3. Students and employees shall not post information that could cause damage or a danger or disruption.
4. Students and employees shall not engage in personal attacks, including prejudicial or discriminatory attacks, based on a person's race, gender, sexual orientation, religion, national origin, or disability, or engage in any other harassment or discrimination prohibited by school district policy or by law.
5. Students and employees shall not harass another person. Harassment is persistently acting in a manner that distresses or annoys another person. If students or staff are told by a person to stop sending them message or otherwise communicating with them, they must stop.
6. Students and employees shall not knowingly or recklessly post false or defamatory information about a person or organization.

E. Respect for Privacy

1. Students and employees shall not repost or forward a message that was sent to them privately without permission of the person who sent them the message.
2. Students and employees shall not post private information about another person on the Internet. This does not prohibit staff from discussing private student information with each other or with a student's parent or guardian via email or voicemail, in conformance with laws and policy governing data practices.

F. Respecting Resource Limits

1. Students and employees shall use the system only for educational and career development activities and Independent School District No. 192 curriculum activities.
2. Students and employees will have access to limited space on the school district's storage media. Student ability to download files shall be limited by applicable school district procedures. Student files may be deleted without notice if such files do not support the instructional process or are exceedingly large. Users are responsible for making backup copies of files that are critical to their use.
3. Student and employees shall not post or forward chain letters. Students and employees shall not engage in spamming. (Spamming is sending an annoying or unnecessary message or solicitation to a large number of people.)
4. Students shall not deliberately or knowingly delete another student's or employee's file.
5. Students and employees shall only use software, including but not limited to email applications and web browsers, that is supplied by the school district. Employees and students shall not install hardware or software or reconfigure equipment on the school district's technology systems without express permission from the Technology Coordinator
6. Staff and students must not be wasteful of district resources including but not limited to toner and paper.

G. Plagiarism and Copyright Infringement

1. Students and employees shall not plagiarize works that are found on the school district's network or Internet resources. Plagiarism is taking the ideas or writings of others and presenting them as if they were yours.
2. Students and employees shall respect the rights of copyright owners. Copyright infringement occurs when one inappropriately reproduces a work that is protected by copyright. If a work contains language that specifies appropriate use of that work, follow the expressed requirements. If unsure whether or not work

can be used, request permission from the copyright owner. Copyright law covers a myriad of resources including music and film. Copyright law can be very confusing; ask media specialist for guidance as needed.

#### H. Inappropriate Access to Material

1. Students and employees shall not use the Independent School District No. 192 computer network, District-provided device, or student-owned device used at school to access or create material that is profane or obscene (pornography), contains viruses, network hacking programs, or similar programs that advocate illegal acts, or that advocate violence or discrimination towards other people (hate literature).
2. If students mistakenly access inappropriate information, they should immediately tell their teacher, media specialist, or another district employee. This will protect them against claims that they have intentionally violated this policy.
3. Parent(s)/guardian(s) should instruct students if there is additional material they think is inappropriate for students to access. The district fully expects that students shall follow their parent's instructions in this matter while using District-provided technology at home.
4. Educators will monitor student use of the Internet in schools and will take reasonable measures to prevent access by students to inappropriate materials on the Internet and restrict access to materials harmful to students.
5. Parents will monitor student use of the Internet at home and will take reasonable measures to prevent access, by students, to inappropriate material on the Internet and restrict access to material harmful to students.
6. The district may monitor the online activities of employees and students, and operate technology protection measures (blocking devices or software) on the network as required by law. These measures will attempt to protect against access to visual depictions that are obscene, harmful to students, and child pornography, as required by law. Evasion or disabling of the blocking/filtering device or software installed by the school district, including attempts to evade or disable, is a violation of the acceptable use policy.

#### VI. LIMITATION OF LIABILITY

Independent School District No. 192 makes no warranties of any kind, either expressed or implied, related to school district network or Internet resources. The school district does not assume and, hereby, expressly disclaims liability for the misuse of its computers, equipment, email, voicemail, network or Internet resources that violate this policy or any applicable law. The district makes no guarantee that the functions or the services provided by or through the district system shall be error-free or without defect. The district is not responsible for any damage suffered through the use of its computer system, including but not limited to, the loss of data, interruptions of service, the accuracy or quality of information obtained through or stored in the system, damage to property used to access school district computers or online resource, or financial obligations resulting from the use of school district resources.

### **Policy #IKE - Student Retention, Promotion, and Acceleration**

#### I. PURPOSE

The purpose of this policy is to provide guidance to the school district staff, families and students regarding student promotion, retention and acceleration.

#### II. GENERAL STATEMENT OF POLICY

The school district is dedicated to the continuous development of students by placing them in the educational setting or instructional level that best meets their academic, social, and emotional needs. Students will usually

progress from grade level to grade level on an annual basis. Exceptions may be made, however, when they are in the best overall interest of the student. Such exceptions will be made only after consultation with the student's family.

Decisions to promote, retain, or accelerate are best made by the school student study team in collaboration with family. Promotion, retention or acceleration shall be recommended based on data and other information gathered by the student study team and presented to the parent(s) or guardian(s). No single set of data should be used to determine promotion, retention or acceleration; instead multiple data points will be used to analyze the student's progress.

The final decision is best made by the student study team. If the team cannot come to a unanimous decision concerning the retention, promotion or acceleration, the building administration and the superintendent or superintendent designee have the authority to make the final determination. Specific information regarding the parent(s) or guardian(s) level of support or lack of support for the team's decision should be documented and placed in the student cumulative record.

### III. CRITERIA CONSIDERATIONS

Multiple criteria will be considered to assist the student study team in making meaningful decisions about student promotion, retention and acceleration. Appendices I and II include suggested criteria that may be used in considering decisions that may result in retention or acceleration in particular. Please see Appendix I and Appendix II for multiple criteria used when gathering information for consideration for retention and acceleration.

### IV. PROCESS FOR DETERMINATION OF PROMOTION, RETENTION OR ACCELERATION

Decisions about promotion, retention and acceleration are simplified when communication about student performance are made routinely, as a matter of ongoing information, to parents and/or guardians and students. Communication about student academic progress throughout the school year includes, but is not limited to, reports of student progress, telephone calls, electronic communication about individual student or class information, school conferences, and other parent meetings.

Retention and acceleration specifically, involves a number of steps. These steps include requests for consideration, assessment and data gathering, convening of student study team, parent meeting, and determination of appropriate action.

### V. PROMOTION

Students who have achieved at grade levels deemed acceptable by local and state standards shall be promoted to the next grade level at the completion of each school year.

### VI. RETENTION

The retention of a student may be considered when a school district staff member or parent(s) or guardian(s) feel that retention may be in the best interest of the student. In the consideration of retention, a student study team and the parent(s) or guardian(s) will consider the academic, social, emotional, and interpersonal achievement of the student.

#### A. Request for Consideration

A request for grade level retention for a student may be initiated by the parent(s) or guardian(s) or a school district staff member.

#### B. Assessment and Data Gathering

Student records of current academic achievement will be assembled. Available records may include current and past marks/grades and evaluations in subject areas, standardized test information, curriculum based information (Measures of Academic Progress Tests), and assessment administered outside the district and made available by parent(s) and guardian(s). In addition to the above data, teachers may provide

information concerning the student's current classroom performance, which may include work samples and the teacher's perspective on the student's learning. (Appendix I)

C. Meeting to Review Information (Convening a Student Study Team)

The principal will convene a student study team consisting of the building principal, classroom teacher(s) and, as appropriate, a school psychologist, school counselor, and other school district staff, who will review the available assessment and data information and determine whether retention is in the best interests of the student. Along with the information provided in Appendix I, the student study team will utilize the following information in determining whether a student will be retained.

1. Current lack of progress on grade level standards in multiple curriculum areas
2. Levels of motivation and persistence
3. Social and emotional maturity
4. Instructional needs that cannot be reasonably met through modification of curriculum or standards within the next year's grade placement
5. Parent(s) or guardian(s) perspectives on learning progress of the student
6. Teachers' perspective on the learning progress of the student

D. Parent Meeting to Review Information

Once the assessment and data information has been gathered and the student study team has met, a conference will be scheduled to review and analyze the information. The principal, classroom teacher(s) of the current grade level, the parent(s) and guardian(s) and, as other appropriate other school district staff will be involved in this review.

E. Additional Assessment

If deemed necessary by the student study team, students may be referred to the school psychologist for further assessment. Possible assessments may include an intellectual ability or aptitude assessment, an individual achievement test, and measures of social-emotional readiness.

F. Meet to Review Most Recent Assessment

Once any additional assessment is complete, the student study team will meet again to review the data and information. A final grade retention decision will be made by the team at this time.

G. Determination of Appropriate Action

Information and data is reviewed and a recommendation will be made to

1. Retain the student in the present grade/course/subject for the subsequent school year and an educational plan will be developed by the student study team.
2. Not retain the student in the present grade/course/subject for the subsequent school year and an educational plan will be developed by the student study team to meet current grade level learning outcomes and subsequent school year learning outcomes.

## VII. ACCELERATION

In order to design the most appropriate educational program for students, the school district recognizes that some students demonstrate a need for whole grade acceleration or single subject acceleration.

#### A. Whole Grade Acceleration

Whole grade acceleration may be considered for students who exhibit superior levels of aptitude and have demonstrated high levels of competency in multiple academic areas.

Whole grade acceleration moves the student through an educational program at rates faster than typical of their age-mates. This instructional intervention is a serious decision that will impact the student for the remainder of their educational schooling.

The decision to advance a student should be made by the student study team after careful consideration of all factors influencing the situation. Farmington Area Public Schools are dedicated to the continuous development of students by placing them at the educational setting that best meets their academic, social and emotional needs. Whole grade acceleration involves matching the level of complexity and pace of the curriculum to the needs, readiness, and motivation of the student.

#### B. Single Subject Acceleration

It is likely that a school student study team will undergo a student study team process that explores single subject acceleration and whole grade acceleration simultaneously. Single subject acceleration may be considered for students who exhibit superior levels of aptitude and have demonstrated high levels of competency in a specific academic area. Most students in gifted services benefit through classroom differentiation in the subject(s) in which they exhibit advanced skills.

Single subject acceleration is one form of curriculum intervention that places a student in an instructional program that is most academically appropriate. When a student provides evidence of extremely high potential in one or several areas, acceleration is an appropriate intervention that moves students through an educational program at rates faster than typical of their age-mates. Single subject acceleration is a serious decision that will impact a student for the remainder of their schooling.

Farmington Area School District is committed to providing an environment that ensures all our students excel in and beyond the classroom. This includes providing an education with rigor and high academic standards that encourage the most realized academic, social-emotional, and physical development possible for each student. A highly individualized program may be needed when a student provides evidence of extremely high potential in one or several academic areas.

Consideration of single subject acceleration for a student will involve the same steps involved for whole grade acceleration such as, request for consideration, assessment and data gathering, meeting to review information, parent meeting, single grade acceleration decision, and creation of an educational plan. The following procedures may be considered when single subject acceleration is used:

1. If single subject acceleration involves a placement decision for a sequential content area, an educational plan shall be created that accommodates the potential for continued implementation beyond the year it is instituted.
2. Single subject acceleration for middle school students participating at the high school level is intended for students who are implementing an educational plan inclusive of sequential courses that are unavailable at the middle schools, to ensure continuous placement occurs.
3. At the secondary schools, school counselors will communicate in the spring of each preceding year to determine the number of students and the subject areas involved in middle school students participating in high school courses as part of single subject acceleration.

C. Request for Consideration

A request for whole grade or single subject acceleration may be initiated by the parent(s) or guardian(s) of a student or a school district staff member. Specifically, a number of steps will be involved in the determination of acceleration. These steps include requests for consideration, assessment and data gathering, convening of a student study team, holding a parent meeting, and determination of appropriate action. Whole grade or single subject acceleration requests for consideration must be made and decisions completed by May 1 of the year prior to the beginning of the subsequent school year.

D. Assessment and Data Gathering

Student records of current academic achievement will be assembled. Available data may include current and past marks/grades and evaluations in subject areas, standardized test information, curriculum based assessment (Measures of Academic Progress Tests), other formative classroom assessments, and assessment administered outside the district and made available by parent(s) or guardian(s). In addition to the above data, teachers may provide information regarding the student's current classroom performance, which may include work samples and the teacher's perspective on the student's learning. (Appendix II)

E. Meeting to Review Information (Convening a Student Study Team)

The principal will convene a school student study team consisting of the building principal, classroom teacher(s), Gifted Education Learning Teacher, school psychologist and school counselor, and other educators, such as subject matter coaches. This team will review the available assessment and data information and determine whether the student is a candidate for whole grade or single subject acceleration. Along with the information provided in Appendix II, the team will utilize all data in order to make a recommendation. All acceleration requires high academic ability. A student's cognitive and achievement levels, motivation, social-emotional maturity, and interests are taken into consideration.

F. Parent Meeting to Review Information

Once the assessment and data information has been gathered and the student study team has met, a conference will be scheduled to review and analyze the information. The principal, Gifted Education Learning Teacher, classroom teacher(s), other educators, and parent(s) or guardian(s) will convene to review information and data provided. Along with the information provided in Appendix II, the student study team will consider the following criteria as a guideline.

1. Evidence of high degrees of talent and achievement in multiple curriculum areas with special emphasis on reading, writing, and mathematics
2. High degrees of persistence and motivation
3. Social and emotional readiness
4. Instructional needs cannot be reasonably met through modification of curriculum or standards within the current grade placement
5. Parent(s') perspective on the acceleration

G. Additional Assessment

If deemed necessary by the student study team, the student will be referred to the school psychologist for further assessment. Possible assessments may include an intellectual ability or aptitude assessment, an individual achievement test, and measures of social-emotional readiness.

H. Meet to Review Most Recent Assessment

Once any additional assessment is complete, the student study team will meet again to review the data and information. The potential grade or single subject for advancement teacher shall be invited to this review. A final whole grade or single subject acceleration placement recommendation may be made by the student study team at this time. The final acceleration placement decision will be made by the building principal to fully accelerate the student to the next whole grade, or develop an educational plan which will make necessary modifications in the current grade level's curriculum, or pursue single subject acceleration.

## I. Determination of Appropriate Action

If whole grade or single subject acceleration is decided for the student, the following procedures should be followed:

1. The receiving and sending teachers and the gifted teacher will be part of the transition planning with the student and parent(s) or guardian(s).
2. In order to ensure competency in the objectives of the grade level “skipped,” an educational plan for the student will be developed by the receiving teacher and the student study team. The plan will identify the grade level standards and/or strategies to ensure the student an opportunity to demonstrate competency will be determined.
3. A timeline for transition will be established by the student study team.
4. The student study team shall meet six weeks to two months into the transition to review the student’s progress. It is at this time that the parent(s) or guardian(s) or the student study team may request a return to the original grade or class/subject.
5. Students who are new to the school district, and have attended a non-accredited school (in or out of the United States) or have been home-schooled, will be placed in an age-appropriate grade level for a period of six to eight weeks, in order to provide an opportunity to observe social, academic and emotional readiness. Following this time period, a whole grade or single subject acceleration assessment may be pursued per parent(s) or guardian(s) request.

## J. Educational Plan

The following are examples of whole grade and single subject acceleration strategies that may be considered as part of the student’s educational plan.

1. Curriculum compacting
2. Classroom differentiation that accommodates use of leveled materials
3. Mentorship
4. Independent Study
5. Technology learning opportunities
6. Concurrent enrollment

## **Policy #JICK - Bullying Prohibition**

### I. PURPOSE

A safe and civil environment is needed for students to learn and attain high academic standards and to promote healthy human relationships. Bullying, like other violent or disruptive behavior, is conduct that interferes with a student’s ability to learn and/or a teacher’s ability to educate students in a safe environment. The school district cannot monitor the activities of students at all times and eliminate all incidents of bullying between students, particularly when students are not under the direct supervision of school personnel. However, to the extent such conduct affects the educational environment of the school district and the rights and welfare of its students and is within the control of the school district in its normal operations, the school district intends to prevent bullying and to take action to investigate, respond to, and to remediate and discipline for those acts of bullying which have not been successfully prevented. The purpose of this policy is to assist the school district in its goal of preventing and responding to acts of bullying, intimidation, violence, reprisal, retaliation, and other similar disruptive and detrimental behavior.

### II. GENERAL STATEMENT OF POLICY

- A. An act of bullying, by either an individual student or a group of students, is expressly prohibited on school premises, on school district property, at - school functions or activities, or on school transportation. This policy applies not only to students who directly engage in an act of bullying but also to students who, by their indirect behavior, condone or support another student’s act of bullying. This policy also applies to any student whose conduct at any time or in any place constitutes bullying or other prohibited conduct that interferes with or obstructs the mission or operations of the school district or the safety or welfare of the



student or other students, or 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. This policy also applies to an act of cyberbullying regardless of whether such act is committed on or off school district property and/or with or without the use of school district resources.

- B. No teacher, administrator, volunteer, contractor, or other employee of the school district shall permit, condone, or tolerate bullying.
- C. Apparent permission or consent by a student being bullied does not lessen or negate the prohibitions contained in this policy.
- D. Retaliation against a victim, good faith reporter, or a witness of bullying is prohibited.
- E. False accusations or reports of bullying against another student are prohibited.
- F. A person who engages in an act of bullying, reprisal, retaliation, or false reporting of bullying or permits, condones, or tolerates bullying shall be subject to discipline or other remedial responses for that act in accordance with the school district's policies and procedures, including the school district's discipline policy (See District Policy 506). The school district may take into account the following factors:
  - 1. The developmental ages and maturity levels of the parties involved;
  - 2. The levels of harm, surrounding circumstances, and nature of the behavior;
  - 3. Past incidences or past or continuing patterns of behavior;
  - 4. The relationship between the parties involved; and
  - 5. The context in which the alleged incidents occurred.

Consequences for students who commit prohibited acts of bullying may range from remedial responses or positive behavioral interventions up to and including suspension and/or expulsion. The school district shall employ research-based developmentally appropriate best practices that include preventative and remedial measures and effective discipline for deterring violations of this policy, apply throughout the school district, and foster student, parent, and community participation.

Consequences for employees who permit, condone, or tolerate bullying or engage in an act of reprisal or intentional false reporting of bullying may result in disciplinary action up to and including termination or discharge. Consequences for other individuals engaging in prohibited acts of bullying may include, but not be limited to, exclusion from school district property and events.

- G. The school district will act to investigate all complaints of bullying reported to the school district and will discipline or take appropriate action against any student, teacher, administrator, volunteer, contractor, or other employee of the school district who is found to have violated this policy.

### **III. DEFINITIONS**

For purposes of this policy, the definitions included in this section apply.

- A. "Bullying" means intimidating, threatening, abusive, or harming conduct that is objectively offensive and:
  - 1. an actual or perceived imbalance of power exists between the student engaging in the prohibited conduct and the target of the prohibited conduct, and the conduct is repeated or forms a pattern; or
  - 2. 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.

The term “bullying,” specifically includes cyberbullying as defined in this policy.

- B. “Cyberbullying” means 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.
- C. “Immediately” means as soon as possible but in no event longer than 24 hours.
- D. . “Intimidating, threatening, abusive, or harming conduct” means, but is not limited to, conduct that does the following:
  - 1. 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;
  - 2. 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
  - 3. 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 and 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.
- E. “On school premises, on school district property, at school functions or activities, or on school transportation” means all school district buildings, school grounds, and school property or property immediately adjacent to school grounds, school bus stops, school buses, school vehicles, school contracted vehicles, or any other vehicles approved for school district purposes, the area of entrance or departure from school grounds, premises, or events, and all school-related functions, school-sponsored activities, events, or trips. School district property also may mean a student’s walking route to or from school for purposes of attending school or school-related functions, activities, or events. While prohibiting bullying at these locations and events, the school district does not represent that it will provide supervision or assume liability at these locations and events.
- F. “Prohibited conduct” means bullying or cyberbullying as defined in this policy or retaliation or reprisal for asserting, alleging, reporting, or providing information about such conduct or knowingly making a false report about bullying.
- G. “Remedial response” means a measure to stop or correct prohibited conduct, prevent prohibited conduct from recurring, and protect, support, and intervene on behalf of a student who is the target or victim of prohibited conduct.
- H. “Student” means a student enrolled in a public school or a charter school.

#### **IV. REPORTING PROCEDURE**

- A. Any person who believes he or she has been the target or victim of bullying or any person with knowledge or belief of conduct that may constitute bullying or prohibited conduct under this policy shall report the alleged acts immediately to an appropriate school district official designated by this policy. A person may

report bullying anonymously. However, the school district may not rely solely on an anonymous report to determine discipline or other remedial responses.

- B. The school district encourages the reporting party or complainant to use the report form available from the principal or building supervisor of each building or available in the school district office, but oral reports shall be considered complaints as well.
- C. The building principal, the principal's designee, or the building supervisor (hereinafter the "building report taker") is the person responsible for receiving reports of bullying or other prohibited conduct at the building level. Any person may report bullying or other prohibited conduct directly to a school district human rights officer or the superintendent. If the complaint involves the building report taker, the complaint shall be made or filed directly with the superintendent or the school district human rights officer by the reporting party or complainant.

The building report taker shall ensure that this policy and its procedures, practices, consequences, and sanctions are fairly and fully implemented and shall serve as the primary contact on policy and procedural matters. The building report taker or a third party designated by the school district shall be responsible for the investigation. The building report taker shall provide information about available community resources to the target or victim of the bullying or other prohibited conduct, the perpetrator, and other affected individuals as appropriate.

- D. A teacher, school administrator, volunteer, contractor, or other school employee shall be particularly alert to possible situations, circumstances, or events that might include bullying. Any such person who witnesses, observes, receives a report of, or has other knowledge or belief of conduct that may constitute bullying or other prohibited conduct shall make reasonable efforts to address and resolve the bullying or prohibited conduct and shall inform the building report taker immediately. School district personnel who fail to inform the building report taker of conduct that may constitute bullying or other prohibited conduct or who fail to make reasonable efforts to address and resolve the bullying or prohibited conduct in a timely manner may be subject to disciplinary action.
- E. Reports of bullying or other prohibited conduct are classified as private educational and/or personnel data and/or confidential investigative data and will not be disclosed except as permitted by law. The building report taker, in conjunction with the responsible authority, shall be responsible for keeping and regulating access to any report of bullying and the record of any resulting investigation.
- F. Submission of a good faith complaint or report of bullying or other prohibited conduct will not affect the complainant's or reporter's future employment, grades, work assignments, or educational or work environment.
- G. The school district will respect the privacy of the complainant(s), the individual(s) against whom the complaint is filed, and the witnesses as much as possible, consistent with the school district's obligation to investigate, take appropriate action, and comply with any legal disclosure obligations.

## **V. SCHOOL DISTRICT ACTION**

- A. Within three days of the receipt of a complaint or report of bullying or other prohibited conduct, the school district shall undertake or authorize an investigation by the building report taker or a third party designated by the school district.
- B. The building report taker or other appropriate school district officials may take immediate steps, at their discretion, to protect the target or victim of the bullying or other prohibited conduct, the complainant, the reporter, and students or others, pending completion of an investigation of the bullying or other prohibited conduct, consistent with applicable law.
- C. The alleged perpetrator of the bullying or other prohibited conduct shall be allowed the opportunity to present a defense during the investigation or prior to the imposition of discipline or other remedial responses.

- E. Upon completion of an investigation that determines that bullying or other prohibited conduct has occurred, the school district will take appropriate action. Such action may include, but is not limited to, warning, suspension, exclusion, expulsion, transfer, remediation, termination, or discharge. Disciplinary consequences will be sufficiently severe to try to deter violations and to appropriately discipline prohibited conduct. Remedial responses to the bullying or other prohibited conduct shall be tailored to the particular incident and nature of the conduct and shall take into account the factors specified in Section II.F. of this policy. School district action taken for violation of this policy will be consistent with the requirements of applicable collective bargaining agreements; applicable statutory authority, including the Minnesota Pupil Fair Dismissal Act; the student discipline policy (Policy 506) and other applicable school district policies; and applicable regulations. The school district is not authorized to disclose to a victim private educational or personnel data regarding an alleged perpetrator who is a student or employee of the school district. School officials will notify the parent(s) or guardian(s) of students who are targets of bullying or other prohibited conduct and the parent(s) or guardian(s) of alleged perpetrators of bullying or other prohibited conduct who have been involved in a reported and confirmed bullying incident of the remedial or disciplinary action taken, to the extent permitted by law.
- F. In order to prevent or respond to bullying or other prohibited conduct committed by or directed against a child with a disability, the school district shall, when determined appropriate by the child's individualized education program (IEP) team or Section 504 team, allow the child's IEP or Section 504 plan to be drafted to address the skills and proficiencies the child needs as a result of the child's disability to allow the child to respond to or not to engage in bullying or other prohibited conduct.

## **VI. RETALIATION OR REPRISAL**

The school district will discipline or take appropriate action against any student, teacher, administrator, volunteer, contractor, or other employee of the school district who commits an act of reprisal or who retaliates against any person who asserts, alleges, or makes a good faith report of alleged bullying or prohibited conduct, who provides information about bullying or prohibited conduct, or testifies, assists, or participates in an investigation of alleged bullying or prohibited conduct, or who testifies, assists, or participates in a proceeding or hearing relating to such bullying or prohibited conduct. Retaliation includes, but is not limited to, any form of intimidation, reprisal, harassment, or intentional disparate treatment. Disciplinary consequences will be sufficiently severe to deter violations and to appropriately discipline the individual(s) who engaged in the prohibited conduct. Remedial responses to the prohibited conduct shall be tailored to the particular incident and nature of the conduct and shall take into account the factors specified in Section II.F. of this policy.

## **VII. TRAINING AND EDUCATION**

- A. The school district shall discuss this policy with school personnel and volunteers and provide appropriate training to school district personnel regarding this policy. The school district shall establish a training cycle for school personnel to occur during a period not to exceed every three school years. Newly employed school personnel must receive the training with the first year of their employment with the school district. The school district or a school administrator may accelerate the training cycle or provide additional training based on a particular need or circumstance. This policy shall be included in employee handbooks, training materials, and publications on school rules, procedures, and standards of conduct, which materials shall also be used to publicize this policy.
- B. The school district shall require ongoing professional development, consistent with Minn. Stat. 122A60, to build the skills of all school personnel who regularly interact with students to identify, prevent, and appropriately address bullying and other prohibited conduct. Such professional development includes, but is not limited to, the following:
1. Developmentally appropriate strategies both to prevent and to immediately and effectively intervene to stop prohibited conduct;
  2. The complex dynamics affecting a perpetrator, target, and witnesses to prohibited conduct;
  3. Research on prohibited conduct, including specific categories of students at risk for perpetrating or

being the target or victim of bullying or other prohibited conduct in school;

4. The incident and nature of cyberbullying; and
  5. Internet safety and cyberbullying.
- C. The school district annually will provide education and information to students regarding bullying, including information regarding this school district policy prohibiting bullying, the harmful effects of bullying, and other applicable initiatives to prevent bullying and other prohibited conduct.
- D. The administration of the school district is directed to implement programs and other initiatives to prevent bullying, to respond to bullying in a manner that does not stigmatize the target or victim, and to make resources or referrals to resources available to targets or victims of bullying.
- E. The administration is encourage to provide developmentally appropriate instruction and is directed to review programmatic instruction to determine if adjustments are necessary to help students identify and prevent or reduce bullying and other prohibited conduct, to value diversity in school and society, to develop and improve students' knowledge and skills for solving problems, managing conflict, engaging in civil discourse, and recognizing, responding to, and reporting bullying or other prohibited conduct, and to make effective prevention and intervention programs available to students.

The administration must establish strategies for creating a positive school climate and use evidence-based social-emotional learning to prevent and reduce discrimination and other improper conduct.

The administration is encouraged, to the extent practicable, to take such actions as it may deem appropriate to accomplish the following:

1. Engage all students in creating a safe and supportive school environment;
  2. Partner with parents and other community members to develop and implement prevention and intervention programs;
  3. Engage all students and adults in integrating education, intervention, and other remedial responses into the school environment;
  4. Train student bystanders to intervene in and report incidents of bullying and other prohibited conduct to the schools' primary contact person;
  5. Teach students to advocate for themselves and others;
  6. Prevent inappropriate referrals to special education of students who may engage in bullying or the prohibited conduct; and
  7. Foster student collaborations that, in turn, foster a safe and supportive school climate.
- F. The school district may implement violence prevention and character development education programs to prevent or reduce policy violations. Such programs may offer instruction on character education including, but not limited to, character qualities such as attentiveness, truthfulness, respect for authority, diligence, gratefulness, self-discipline, patience, forgiveness, respect for others, peacemaking, and resourcefulness.
- G. The school district shall inform affected students and their parent of rights they may have under state and federal data practices laws to obtain access to data related to an incident and their right to contest the accuracy or completeness of the data. The school district may accomplish this requirement by inclusion of all or applicable parts of its protection and privacy of pupil records policy (see Policy 515) in the student handbook.

## **VIII. NOTICE**

- A. The school district will give annual notice of this policy to students, parents or guardians, and staff, and this policy shall appear in the student handbook.
- B. This policy or a summary thereof must be conspicuously posted in the administrative office of the school district and the office of each school.
- C. This policy must be given to each school employee and independent contractor who regularly interacts with students at the time of initial employment with the school district.
- D. Notice of the rights and responsibilities of students and their parents under this policy must be included in the student discipline policy (See Policy 506) distributed to parents at the beginning of each school year.
- E. This policy shall be available to all parents and other school community members in an electronic format in the language appearing on the school district's or a school's website.
- F. The school district shall provide an electronic copy of its most recently amended policy to the Commissioner of Education.

### **Pupil Fair Dismissal Act - Revised 2009**

#### **121A.40 Citation**

Sections 121A.40 to 121A.56 may be cited as "The Pupil Fair Dismissal Act."

#### **121A.41 Definitions**

Subdivision 1. "Applicability" As used in sections 121A.40 to 121A.56, the terms defined in this section shall have the meanings assigned to them.

Subd. 2. "Dismissal" means the denial of the current educational program to any pupil, including exclusion, expulsion, and suspension. It does not include removal from class.

Subd. 3. "District" means any school district.

Subd. 4. "Exclusion" means an action taken by the school board to prevent enrollment or reenrollment of a pupil for a period that shall not extend beyond the school year.

Subd. 5. "Expulsion" means a school board action to prohibit an enrolled pupil from further attendance for up to 12 months from the date the pupil is expelled.

Subd. 6. "Parent" means (a) one of the pupil's parents, (b) in the case of divorce or legal separation, the parent or parents with physical custody of the pupil, including a noncustodial parent with legal custody who has provided the district with a current address and telephone number, or (c) a legally appointed guardian. In the case of a pupil with a disability under the age of 18, parent may include a district-appointed surrogate parent.

Subd. 7. "Pupil" (a) means any student:

(1) without a disability under 21 years of age; or

(2) with a disability under 21 years old who has not received a regular high school diploma or for a child with a disability who becomes 21 years old during the school year but has not received a regular high school diploma, until the end of that school year; and

(3) who remains eligible to attend a public elementary or secondary school.

(b) A "student with a disability" or a "pupil with a disability" has the same meaning as a "child with a disability" under section 125A.02.

Subd. 8. "School" means any school defined in section 120A.05, subdivisions 9, 11, 13 and 17.

Subd. 9. "School board" means the governing body of any school district.

Subd. 10. "Suspension" means an action by the school administration, under rules promulgated by the school board, prohibiting a pupil from attending school for a period of no more than ten school days. If a suspension is longer than five days, the suspending administrator must provide the superintendent with a reason for the longer suspension. This definition does not apply to dismissal from school for one school day or less, except as provided in federal law for a student with a disability. Each suspension action may include a readmission plan. The readmission plan shall include, where appropriate, a provision for implementing alternative educational services upon readmission and may not be used to extend the current suspension. Consistent with section 125A.091, subdivision 5, the readmission plan must not obligate a parent to provide a sympathomimetic medication for the parent's child as a condition of readmission. The school administration may not impose

consecutive suspensions against the same pupil for the same course of conduct, or incident of misconduct, except where the pupil will create an immediate and substantial danger to self or to surrounding persons or property, or where the district is in the process of initiating an expulsion, in which case the school administration may extend the suspension to a total of 15 school days.

Subd. 11. "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 under section 123A.05 selected to allow the pupil to progress toward meeting graduation standards under section 120B.02, although in a different setting.

#### **121A.42 Policy**

No public school shall deny due process or equal protection of the law to any public school pupil involved in a dismissal proceeding which may result in suspension, exclusion, or expulsion.

#### **121A.43 Exclusion and Expulsion of Pupils with a Disability**

(a) Consistent with federal law governing days of removal and section 121A.46, school personnel may suspend a child with a disability. When a child with a disability has been suspended for more than five consecutive school days or 10 cumulative school days in the same school year, and that suspension does not involve a recommendation for expulsion or exclusion or other change of placement under federal law, relevant members of the child's individualized education program team, including at least one of the child's teachers, shall meet and determine the extent to which the child needs services in order to continue to participate in the general education curriculum, although in another setting, and to progress toward meeting the goals in the child's individualized education program. That meeting must occur as soon as possible, but no more than 10 days after the sixth consecutive day of suspension or the tenth cumulative day of suspension has elapsed.

(b) A dismissal for one school day or less is a day or a partial day of suspension if the child with a disability does not receive regular or special education instruction during that dismissal period. The notice requirements under section 121A.46 do not apply to a dismissal of one day or less.

(c) A child with a disability shall be provided alternative educational services to the extent a suspension exceeds five consecutive school days.

(d) Before initiating an expulsion or exclusion under sections 121A.40 to 121A.56, the district, relevant members of the child's individualized education program team, and the child's parent shall, consistent with federal law, determine whether the child's behavior was caused by or had a direct and substantial relationship to the child's disability and whether the child's conduct was a direct result of a failure to implement the child's individualized education program. When a child with a disability who has an individualized education program is excluded or expelled under sections 121A.40 to 121A.56 for misbehavior that is not a manifestation of the child's disability, the district shall continue to provide special education and related services during the exclusion or expulsion.

#### **121A.44 Expulsion for possession of firearm**

(a) Notwithstanding the time limitation in section 121A.41, subdivision 5, a school board must expel for a period of at least one year a pupil who is determined to have brought a firearm to school except the board may modify this expulsion requirement for a pupil on a case-by-case basis. For the purposes of this section, firearm is as defined in United States Code, title 18, section 921.

(b) Notwithstanding chapter 13, a student's expulsion or withdrawal or transfer from a school after an expulsion action is initiated against the student for a weapons violation under paragraph (a) may be disclosed by the school district initiating the expulsion proceeding. Unless the information is otherwise public, the disclosure may be made only to another school district in connection with the possible admission of the student to the other district.

#### **121A.45 Grounds for dismissal**

Subdivision 1. Provision of Alternative Programs. No school shall dismiss any pupil without attempting to provide alternative educational services before dismissal proceedings, except where it appears that the pupil will create an immediate and substantial danger to self or to surrounding persons or property.

Subd. 2. Grounds for Dismissal. A pupil may be dismissed on any of the following grounds:

(a) willful violation of any reasonable school board regulation. Such regulation must be clear and definite to provide notice to pupils 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 pupil or other pupils, or surrounding persons, including school district employees, or property of the school.

Subd. 3. Parent Notification and Meeting. If a pupil's total days of removal from school exceeds ten cumulative days in a school year, the school district shall make reasonable attempts to convene a meeting with the pupil and the pupil's parent or guardian before subsequently removing the pupil from school and, with the permission of the parent or guardian, arrange for a mental health screening for the pupil. The district is not required to pay for the mental health screening. The purpose of this meeting is to attempt to determine the pupil's need for assessment or other services or whether the parent or guardian should have the pupil assessed or diagnosed to determine whether the pupil needs treatment for a mental health disorder.

#### **121A.46 Suspension procedures**

Subdivision 1. Informal Administrative Conference Before Suspension. The school administration shall not suspend a pupil from school without an informal administrative conference with the pupil. The informal administrative conference shall take place before the suspension, except where it appears that the pupil will create an immediate and substantial danger to self or to surrounding persons or property, in which case the conference shall take place as soon as practicable following the suspension.

Subd. 2. Administrator Notifies Pupil of Grounds for Suspension. At the informal administrative conference, a school administrator shall notify the pupil of the grounds for the suspension, provide an explanation of the evidence the authorities have, and the pupil may present the pupil's version of the facts.

Subd. 3. Written Notice of Grounds for Suspension. A written notice containing the grounds for suspension, a brief statement of the facts, a description of the testimony, a readmission plan, and a copy of sections 121A.40 to 121A.56, shall be personally served upon the pupil at or before the time the suspension is to take effect, and upon the pupil's parent or guardian by mail within 48 hours of the conference. The district shall make reasonable efforts to notify the parents of the suspension by telephone as soon as possible following suspension. In the event a pupil is suspended without an informal administrative conference on the grounds that the pupil will create an immediate and substantial danger to surrounding persons or property, the written notice shall be served upon the pupil and the pupil's parent or guardian within 48 hours of suspension. Service by mail is complete upon mailing.

Subd. 4. Suspension Pending Expulsion or Exclusion Hearing. Notwithstanding the provisions of subdivisions 1 and 3, the pupil may be suspended pending the school board's decision in the expulsion or exclusion hearing; provided that alternative educational services are implemented to the extent that suspension exceeds five days.

#### **121A.47 Exclusion and expulsion procedures**

Subdivision 1. Requiring a Hearing; Pupil May Waive Hearing.

No exclusion or expulsion shall be imposed without a hearing, unless the right to a hearing is waived in writing by the pupil and parent or guardian. The action shall be initiated by the school board or its agent.

Subd. 2. Written notice. Written notice of intent to take action shall:

- (a) be served upon the pupil and the pupil's parent or guardian personally or by mail;
- (b) contain a complete statement of the facts, a list of the witnesses and a description of their testimony;
- (c) state the date, time and place of the hearing;
- (d) be accompanied by a copy of sections 121A.40 to 121A.56;
- (e) describe alternative educational services accorded the pupil in an attempt to avoid the expulsion proceedings; and
- (f) inform the pupil and parent or guardian of the right to:
  - (1) have a representative of the pupil's own choosing, including legal counsel, at the hearing. The district shall advise the pupil's parent or guardian that free or low-cost legal assistance may be available and that a legal assistance resource list is available from the department of Education;
  - (2) examine the pupil's records before the hearing;
  - (3) present evidence; and
  - (4) confront and cross-examine witnesses.

Subd. 3. Hearing Schedule. The hearing shall be scheduled within ten days of the service of the written notice unless an extension, not to exceed five days, is requested for good cause by the school board, pupil, parent or guardian.

Subd. 4. Convenient Time and Place of Hearing. The hearing shall be at a time and place reasonably convenient to pupil, parent or guardian.

Subd. 5. Closed or Open Hearing. The hearing shall be closed unless the pupil, parent or guardian requests an open hearing.

Subd. 6. Impartial Hearer. The hearing shall take place before:

- (1) an independent hearing officer;
- (2) a member of the school board;
- (3) a committee of the school board, or
- (4) the full school board; as determined by the school board. The hearing shall be conducted in a fair and impartial manner.

Subd. 7. Creating Hearing Record. The school board shall record the hearing proceedings at district's expense, and a party may obtain a transcript at its own expense. Testimony shall be given under oath. The hearing officer or a member of the



school board shall have the power to issue subpoenas and administer oaths.

Subd. 8. Access to Pupil's Records. At a reasonable time prior to the hearing, the pupil, parent or guardian, or representative, shall be given access to all public school system records pertaining to the pupil, including any tests or reports upon which the proposed action may be based.

Subd. 9. Pupil's Right to Compel Testimony. The pupil, parent or guardian, or representative, shall have the right to compel the attendance of any official employee or agent of the public school system or any public employee or any other person who may have evidence upon which the proposed action may be based, and to confront and to cross-examine any witness testifying for the public school system.

Subd. 10. Pupil's Right to Present Evidence and Testimony. The pupil, parent or guardian, or representative, shall have the right to present evidence and testimony, including expert psychological or educational testimony.

Subd. 11. Pupil Not Compelled to Testify. The pupil cannot be compelled to testify in the dismissal proceedings.

Subd. 12. Hearer's Recommendation Limited to Evidence at Hearing; Service Within Two Days. The recommendation of the hearing officer or school board member or committee shall be based solely upon substantial evidence presented at the hearing and must be made to the school board and served upon the parties within two days of the end of the hearing.

Subd. 13. Basis of School Board Decision; Opportunity for Comment. The school board shall base its decision upon the recommendation of the hearing officer or school board member or committee and shall render its decision at a meeting held within five days after receiving the recommendation. The school board may provide the parties with the opportunity to present exceptions and comments to the hearing officer's recommendations provided that neither party presents any evidence not admitted at the hearing. The decision by the school board must be based on the record, must be in writing, and must state the controlling facts on which the decision is made in sufficient detail to apprise the parties and the commissioner of education of the basis and reason for the decision.

Subd. 14. Admission or readmission plan.

(a) A school administrator shall prepare and enforce an admission or readmission plan for any pupil who is excluded or expelled from school. The plan may include measures to improve the pupil's behavior, including completing a character education program, consistent with section 120B.225, subdivision 1, and require parental involvement in the admission or readmission process, and may indicate the consequences to the pupil of not improving the pupil's behavior.

(b) The definition of suspension under section 121A.41, subdivision 10, does not apply to a student's dismissal from school for one school day or less, except as provided under federal law for a student with a disability. Each suspension action may include a readmission plan. A readmission plan must provide, where appropriate, alternative education services, which must not be used to extend the student's current suspension period. Consistent with section 125A.091, subdivision 5, a readmission plan must not obligate a parent or guardian to provide psychotropic drugs to their student as a condition of readmission. School officials must not use the refusal of a parent or guardian to consent to the administration of psychotropic drugs to their student or to consent to a psychiatric evaluation, screening or examination of the student as a ground, by itself, to prohibit the student from attending class or participating in a school-related activity, or as a basis of a charge of child abuse, child neglect or medical or educational neglect.

Effective Date. This section is effective the day following final enactment.

#### **121A.48 Good faith exception**

A violation of the technical provisions of the pupil fair dismissal act, made in good faith, is not a defense to a disciplinary procedure under the act unless the pupil can demonstrate actual prejudice as a result of the violation.

#### **121A.49 Appeal**

A party to an exclusion or expulsion decision made under sections 121A.40 to 121A.56 may appeal the decision to the commissioner of education within 21 calendar days of the school board action. Upon being served with a notice of appeal, the district shall provide the commissioner and the parent or guardian with a complete copy of the hearing record within five days of its receipt of the notice of appeal. All written submissions by the appellant must be submitted and served on the respondent within ten days of its actual receipt of the transcript. All written submissions by the respondent must be submitted and served on the appellant within ten days of its actual receipt of the written submissions of the appellant. The decision of the school board must be implemented during the appeal to the commissioner.

In an appeal under this section, the commissioner may affirm the decision of the agency, may remand the decision for additional findings, or may reverse or modify the decision if the substantial rights of the petitioners have been prejudiced because the administrative findings, inferences, conclusions, or decisions are:

- (1) in violation of constitutional provisions;
- (2) in excess of the statutory authority or jurisdiction of the school district;
- (3) made upon unlawful procedure, except as provided in section 121A.48;

- (4) affected by other error of law;
- (5) unsupported by substantial evidence in view of the entire record submitted; or
- (6) arbitrary or capricious.

The commissioner or the commissioner's representative shall make a final decision based upon the record. The commissioner shall issue a decision within 30 calendar days of receiving the entire record and the parties' written submission on appeal. The commissioner's decision shall be final and binding upon the parties after the time for appeal expires under section 121A.50.

#### **121A.50 Judicial review**

The decision of the commissioner of education made under sections 121A.40 to 121A.56 is subject to judicial review under sections 14.63 to 14.69. The decision of the commissioner is stayed pending an appeal under this section.

#### **121A.51 Reports to Service Agency**

The school board shall report any action taken pursuant to sections 121.40 to 121A.56 to the appropriate public service agency, when the pupil is under the supervision of such agency.

#### **121A.52 Nonapplication of Compulsory Attendance Law**

The provisions of section 120A.22, subdivision 5, shall not apply to any pupil during a dismissal pursuant to sections 121A.40 to 121A.56

#### **121A.53 Report to Commissioner of Education**

Subdivision 1. Exclusions and Expulsions. The school board must report through the department electronic reporting system each exclusion or expulsion within 30 days of the effective date of the action to the commissioner of education. This report must include a statement of alternative educational services given the pupil and the reason for, the effective date, and the duration of the exclusion or expulsion. The report must also include the student's age, grade, gender, race, and special education status.

Subd. 2. Report. The school board must include state student identification numbers of affected pupils on all dismissal reports required by the department. The department must report annually to the commissioner summary data on the number of dismissals by age, grade, gender, race, and special education status of the affected pupils. All dismissal reports must be submitted through the department electronic reporting system.

#### **121A.54 Notice of Right to be Reinstated**

Whenever a pupil fails to return to school within ten school days of the termination of dismissal, a school administrator shall inform the pupil and the pupil's parents by mail of the pupil's right to attend and to be reinstated in the public school.

#### **121A.55 Policies to be Established**

(a) The commissioner of education shall promulgate guidelines to assist each school board. Each school board shall establish uniform criteria for dismissal and adopt written policies and rules to effectuate the purposes of sections 121A.40 to 121A.56. The policies shall emphasize preventing dismissals through early detection of problems and shall be designed to address students' inappropriate behavior from recurring. The policies shall recognize the continuing responsibility of the school for the education of the pupil during the dismissal period. The alternative educational services, if the pupil wishes to take advantage of them, must be adequate to allow the pupil to make progress towards meeting the graduation standards adopted under section 120B.02, and help prepare the pupil for readmission.

(b) An area learning center under section 123A.05 may not prohibit an expelled or excluded pupil from enrolling solely because a district expelled or excluded the pupil. The board of the area learning center may use the provisions of the Pupil Fair Dismissal Act to exclude a pupil or to require an admission plan.

(c) Each school district shall develop a policy, and report it to the commissioner, on the appropriate use of peace officers and crisis teams to remove students who have an individualized education plan from school grounds.

#### **121A.56 Application**

Subdivision 1. Prohibition Against Discrimination Remains in Effect. Sections 121.40 to 121A.56 shall not be deemed to amend or otherwise affect or change section 363.03, subdivision 5, clause (2).

Subd. 2. Portions of School Program for Credit.

Sections 121A.40 to 121A.56 shall apply only to those portions of the school program for which credit is granted.

## **Policy #BH – Protection and Privacy of Pupil Records**

### **I. PURPOSE**

The school district recognizes its responsibility in regard to the collection, maintenance, and dissemination of pupil records and the protection of the privacy rights of students as provided in federal law and state statutes.

### **II. GENERAL STATEMENT OF POLICY**

The following procedures and policies regarding the protection and privacy of parents and students are adopted by the school district, pursuant to the requirements of 20 U.S.C. § 1232g, *et seq.*, (Family Educational Rights and Privacy Act (FERPA)) 34 C.F.R. Part 99 and consistent with the requirements of the Minnesota Government Data Practices Act, Minn. Stat. Ch. 13, and Minn. Rules Parts 1205.0100-1205.2000.

### **III. DEFINITIONS**

#### **A. Authorized Representative**

“Authorized representative” means any entity or individual designated by the school district, state, or an agency headed by an official of the Comptroller of the United States, the Attorney General of the United States, the Secretary of the U.S. Department of Education, or state and local educational authorities to conduct, with respect to federal or state supported education programs, any audit or evaluation or any compliance or enforcement activity in connection with federal legal requirements that relate to these programs.

#### **B. Biometric Record**

“Biometric record,” as referred to in “Personally Identifiable,” means a record of one or more measurable biological or behavioral characteristics that can be used for authorized recognition of an individual (e.g., fingerprints, retina and iris patterns, voice prints, DNA sequence, facial characteristics, and handwriting).

#### **C. Dates of Attendance**

“Dates of attendance,” as referred to in “Directory Information,” means the period of time during which a student attends or attended a school or schools in the school district, including attendance in person or by paper correspondence, satellite, internet or other electronic communication technologies for students who are not in the classroom, and including the period during which a student is working under a work-study program. The term does not include specific daily records of a student’s attendance at a school or schools in the school district.

#### **D. Directory Information**

“Directory information” means 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, electronic mail address, 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:

1. a student’s social security number;
2. a student’s identification number (ID), user ID, or other unique personal identifier used by a student for purposes of accessing or communicating in electronic systems if the identifier may be used to access education records without use of one or more factors that authenticate the student’s identity such as a personal identification number (PIN), password, or other factor known or possessed only by the authorized user;

3. a student ID or other unique personal identifier that is displayed on a student ID badge if the identifier can be used to gain access to educational records when used in conjunction with one or more factors that authenticate the student's identity, such as a PIN, password, or other factor known or possessed only by the student;
4. personally identifiable data which references religion, race, color, social position, or nationality; or
5. 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.

E. Education Records

1. What constitutes "education records." Education records means those records which: (1) are directly related to a student; and (2) are maintained by the school district or by a party acting for the school district.
2. What does not constitute an education record. The term, "education records," does not include:
  - a. Records of instructional personnel which:
    - (1) are in the sole possession of the maker of the record; and
    - (2) are not accessible or revealed to any other individual except a substitute teacher; and
    - (3) are destroyed at the end of the school year.
  - b. Records of a law enforcement unit of the school district, provided education records maintained by the school district are not disclosed to the unit, and the law enforcement records are:
    - (1) maintained separately from education records;
    - (2) maintained solely for law enforcement purposes; and
    - (3) disclosed only to law enforcement officials of the same jurisdiction.
  - c. Records relating to an individual, including a student, who is employed by the school district which:
    - (1) are made and maintained in the normal course of business;
    - (2) relate exclusively to the individual in that individual's capacity as an employee; and
    - (3) are not available for use for any other purpose.

However, these provisions shall not apply to records relating to an individual in attendance at the school district who is employed as a result of his or her status as a student.
  - d. Records relating to an eligible student, or a student attending an institution of post-secondary education, which are:
    - (1) made or maintained by a physician, psychiatrist, psychologist, or other recognized professional or paraprofessional acting in his or her professional or paraprofessional capacity or assisting in that capacity;

- (2) made, maintained, or used only in connection with the provision of treatment to the student; and
- (3) disclosed only to individuals providing the treatment; provided that the records can be personally reviewed by a physician or other appropriate professional of the student's choice. For the purpose of this definition, "treatment" does not include remedial educational activities or activities that are a part of the program of instruction within the school district.

- e. Records that only contain information about an individual after he or she is no longer a student at the school district and that are not directly related to the individual's attendance as a student.

F. Eligible Student

"Eligible student" means a student who has attained eighteen (18) years of age or is attending an institution of post-secondary education.

G. Juvenile Justice System

"Juvenile justice system" includes criminal justice agencies and the judiciary when involved in juvenile justice activities.

H. Legitimate Educational Interest

"Legitimate educational interest" includes interest directly related 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. It includes a person's need to know in order to:

1. Perform an administrative task required in the school or employee's contract or position description approved by the school board;
2. Perform a supervisory or instructional task directly related to the student's education; or
3. Perform a service or benefit for the student or the student's family such as health care, counseling, student job placement, or student financial aid.
4. Perform a task directly related to responding to a request for data.

I. Parent

"Parent" means a parent of a student and includes a natural parent, a guardian, or an individual acting as a parent of the student in the absence of a parent or guardian. The school district may presume the parent has the authority to exercise the rights provided herein, unless it has been provided with evidence that there is a state law or court order governing such matters as marriage dissolution, separation or child custody, or a legally binding instrument which provides to the contrary.

J. Personally Identifiable

"Personally identifiable" means that the data or information includes, but is not limited to: (a) a student's name; (b) the name of the student's parent or other family member; (c) the address of the student or student's family; (d) a personal identifier such as the student's social security number or student number or biometric record; (e) other direct identifiers, such as the student's date of birth, place of birth, and mother's maiden name; (f) other information that, alone or in combination, is linked or linkable to a specific student that would allow a reasonable person in the school community, who does not have personal knowledge of the relevant circumstances, to identify the student with reasonable certainty; or (g) information requested

by a person who the school district reasonably believes knows the identity of the student to whom the education record relates.

K. Record

“Record” means any information or data recorded in any way including, but not limited to, handwriting, print, computer media, video or audio tape, film, microfilm, and microfiche.

L. Responsible Authority

“Responsible authority” means Superintendent of Schools or designee thereof.

M. Student

“Student” includes any individual who is or has been in attendance, enrolled, or registered at the school district and regarding whom the school district maintains education records. Student also includes applicants for enrollment or registration at the school district and individuals who receive shared time educational services from the school district.

N. School Official

“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 his or her 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, a public information officer or data practices compliance official, an attorney, or an auditor for the period of his or her performance as an employee or contractor.

O. Summary Data

“Summary data” means statistical records and reports derived from data on individuals but in which individuals are not identified and from which neither their identities nor any other characteristic that could uniquely identify the individual is ascertainable.

P. Other Terms and Phrases

All other terms and phrases shall be defined in accordance with applicable state and federal law or ordinary customary usage.

#### **IV. GENERAL CLASSIFICATION**

State law provides that all data collected, created, received, or maintained by a school district are public unless classified by state or federal law as not public or private or confidential. State law classifies all data on individuals maintained by a school district which relates to a student as private data on individuals. This data may not be disclosed to parties other than the parent or eligible student without consent, except pursuant to a valid court order, certain state statutes authorizing access, and the provisions of FERPA and the regulations promulgated thereunder.

#### **V. STATEMENT OF RIGHTS**

A. Rights of Parents and Eligible Students

Parents and eligible students have the following rights under this policy:

1. The right to inspect and review the student’s education records;
2. The right to request the amendment of the student’s education records to ensure that they are not inaccurate, misleading, or otherwise in violation of the student’s privacy or other rights;

3. The right to consent to disclosures of personally identifiable information contained in the student's education records, except to the extent that such consent is not required for disclosure pursuant to this policy, state or federal law, or the regulations promulgated thereunder;
4. The right to refuse release of names, addresses, and home telephone numbers of students in grades 11 and 12 to military recruiting officers and post-secondary educational institutions;
5. The right to file a complaint with the U.S. Department of Education concerning alleged failures by the school district to comply with the federal law and the regulations promulgated thereunder;
6. The right to be informed about rights under the federal law; and
7. The right to obtain a copy of this policy at the location set forth in Section XXI. of this policy.

**B. Eligible Students**

All rights and protections given parents under this policy transfer to the student when he or she reaches eighteen (18) years of age or enrolls in an institution of post-secondary education. The student then becomes an "eligible student." However, the parents of an eligible student who is also a "dependent student" are entitled to gain access to the education records of such student without first obtaining the consent of the student. In addition, parents of an eligible student may be given access to education records in connection with a health or safety emergency if the disclosure meets the conditions of any provision set forth in 34 C.F.R. § 99.31(a).

**C. Disabled Students**

The school district shall follow 34 C.F.R. §§ 300.610-300.617 with regard to the confidentiality of information related to students with a disability.

**VI. DISCLOSURE OF EDUCATION RECORDS**

**A. Consent Required for Disclosure**

1. The school district shall obtain a signed and dated written informed consent of the parent of a student or the eligible student before disclosing personally identifiable information from the education records of the student, except as provided herein.
2. The written consent required by this subdivision must be signed and dated by the parent of the student or the eligible student giving the consent and shall include:
  - a. a specification of the records to be disclosed;
  - b. the purpose or purposes of the disclosure;
  - c. the party or class of parties to whom the disclosure may be made;
  - d. the consequences of giving informed consent; and
  - e. if appropriate, a termination date for the consent.
3. When a disclosure is made under this subdivision:
  - a. if the parent or eligible student so requests, the school district shall provide him or her with a copy of the records disclosed; and
  - b. if the parent of a student who is not an eligible student so requests, the school district shall provide the student with a copy of the records disclosed.

4. A signed and dated written consent may include a record and signature in electronic form that:
  - a. identifies and authenticates a particular person as the source of the electronic consent; and
  - b. indicates such person's approval of the information contained in the electronic consent.
5. If the responsible authority seeks an individual's informed consent to the release of private data to an insurer or the authorized representative of an insurer, informed consent shall not be deemed to have been given unless the statement is:
  - a. in plain language;
  - b. dated;
  - c. specific in designating the particular persons or agencies the data subject is authorizing to disclose information about the data subject;
  - d. specific as to the nature of the information the subject is authorizing to be disclosed;
  - e. specific as to the persons or agencies to whom the subject is authorizing information to be disclosed;
  - f. specific as to the purpose or purposes for which the information may be used by any of the parties named in Clause e. above, both at the time of the disclosure and at any time in the future; and
  - g. specific as to its expiration date which should be within a reasonable time, not to exceed one year except in the case of authorizations given in connection with applications for: (i) life insurance or noncancellable or guaranteed renewable health insurance and identified as such, two years after the date of the policy, or (ii) medical assistance under Minn. Stat. Ch. 256B or Minnesota Care under Minn. Stat. Ch. 256L, which shall be ongoing during all terms of eligibility, for individualized education program health-related services provided by a school district that are subject to third party reimbursement.

6. Eligible Student Consent

Whenever a student has attained eighteen (18) years of age or is attending an institution of post-secondary education, the rights accorded to and the consent required of the parent of the student shall thereafter only be accorded to and required of the eligible student, except as provided in Section V. of this policy.

B. Prior Consent for Disclosure Not Required

The school district may disclose personally identifiable information from the education records of a student without the written consent of the parent of the student or the eligible student unless otherwise provided herein, if the disclosure is:

1. To other school officials, including teachers, within the school district whom the school district determines have a legitimate educational interest in such records;
2. To a contractor, consultant, volunteer, or other party to whom the school district has outsourced institutional services or functions provided that the outside party:
  - a. performs an institutional service or function for which the school district would otherwise use employees;
  - b. is under the direct control of the school district with respect to the use and maintenance of education records; and



- c. will not disclose the information to any other party without the prior consent of the parent or eligible student and uses the information only for the purposes for which the disclosure was made.
- 3. To officials of other schools, school districts, or post-secondary educational institutions in which the student seeks or intends to enroll, or is already enrolled, as long as the disclosure is for purposes related to the student's enrollment or transfer. The records shall include information about disciplinary action taken as a result of any incident in which the student possessed or used a dangerous weapon, and with proper annual notice (see Section XIX.), suspension and expulsion information pursuant to section 7165 of the federal No Child Left Behind Act and, if applicable, data regarding a student's history of violent behavior. The records also shall include a copy of any probable cause notice or any disposition or court order under Minn. Stat. § 260B.171, unless the data are required to be destroyed under Minn. Stat. § 120A.22, Subd. 7(c) or § 121A.75. On request, the school district will provide the parent or eligible student with a copy of the education records which have been transferred and provide an opportunity for a hearing to challenge the content of those records in accordance with Section XV. of this policy;
- 4. To authorized representatives of the Comptroller General of the United States, the Attorney General of the United States, the Secretary of the U.S. Department of Education, or the Commissioner of the State Department of Education or his or her representative, subject to the conditions relative to such disclosure provided under federal law;
- 5. In connection with financial aid for which a student has applied or has received, if the information is necessary for such purposes as to:
  - a. determine eligibility for the aid;
  - b. determine the amount of the aid;
  - c. determine conditions for the aid; or
  - d. enforce the terms and conditions of the aid.

“Financial aid” for purposes of this provision means a payment of funds provided to an individual or a payment in kind of tangible or intangible property to the individual that is conditioned on the individual's attendance at an educational agency or institution;
- 6. To state and local officials or authorities to whom such information is specifically allowed to be reported or disclosed pursuant to state statute adopted:
  - a. before November 19, 1974, if the allowed reporting or disclosure concerns the juvenile justice system and such system's ability to effectively serve the student whose records are released; or
  - b. after November 19, 1974, if the reporting or disclosure allowed by state statute concerns the juvenile justice system and the system's ability to effectively serve, prior to adjudication, the student whose records are released, provided the officials and authorities to whom the records are disclosed certify in writing to the school district that the data will not be disclosed to any other party, except as provided by state law, without the prior written consent of the parent of the student. At a minimum, the school district shall disclose the following information to the juvenile justice system under this paragraph: a student's full name, home address, telephone number, and date of birth; a student's school schedule, attendance record, and photographs, if any; and parents' names, home addresses, and telephone numbers.
- 7. To organizations conducting studies for or on behalf of educational agencies or institutions for the purpose of developing, validating, or administering predictive tests, administering student aid

programs, or improving instruction; provided that the studies are conducted in a manner which does not permit the personal identification of parents or students by individuals other than representatives of the organization who have a legitimate interest in the information, the information is destroyed when no longer needed for the purposes for which the study was conducted, and the school district enters into a written agreement with the organization that: (a) specifies the purpose, scope, and duration of the study or studies and the information to be disclosed; (b) requires the organization to use personally identifiable information from education records only to meet the purpose or purposes of the study as stated in the written agreement; (c) requires the organization to conduct the study in a manner that does not permit personal identification of parents and students by anyone other than representatives of the organization with legitimate interests; and (d) requires the organization to destroy all personally identifiable information when information is no longer needed for the purposes for which the study was conducted and specifies the time period in which the information must be destroyed. For purposes of this provision, the term, "organizations," includes, but is not limited to, federal, state, and local agencies and independent organizations. In the event the Department of Education determines that a third party outside of the school district to whom information is disclosed violates this provision, the school district may not allow that third party access to personally identifiable information from education records for at least five (5) years;

8. To accrediting organizations in order to carry out their accrediting functions;
9. To parents of a student eighteen (18) years of age or older if the student is a dependent of the parents for income tax purposes;
10. To comply with a judicial order or lawfully issued subpoena, provided, however, that the school district makes a reasonable effort to notify the parent or eligible student of the order or subpoena in advance of compliance therewith so that the parent or eligible student may seek protective action, unless the disclosure is in compliance with a federal grand jury subpoena, or any other subpoena issued for law enforcement purposes, and the court or other issuing agency has ordered that the existence or the contents of the subpoena or the information furnished in response to the subpoena not be disclosed, or the disclosure is in compliance with an ex parte court order obtained by the United States Attorney General (or designee not lower than an Assistant Attorney General) concerning investigations or prosecutions of an offense listed in 18 U.S.C. § 2332b(g)(5)(B) or an act of domestic or international terrorism as defined in 18 U.S.C. § 2331. If the school district initiates legal action against a parent or student, it may disclose to the court, without a court order or subpoena, the education records of the student that are relevant for the school district to proceed with the legal action as plaintiff. Also, if a parent or eligible student initiates a legal action against the school district, the school district may disclose to the court, without a court order or subpoena, the student's education records that are relevant for the school district to defend itself;
11. To appropriate parties, including parents of an eligible student, in connection with an emergency if knowledge of the information is necessary to protect the health, including the mental health, or safety of the student or other individuals. The decision is to be based upon information available at the time the threat occurs that indicates that there is an articulable and significant threat to the health or safety of a student or other individuals. In making a determination whether to disclose information under this section, the school district may take into account the totality of the circumstances pertaining to a threat and may disclose information from education records to any person whose knowledge of the information is necessary to protect the health or safety of the student or other students. A record of this disclosure must be maintained pursuant to Section XIII.E. of this policy. In addition, an educational agency or institution may include in the education records of a student appropriate information concerning disciplinary action taken against the student for conduct that posed a significant risk to the safety or well-being of that student, other students, or other members of the school community. This information may be disclosed to teachers and school officials within the school district and/or teachers and school officials in other schools who have legitimate educational interests in the behavior of the student;
12. To the juvenile justice system if information about the behavior of a student who poses a risk of harm is reasonably necessary to protect the health or safety of the student or other individuals;

13. Information the school district has designated as “directory information” pursuant to Section VII. of this policy;
14. To military recruiting officers and post-secondary educational institutions pursuant to Section XI. of this policy;
15. To the parent of a student who is not an eligible student or to the student himself or herself;
16. To appropriate health authorities to the extent necessary to administer immunization programs and for bona fide epidemiologic investigations which the commissioner of health determines are necessary to prevent disease or disability to individuals in the public educational agency or institution in which the investigation is being conducted;
17. To volunteers who are determined to have a legitimate educational interest in the data and who are conducting activities and events sponsored by or endorsed by the educational agency or institution for students or former students;
18. To the juvenile justice system, on written request that certifies that the information will not be disclosed to any other person except as authorized by law without the written consent of the parent of the student:
  - a. the following information about a student must be disclosed: a student’s full name, home address, telephone number, date of birth; a student’s school schedule, daily attendance record, and photographs, if any; and any parents’ names, home addresses, and telephone numbers;
  - b. the existence of the following information about a student, not the actual data or other information contained in the student’s education record, may be disclosed provided that a request for access must be submitted on the statutory form and it must contain an explanation of why access to the information is necessary to serve the student: (1) use of a controlled substance, alcohol, or tobacco; (2) assaultive or threatening conduct that could result in dismissal from school under the Pupil Fair Dismissal Act; (3) possession or use of weapons or look-alike weapons; (4) theft; or (5) vandalism or other damage to property. Prior to releasing this information, the principal or chief administrative officer of a school who receives such a request must, to the extent permitted by federal law, notify the student’s parent or guardian by certified mail of the request to disclose information. If the student’s parent or guardian notifies the school official of an objection to the disclosure within ten (10) days of receiving certified notice, the school official must not disclose the information and instead must inform the requesting member of the juvenile justice system of the objection. If no objection from the parent or guardian is received within fourteen (14) days, the school official must respond to the request for information.

The written requests of the juvenile justice system member(s), as well as a record of any release, must be maintained in the student’s file;

19. To the principal where the student attends and to any counselor directly supervising or reporting on the behavior or progress of the student if it is information from a disposition order received by a superintendent under Minn. Stat. § 260B.171, Subd. 3. The principal must notify the counselor immediately and must place the disposition order in the student’s permanent education record. The principal also must notify immediately any teacher or administrator who directly supervises or reports on the behavior or progress of the student whom the principal believes needs the information to work with the student in an appropriate manner, to avoid being needlessly vulnerable, or to protect other persons from needless vulnerability. The principal may also notify other school district employees, substitutes, and volunteers who are in direct contact with the student if the principal determines that these individual need the information to work with the student in an appropriate manner, to avoid being needlessly vulnerable, or to protect other persons

from needless vulnerability. Such notices from the principal must identify the student, outline the offense, and describe any conditions of probation about which the school must provide information if this information is provided in the disposition order. Disposition order information received is private educational data received for the limited purpose of serving the educational needs of the student and protecting students and staff. The information may not be further disseminated by the counselor, teacher, administrator, staff member, substitute, or volunteer except as necessary to serve the student, to protect students and staff, or as otherwise required by law, and only to the student or the student's parent or guardian;

20. To the principal where the student attends if it is information from a peace officer's record of children received by a superintendent under Minn. Stat. § 260B.171, Subd. 5. The principal must place the information in the student's education record. The principal also must notify immediately any teacher, counselor, or administrator directly supervising the student whom the principal believes needs the information to work with the student in an appropriate manner, to avoid being needlessly vulnerable, or to protect other persons from needless vulnerability. The principal may also notify other district employees, substitutes, and volunteers who are in direct contact with the student if the principal determines that these individuals need the information to work with the student in an appropriate manner, to avoid being needlessly vulnerable, or to protect other persons from needless vulnerability. Such notices from the principal must identify the student and describe the alleged offense if this information is provided in the peace officer's notice. Peace officer's record information received is private educational data received for the limited purpose of serving the educational needs of the student and protecting students and staff. The information must not be further disseminated by the counselor, teacher administrator, staff member, substitute, or volunteer except to communicate with the student or the student's parent or guardian as necessary to serve the student, to protect students and staff, or as otherwise required by law.

The principal must delete the peace officer's record from the student's education record, destroy the data, and make reasonable efforts to notify any teacher, counselor, staff member, administrator, substitute, or volunteer who received information from the peace officer's record if the county attorney determines not to proceed with a petition or directs the student into a diversion or mediation program or if a juvenile court makes a decision on a petition and the county attorney or juvenile court notifies the superintendent of such action; or

21. To the Secretary of Agriculture, or authorized representative from the Food and Nutrition Service or contractors acting on behalf of the Food and Nutrition Service, for the purposes of conducting program monitoring, evaluations, and performance measurements of state and local educational and other agencies and institutions receiving funding or providing benefits of one or more programs authorized under the National School Lunch Act or the Child Nutrition Act of 1966 for which the results will be reported in an aggregate form that does not identify any individual, on the conditions that: (a) any data collected shall be protected in a manner that will not permit the personal identification of students and their parents by other than the authorized representatives of the Secretary; and (b) any personally identifiable data shall be destroyed when the data are no longer needed for program monitoring, evaluations, and performance measurements.

C. Nonpublic School Students

The school district may disclose personally identifiable information from the education records of a nonpublic school student, other than a student who receives shared time educational services, without the written consent of the parent of the student or the eligible student unless otherwise provided herein, if the disclosure is:

1. Pursuant to a valid court order;
2. Pursuant to a statute specifically authorizing access to the private data; or
3. To appropriate health authorities to the extent necessary to administer immunization programs and for bona fide epidemiological investigations which the commissioner of health determines are

necessary to prevent disease or disability to individuals in the public educational agency or institution in which the investigation is being conducted.

## **VII. RELEASE OF DIRECTORY INFORMATION**

### **A. Classification**

Directory information is public except as provided herein.

### **B. Former Students**

Unless a former student validly opted out of the release of directory information while the student was in attendance and has not rescinded the opt out request at any time, the school district may disclose directory information from the education records generated by it regarding the former student without meeting the requirements of Paragraph C. of this section. In addition, under an explicit exclusion from the definition of an “education record,” the school district may release records that only contain information about an individual obtained after he or she is no longer a student at the school district and that are not directly related to the individual’s attendance as a student (e.g., a student’s activities as an alumnus of the school district).

### **C. Present Students and Parents**

The school district may disclose directory information from the education records of a student and information regarding parents without prior written consent of the parent of the student or eligible student, except as provided herein. Prior to such disclosure the school district shall:

1. Annually give public notice by any means that are reasonably likely to inform the parents and eligible students of:
  - a. the types of personally identifiable information regarding students and/or parents that the school district has designated as directory information;
  - b. the parent’s or eligible student’s right to refuse to let the school district designate any or all of those types of information about the student and/or the parent as directory information; and
  - c. the period of time in which a parent or eligible student has to notify the school district in writing that he or she does not want any or all of those types of information about the student and/or the parent designated as directory information.
2. Allow a reasonable period of time after such notice has been given for a parent or eligible student to inform the school district in writing that any or all of the information so designated should not be disclosed without the parent’s or eligible student’s prior written consent, except as provided in Section VI. of this policy.
3. A parent or eligible student may not opt out of the directory information disclosures to:
  - a. prevent the school district from disclosing or requiring the student to disclose the student’s name, ID, or school district e-mail address in a class in which the student is enrolled; or
  - b. prevent the school district from requiring a student to wear, to display publicly, or to disclose a student ID card or badge that exhibits information that may be designated as directory information and that has been properly designated by the school district as directory information.
4. The school district shall not disclose or confirm directory information without meeting the written consent requirements contained in Section VI.A. of this policy if a student’s social security

number or other non-directory information is used alone or in combination with other data elements to identify or help identify the student or the student's records.

D. Procedure for Obtaining Nondisclosure of Directory Information

The parent's or eligible student's written notice shall be directed to the responsible authority and shall 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; and
5. Specific categories of directory information to be made not public without the parent's or eligible student's prior written consent, which shall only be applicable for that school year.

E. Duration

The designation of any information as directory information about a student or parents will remain in effect for the remainder of the school year unless the parent or eligible student provides the written notifications provided herein.

## **VIII. DISCLOSURE OF PRIVATE RECORDS**

A. Private Records

For the purposes herein, education records are records which are classified as private data on individuals by state law and which are accessible only to the student who is the subject of the data and the student's parent if the student is not an eligible student. The school district may not disclose private records or their contents except as summary data, or except as provided in Section VI. of this policy, without the prior written consent of the parent or the eligible student. The school district will use reasonable methods to identify and authenticate the identity of parents, students, school officials, and any other party to whom personally identifiable information from education records is disclosed.

B. Private Records Not Accessible to Parent

In certain cases state law intends, and clearly provides, that certain information contained in the education records of the school district pertaining to a student be accessible to the student alone, and to the parent only under special circumstances, if at all.

1. The responsible authority may deny access to private data by a parent when a minor student who is the subject of that data requests that the responsible authority deny such access. The minor student's request must be submitted in writing setting forth the reasons for denying access to the parent and must be signed by the minor. Upon receipt of such request the responsible authority shall determine if honoring the request to deny the parent access would be in the best interest of the minor data subject. In making this determination the responsible authority shall consider the following factors:
  - a. whether the minor is of sufficient age and maturity to be able to explain the reasons for and understand the consequences of the request to deny access;
  - b. whether the personal situation of the minor is such that denying parental access may protect the minor data subject from physical or emotional harm;

- c. whether there are grounds for believing that the minor data subject's reasons for precluding parental access are reasonably accurate;
- d. whether the data in question is of such a nature that disclosure of it to the parent may lead to physical or emotional harm to the minor data subject; and
- e. whether the data concerns medical, dental or other health services provided pursuant to Minn. Stat. §§ 144.341-144.347, in which case the data may be released only if the failure to inform the parent would seriously jeopardize the health of the minor.

C. Private Records Not Accessible to Student

Students shall not be entitled to access to private data concerning financial records and statements of the student's parent or any information contained therein.

**IX. DISCLOSURE OF CONFIDENTIAL RECORDS**

A. Confidential Records

Confidential records are those records and data contained therein which are made not public by state or federal law, and which are inaccessible to the student and the student's parents or to an eligible student.

B. Reports Under the Maltreatment of Minors Reporting Act

Pursuant to Minn. Stat. § 626.556, reports pertaining to a neglected and/or physically and/or sexually abused child shall be accessible only to the appropriate welfare and law enforcement agencies. In respect to other parties, such data shall be confidential and will not be made available to the parent or the subject individual by the school district. The subject individual, however, may obtain a copy of the report from either the local welfare agency, county sheriff, or the local police department subject to the provisions of Minn. Stat. § 626.556, Subd. 11.

C. Investigative Data

Data collected by the school district as part of an active investigation undertaken for the purpose of the commencement or defense of pending civil legal action, or which are retained in anticipation of a pending civil legal action are classified as protected nonpublic data in the case of data not on individuals, and confidential data in the case of data on individuals.

- 1. The school district may make any data classified as protected non-public or confidential pursuant to this subdivision accessible to any person, agency, or the public if the school district determines that such access will aid the law enforcement process, promote public health or safety, or dispel widespread rumor or unrest.
- 2. A complainant has access to a statement he or she provided to the school district.
- 3. Parents or eligible students may have access to investigative data of which the student is the subject, but only to the extent the data is not inextricably intertwined with data about other school district students, school district employees, and/or attorney data as defined in Minn. Stat. § 13.393.
- 4. Once a civil investigation becomes inactive, civil investigative data becomes public unless the release of the data would jeopardize another pending civil legal action, except for those portions of such data that are classified as not public data under state or federal law. Any civil investigative data presented as evidence in court or made part of a court record shall be public. For purposes of this provision, a civil investigation becomes inactive upon the occurrence of any of the following events:

- a. a decision by the school district, or by the chief attorney for the school district, not to pursue the civil legal action. However, such investigation may subsequently become active if the school district or its attorney decides to renew the civil legal action;
  - b. the expiration of the time to file a complaint under the statute of limitations or agreement applicable to the civil legal action; or
  - c. the exhaustion or expiration of rights of appeal by either party to the civil legal action.
5. A “pending civil legal action” for purposes of this subdivision is defined as including, but not limited to, judicial, administrative, or arbitration proceedings.

**D. Chemical Abuse Records**

To the extent the school district maintains records of the identity, diagnosis, prognosis, or treatment of any student which are maintained in connection with the performance of any drug abuse prevention function conducted, regulated, or directly or indirectly assisted by any department or agency of the United States, such records are classified as confidential and shall be disclosed only for the purposes and under the circumstances expressly authorized by law.

**X. DISCLOSURE OF SCHOOL RECORDS PRIOR TO EXCLUSION OR EXPULSION HEARING**

At a reasonable time prior to any exclusion or expulsion hearing, the student and the student’s parent or guardian or representative shall be given access to all school district records pertaining to the student, including any tests or reports upon which the action proposed by the school district may be based, pursuant to the Minnesota Pupil Fair Dismissal Act, Minn. Stat. § 121A.40, *et seq.*

**XI. DISCLOSURE OF DATA TO MILITARY RECRUITING OFFICERS AND POST-SECONDARY EDUCATIONAL INSTITUTIONS**

- A. The school district will release the names, addresses, and home telephone numbers of 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 release this data pursuant to Paragraph C. below.
- B. 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.
- C. 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 notify the building principal in writing by September 15 of each year. The written request must include the following information:
  - 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 recruiting officers and post-secondary educational institutions; and
  7. Specific category or categories of information which are not to be released to the public, including military recruiting officers and post-secondary educational institutions.
- D. Annually, the school district will provide public notice by any means that are reasonably likely to inform the parents and eligible students of their rights to refuse to release the names, addresses, and home phone numbers of students in grades 11 and 12 without prior consent.
- E. A parent or eligible student's refusal to release the above information to military recruiting officers and post-secondary educational institutions does not affect the school district's release of directory information to the rest of the public, which includes military recruiting officers and post-secondary educational institutions. In order to make any directory information about a student private, the procedures contained in Section VII. of this policy also must be followed. Accordingly, to the extent the school district has designated the name, address, phone number, and grade level of students as directory information, absent a request from a parent or eligible student not to release such data, this information will be public data and accessible to members of the public, including military recruiting officers and post-secondary educational institutions.

## **XII. LIMITS ON REDISCLOSURE**

### **A. Redisclosure**

Consistent with the requirements herein, the school district may only disclose personally identifiable information from the education records of a student on the condition that the party to whom the information is to be disclosed will not disclose the information to any other party without the prior written consent of the parent of the student or the eligible student, except that the officers, employees, and agents of any party receiving personally identifiable information under this section may use the information, but only for the purposes for which the disclosure was made.

### **B. Redisclosure Not Prohibited**

1. Subdivision A. of this section does not prevent the school district from disclosing personally identifiable information under Section VI. of this policy with the understanding that the party receiving the information may make further disclosures of the information on behalf of the school district provided:
  - a. The disclosures meet the requirements of Section VI. of this policy; and
  - b. The school district has complied with the record-keeping requirements of Section XIII. of this policy.
2. Subdivision A. of this section does not apply to disclosures made pursuant to court orders or lawfully issued subpoenas or litigation, to disclosures of directory information, to disclosures to a parent or student or to parents of dependent students, or to disclosures concerning sex offenders and other individuals required to register under 42 U.S.C. § 14071. However, the school district must provide the notification required in Section XII.D. of this policy if a redisclosure is made based upon a court order or lawfully issued subpoena.

### **C. Classification of Disclosed Data**

The information disclosed shall retain the same classification in the hands of the party receiving it as it had in the hands of the school district.

### **D. Notification**

The school district shall inform the party to whom a disclosure is made of the requirements set forth in this section, except for disclosures made pursuant to court orders or lawfully issued subpoenas, disclosure of directory information under Section VII. of this policy, disclosures to a parent or student, or disclosures to parents of a dependent student. In the event that the Family Policy Compliance Office determines that a state or local educational authority, a federal agency headed by an official listed in 34 C.F.R. § 99.31(a)(3), or an authorized representative of a state or local educational authority or a federal agency headed by an official listed in § 99.31(a)(3), or a third party outside of the school district improperly rediscloses personally identifiable information from education records or fails to provide notification required under this section of this policy, the school district may not allow that third party access to personally identifiable information from education records for at least five (5) years.

### **XIII. RESPONSIBLE AUTHORITY; RECORD SECURITY; AND RECORD KEEPING**

#### **A. Responsible Authority**

The responsible authority shall be responsible for the maintenance and security of student records.

#### **B. Record Security**

The principal of each school subject to the supervision and control of the responsible authority shall be the records manager of the school, and shall have the duty of maintaining and securing the privacy and/or confidentiality of student records.

#### **C. Plan for Securing Student Records**

The building principal shall submit to the responsible authority a written plan for securing students records by September 1 of each school year. The written plan shall contain the following information:

1. A description of records maintained;
2. Titles and addresses of person(s) responsible for the security of student records;
3. Location of student records, by category, in the buildings;
4. Means of securing student records; and
5. Procedures for access and disclosure.

#### **D. Review of Written Plan for Securing Student Records**

The responsible authority shall review the plans submitted pursuant to Paragraph C. of this section for compliance with the law, this policy and the various administrative policies of the school district. The responsible authority shall then promulgate a chart incorporating the provisions of Paragraph C. which shall be attached to and become a part of this policy.

#### **E. Record Keeping**

1. The principal shall, for each request for and each disclosure of personally identifiable information from the education records of a student, maintain a record with the education records of the student which indicates:
  - a. the parties who have requested or received personally identifiable information from the education records of the student;
  - b. the legitimate interests these parties had in requesting or obtaining the information; and

- c. the names of the state and local educational authorities and federal officials and agencies listed in Section VI.B.4. of this policy that may make further disclosures of personally identifiable information from the student's education records without consent.
- 2. In the event the school district discloses personally identifiable information from an education record of a student pursuant to Section XII.B. of this policy, the record of disclosure required under this section shall also include:
  - a. the names of the additional parties to which the receiving party may disclose the information on behalf of the school district;
  - b. the legitimate interests under Section VI. of this policy which each of the additional parties has in requesting or obtaining the information; and
  - c. a copy of the record of further disclosures maintained by a state or local educational authority or federal official or agency listed in Section VI.B.4. of this policy in accordance with 34 C.F.R. § 99.32 and to whom the school district disclosed information from an education record. The school district shall request a copy of the record of further disclosures from a state or local educational authority or federal official or agency to whom education records were disclosed upon a request from a parent or eligible student to review the record of requests for disclosure.
- 3. Section XIII.E.1. does not apply to requests by or disclosure to a parent of a student or an eligible student, disclosures pursuant to the written consent of a parent of a student or an eligible student, requests by or disclosures to other school officials under Section VI.B.1. of this policy, to requests for disclosures of directory information under Section VII. of this policy, or to a party seeking or receiving the records as directed by a federal grand jury or other law enforcement subpoena and the issuing court or agency has ordered that the existence or the contents of the subpoena or the information provided in response to the subpoena not be disclosed or as directed by an ex parte court order obtained by the United States Attorney General (or designee not lower than an Assistant Attorney General) concerning investigations or prosecutions of an offense listed in 18 U.S.C. § 2332b(g)(5)(B) or an act of domestic or international terrorism.
- 4. The record of requests of disclosures may be inspected by:
  - a. the parent of the student or the eligible student;
  - b. the school official or his or her assistants who are responsible for the custody of the records; and
  - c. the parties authorized by law to audit the record-keeping procedures of the school district.
- 5. The school district shall record the following information when it discloses personally identifiable information from education records under the health or safety emergency exception:
  - a. the articulable and significant threat to the health or safety of a student or other individual that formed the basis for the disclosure; and
  - b. the parties to whom the school district disclosed the information.
- 6. The record of requests and disclosures shall be maintained with the education records of the student as long as the school district maintains the student's education records.

#### **XIV. RIGHT TO INSPECT AND REVIEW EDUCATION RECORDS**

- A. Parent of a Student, an Eligible Student or the Parent of an Eligible Student Who is Also a Dependent Student

The school district shall permit the parent of a student, an eligible student, or the parent of an eligible

**XVII. COMPLAINTS FOR NONCOMPLIANCE WITH FERPA**

A. Where to File Complaints

Complaints regarding alleged violations of rights accorded parents and eligible students by FERPA, and the rules promulgated thereunder, shall be submitted in writing to the Family Policy Compliance Office, U.S. Department of Education, 400 Maryland Avenue S.W., Washington, D.C. 20202.

B. Content of Complaint

A complaint filed pursuant to this section must contain specific allegations of fact giving reasonable cause to believe that a violation of FERPA and the rules promulgated thereunder has occurred.

**XVIII. WAIVER**

A parent or eligible student may waive any of his or her rights provided herein pursuant to FERPA. A waiver shall not be valid unless in writing and signed by the parent or eligible student. The school district may not require such a waiver.

**XIX. ANNUAL NOTIFICATION OF RIGHTS**

A. Contents of Notice

The school district shall give parents of students currently in attendance and eligible students currently in attendance annual notice by such means as are reasonably likely to inform the parents and eligible students of the following:

1. That the parent or eligible student has a right to inspect and review the student's education records and the procedure for inspecting and reviewing education records;
2. That the parent or eligible student has a right to seek amendment of the student's education records to ensure that those records are not inaccurate, misleading, or otherwise in violation of the student's privacy or other rights and the procedure for requesting amendment of records;
3. That the parent or eligible student has a right to consent to disclosures of personally identifiable information contained in the student's education records, except to the extent that federal and state law and the regulations promulgated thereunder authorize disclosure without consent;
4. That the parent or eligible student has a right to file a complaint with the U.S. Department of Education regarding an alleged failure by the school district to comply with the requirements of FERPA and the rules promulgated thereunder;
5. The criteria for determining who constitutes a school official and what constitutes a legitimate educational interest for purposes of disclosing education records to other school officials whom the school district has determined to have legitimate educational interests; and
6. That the school district forwards education records on request to a school in which a student seeks or intends to enroll or is already enrolled as long as the disclosure is for purposes related to the student's enrollment or transfer and that such records may include suspension and expulsion records pursuant to the federal No Child Left Behind Act and, if applicable, a student's history of violent behavior.

B. Notification to Parents of Students Having a Primary Home Language Other Than English

The school district shall provide for the need to effectively notify parents of students identified as having a primary or home language other than English.

C. Notification to Parents or Eligible Students Who are Disabled

The school district shall provide for the need to effectively notify parents or eligible students identified as disabled.

**XX. DESTRUCTION AND RETENTION OF RECORDS**

Destruction and retention of records by the school district shall be controlled by state and federal law.

**XXI. COPIES OF POLICY**

Copies of this policy may be obtained by parents and eligible students at the office of the superintendent.

**522 TITLE IX SEX NONDISCRIMINATION POLICY, GRIEVANCE PROCEDURE**

**I. GENERAL STATEMENT OF POLICY**

A. 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.

B. 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.

C. This policy applies to sexual harassment that occurs within the school district's education programs and activities and that is committed by a school district employee, student, or other members of the school community. This policy does not apply to sexual harassment that occurs off school grounds, in a private setting, and 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.

D. 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(s) is/are:

Executive Assistant to the Superintendent and School Board  
651-463-5013  
20655 Flagstaff Avenue  
Farmington, MN 55024

Alternative Title IX Coordinator  
Director of Human Resources  
651-463-5065  
20655 Flagstaff Avenue  
Farmington, MN 55024

Questions relating solely to Title IX and its regulations may be referred to the Title IX Coordinator(s), Assistant Secretary for Civil Rights of the United States Department of Education, or both.

E. The effective date of this policy is August 14, 2020 and applies to alleged violations of this policy occurring on or after August 14, 2020.

## **II. 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. Imputation of knowledge based solely on vicarious liability or constructive notice is insufficient to constitute actual knowledge. 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 for 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.

1. 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.

2. 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.

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.

H. “Relevant questions” and “relevant evidence” are questions, documents, statements, or information that are related to the allegations raised in a formal complaint. 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 and evidence about the complainant’s prior sexual behavior are offered to prove that someone other than the respondent committed the conduct alleged by the complainant, or if the questions and evidence concern specific incidents of the complainant’s prior sexual behavior with respect to the respondent and are offered to prove consent.

I. “Remedies” means actions designed to restore or preserve the complainant’s equal access to education after a respondent is found responsible. 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 a school district education program or activity and is committed against a person in the United States:

1. *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);
2. Unwelcome conduct that a reasonable person would find so severe, pervasive, and objectively offensive that it denies a person equal educational access; or
3. 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 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 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:

1. “Title IX Coordinator” means an employee of the school district that coordinates 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.

2. “Investigator” means a person who investigates a formal complaint. The investigator of a formal complaint may not be the same person as the Decision-maker or the Appellate Decision-maker. The Investigator may be a school district employee, school district official, or a third party designated by the school district.

3. “Decision-maker” means a person who makes a determination regarding responsibility after the investigation has concluded. The Decision-maker cannot be the same person as the Title IX Coordinator, the Investigator, or the Appellate Decision-maker.

4. “Appellate Decision-maker” means a person who considers and decides appeals of determinations regarding responsibility and dismissals of formal complaints. The Appellate Decision-maker cannot be the same person as the Title IX Coordinator, Investigator, or Decision-maker. The Appellate Decision-maker may be a school district employee, or a third party designated by the school district.

5. 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 facilitator of informal resolution processes, to any suitably qualified individual and such delegation may be 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 facilitator of informal resolution processes.

### **III. BASIC REQUIREMENTS FOR GRIEVANCE PROCESS**

#### **A. 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 any time a respondent is found responsible.

#### **B. 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.

C. 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.

D. Confidentiality

The school district will keep confidential the identity of any individual who has made a report or complaint of sex discrimination, including any individual who has made a report or filed a formal complaint of sexual harassment, any complainant, any individual who has been reported to be the perpetrator of sex discrimination, any respondent, and any witness, except as may be permitted by the Family Educational Rights and Privacy Act (FERPA), 20 U.S.C. § 1232g, or FERPA's regulations, and State law under Minn. Stat. § 13.32 34 C.F.R. Part 99, or as required by law, or to carry out the purposes of 34 C.F.R. Part 106, including the conduct of any investigation, hearing, or judicial proceeding arising thereunder (i.e., the school district's obligation to maintain confidentiality shall not impair or otherwise affect the complainants and respondents receipt of the information to which they are entitled with respect to the investigative record and determination of responsibility).

E. 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 in any other manner during any phase of the grievance process.

A complainant or respondent with a disability may be assisted by a support person throughout the grievance process, including all meetings and investigative interviews, if such accommodation is necessary. A support person may be a friend, family member, or any individual who is not otherwise a potential witness. The support person 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 in any other manner during any phase of the grievance process.

F. 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 to allow sufficient time for the party to prepare to participate.

G. 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.

H. 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.

I. 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.

J. 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) 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.

K. Potential Remedies and Disciplinary Sanctions

1. 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 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.

2. If the Decision-maker determines a student-respondent is responsible for violating this policy, the Decision-maker will recommend appropriate remedies, including disciplinary sanctions/consequences. The Title IX Coordinator will notify the superintendent of the recommended remedies, such that an authorized administrator can consider the recommendation(s) and implement appropriate remedies in compliance with MSBA Model Policy 506 – Student Discipline. The discipline of a student-respondent must comply with the applicable provisions of Minnesota Pupil Fair Dismissal Act, the Individuals with Disabilities Education Improvement Act (IDEA) and/or Section 504 of the Rehabilitation Act of 1972, and their respective implementing regulations.

#### **IV. 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 toward a student 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.

#### **V. 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 filling 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 over 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:

1. 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;
2. 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;
3. A statement explaining that the parties may have an advisor of their choice, who may be, but is not required to be, an attorney;
4. A statement that the parties may inspect and review evidence gathered pursuant to this policy;
5. A statement informing the parties of any code of conduct provision that prohibits knowingly making false statements or knowingly submitting false information; and
6. A copy of this policy.

## **VI. STATUS OF RESPONDENT DURING PENDENCY OF FORMAL COMPLAINT**

### **A. 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. 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 MSBA Model 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.

**B. 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 applicable requirements of Section 504 of the Rehabilitation Act of 1973 and the Americans with Disabilities Act prior to removing an individual with a qualifying disability.

**VII. 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. 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.

**VIII. 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:

1. Would not meet the definition of sexual harassment, even if proven;
2. Did not occur in the school district's education program or activity; or
3. 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:

1. The complainant informs the Title IX Coordinator in writing that the complainant desires to withdraw the formal complaint or allegations therein;
  2. The respondent is no longer enrolled or employed by the school district; or
  3. 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.
- 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.

## **IX. 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 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.

## **X. 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.
- 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, 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:
1. Identification of the allegations potentially constituting sexual harassment;
  2. 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;
  3. Findings of fact supporting the determination;
  4. Conclusions regarding the application of the school district's code of conduct to the facts;
  5. 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 recipient's education program or activity will be provided by the school district to the complainant; and
  6. 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.

## **XI. 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:

1. A procedural irregularity that affected the outcome of the matter (e.g., a material deviation from established procedures);
2. 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
3. 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. 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.

## **XII. 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 sanctions/consequences and/or other appropriate remedies.

B. Any person may submit a report or formal complaint alleging retaliation in the manner described in this policy and it will be addressed in the same manner as other complaints of sexual harassment or sex discrimination.

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.

### **XIII. TRAINING**

A. The school district shall ensure that Title IX Personnel receive appropriate training. The training shall include instruction on:

1. The Title IX definition of sexual harassment;
2. The scope of the school district's education program or activity;
3. How to conduct an investigation and grievance process, appeals, and informal resolution processes, as applicable;
4. How to serve impartially, including by avoiding prejudgment of the facts at issue, conflicts of interest, and bias;
5. For Decision-makers, training on issues of relevance of questions and evidence, including when questions and evidence about the complainant's prior sexual behavior are not relevant; and
6. For Investigators, training on issues of relevance, including the creation of an investigative report that fairly summarizes relevant evidence.

B. The training materials will not rely on sex stereotypes and must promote impartial investigations and adjudications of formal complaints.

C. Materials used to train Title IX Personnel must be posted on the school district's website. If the school district does not have a website, it must make the training materials available for public inspection upon request.

### **XIV. DISSEMINATION OF POLICY**

A. This policy shall be made available to all students, parents/guardians of students, school district employee, 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 secondary school students, employees, and all unions holding collective bargaining agreements with the school district, with the following:

1. The name or title, office address, electronic mail address, and telephone number of the Title IX Coordinator;
2. 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;

3. 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
4. Notice of the school district's grievance procedures and grievance process contained in this policy, including how to report or file a complaint of sex discrimination, how to report or file a formal complaint of sexual harassment, and how the school district will respond.

## **XV. RECORDKEEPING**

A. The school district must create, and maintain for a period of seven calendar years, records of any actions, including any supportive measures, taken in response to a report or formal complaint of sexual harassment. In each instance, the school district must document:

1. The basis for the school district's conclusion that its response to the report or formal complaint was not deliberately indifferent;
2. 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
3. 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.
4. The documentation of certain bases or measures does not limit the recipient 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:

1. 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 recipient's education program or activity;
2. Any appeal and the result therefrom;
3. Any informal resolution and the result therefrom; and
4. All materials used to train Title IX Personnel.

**Legal References:** Minn. Stat. § 121A.04 (Athletic Programs; Sex Discrimination)  
Minn. Stat. § 121A.40 – 121A.575 (Minnesota Pupil Fair Dismissal Act)  
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)  
20 U.S.C § 1400, *et seq.* (Individuals with Disabilities Education Improvement Act of 2004)  
29 U.S.C. § 794 (Section 504 of the Rehabilitation Act of 1973)  
42 U.S.C. § 12101, *et seq.* (Americans with Disabilities Act of 1990, as amended)  
20 U.S.C. § 1232g (Family Educational Rights and Privacy Act of 1974)  
20 U.S.C. § 1092 *et seq.* (Jeanne Clery Disclosure of Campus Security and Campus Crime Statistics Act ("Clery Act"))

***Cross References:*** MSBA/MASA Model Policy 102 (Equal Educational Opportunity)  
MSBA/MASA Model Policy 413 (Harassment and Violence)  
MSBA/MASA Model Policy 506 (Student Discipline)

MSBA/MASA Model Policy 528 (Student Parental, Family, and Marital Status  
Nondiscrimination)

## **DMS Frequently Asked Questions**

### **WHAT IF I ARRIVE AT SCHOOL AFTER CLASS STARTS?**

Report to the main office and obtain a pass to class.

### **WHERE DO I CALL TO REPORT MY STUDENT'S ABSENCE?**

Please call Student Services at this number by 8:15 AM to report absences.  
**651-460-1505**

### **HOW DO I E-MAIL DMS STAFF?**

Staff can be reached by e-mail using the first letter of their first name and all of their last name @farmington.k12.mn.us

### **WHERE DO I CALL TO ASK ABOUT SPORTS AND ACTIVITIES?**

The best source for information is the coach, but if the coach is not an option, call the Tiger Line 651-463-9090, or the District Activities Office 651-252-2514.

### **WHAT NUMBER DO I CALL IF I HAVE QUESTIONS ABOUT THE BUS?**

Marschall Lines: 651-463-8689. Remember, riding the bus is a privilege, not a right. Marschall Lines is responsible for general rider behavior and has our full support for disciplinary actions that are determined by them to be appropriate.

### **HOW CAN I FIND OUT IF WEATHER WILL AFFECT SCHOOL ACTIVITIES?**

Tune into WCCO or call the District @ **952-985-1100** or our office at 651-460-1500

### **WHO DO I CONTACT IF I HAVE ANY QUESTIONS OR CONCERNS?**

To contact any staff member, please call the DMS Office at 651-460-1500

### **WHAT IF I HAVE PROBLEMS WITH MY LOCKER?**

Report your locker concern in the main office.

### **WHAT IF I NEED TO SEE A COUNSELOR?**

Get a pre-approved pass from a counselor for an appointment. The releasing teacher must sign the pass. Tiger Enrichment is a preferential appointment time.

### **WHAT IF I LOST OR FOUND SOMETHING?**

Bring it to or inquire at the main office. Any item lost or presumed stolen should be reported to the main office.