

District #4005 POLICY MANUAL



District Policy Manual updated as of April 2018
by the Board of Directors of Metro Deaf School

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100 PURPOSE

I. PURPOSE

The purpose of the District Policy Manual is for District #4005 is to establish policies and procedures concerning the work and work environment for employees of District #4005 and other persons who contract with District #4005.

II. APPLICATION OF DISTRICT POLICY MANUAL

Scope: Except as otherwise specified, this District Policy Manual (hereinafter referred to as "Policy") shall apply to all employees of District #4005 and when applicable, to any individuals who contract with District #4005.

Non-discrimination: All policies of District #4005 shall be applied without regard to a person's, age, color, creed, culture, disability, ethnic origin, family care leave status, gender, marital status, political affiliation, status with regard to public assistance, race, religion, sexual preference/orientation, socioeconomic status, veteran's status or any other protected class.

Savings Clauses: If a provision of this Policy is found to be inconsistent with a law or regulation duly promulgated by a local, state or federal agency, the provision of such law or regulation shall prevail, but all other provisions of this Policy shall remain in full force and effect. In addition, if any provision of this Policy is determined to be invalid and not enforceable by a court having jurisdiction over District #4005, such provision shall be considered void, but all other valid provisions shall remain in full force and effect.

III. DURATION AND AMENDMENT OF PERSONNEL POLICIES

Duration: The Policy shall be effective only upon formal approval by the Board of Directors of Metro Deaf School (hereinafter referred to as the "Board"). The Policy supersedes any policy previously enacted by the Board, unless otherwise specified by the Board.

Amendment: The Board, at all times, reserves the right to add to, delete from, alter, amend or waive any and all provisions in the policy.

102 EQUAL EDUCATIONAL OPPORTUNITY

I. PURPOSE

The purpose of this policy is to ensure that equal educational opportunity is provided for all students of the school district.

II. GENERAL STATEMENT OF POLICY

- A. The policy of District #4005 is to provide equal educational opportunity for all students. District #4005 does not unlawfully discriminate on the basis of race, color, creed, religion, national origin, sex, gender, marital status, parental status, status with regard to public assistance, disability, sexual orientation, or age. District #4005 also makes reasonable accommodations for disabled students.
- B. District #4005 prohibits the harassment of any individual for any of the categories listed above. For information about the types of conduct that constitute violation of District #4005's policy on harassment and violence and the school district's procedures for addressing such complaints, refer to the District #4005's policy on harassment and violence #413.
- C. This policy applies to all areas of education including academics, coursework, co-curricular and extracurricular activities, or other rights or privileges of enrollment.
- D. Every District #4005 employee shall be responsible for complying with this policy conscientiously.
- E. Any student, parent or guardian having any questions regarding this policy should discuss it with the Executive Director as provided by policy. In the absence of a specific designee, an inquiry or a complaint should be referred to the Board.

Revised:

103 COMPLAINTS – STUDENTS, EMPLOYEES, PARENTS, OTHER PERSONS

I. PURPOSE

District #4005 takes seriously all concerns or complaints by students, employees, parents or other persons. If a specific complaint procedure is provided within any other policy of the school district, the specific procedure shall be followed in reference to such a complaint. If a specific complaint procedure is not provided, the purpose of this policy is to provide a procedure that may be used.

II. GENERAL STATEMENT OF POLICY

- A. Students, parents, employees or other persons, may report concerns or complaints to the school district. While written reports are encouraged, a complaint may be made orally. Any employee receiving a complaint shall advise the principal or immediate supervisor of the receipt of the complaint. The supervisor shall make an initial determination as to the seriousness of the complaint and whether the matter should be referred to the superintendent. A person may file a complaint at any level of the school district; i.e., Principal, Executive Director or school board. However, persons are encouraged to file a complaint at the building level when appropriate.
- B. Depending upon the nature and seriousness of the complaint, the supervisor or other administrator receiving the complaint shall determine the nature and scope of the investigation or followup procedures. If the complaint involves serious allegations, the matter shall promptly be referred to the Executive Director who shall determine whether an internal or external investigation should be conducted. In either case, the Executive Director shall determine the nature and scope of the investigation and designate the person responsible for the investigation or followup relating to the complaint. The designated investigator shall ascertain details concerning the complaint and respond promptly to the appropriate administrator concerning the status or outcome of the matter.
- C. The appropriate administrator shall respond in writing to the complaining party concerning the outcome of the investigation or followup, including any appropriate action or corrective measure that was taken. The superintendent shall be copied on the correspondence and consulted in advance of the written response when appropriate. The response to the complaining party shall be consistent with the rights of others pursuant to the applicable provisions of Minn. Stat. Ch. 13 (Minnesota Government Data Practices Act) or other law.

104 SCHOOL DISTRICT MISSION STATEMENT

I. PURPOSE

The purpose of this policy is to establish a clear statement of the purpose for which District #4005 exists.

II. GENERAL STATEMENT OF POLICY

The Board believes that a mission statement should be adopted. The mission statement should be based on the beliefs and values of the community should direct any change effort and should be the basis on which decisions are made. The Board, on behalf of and with extensive participation by the community, should develop a consensus among its members regarding the nature of the enterprise the Board governs, the purposes it serves, the constituencies it should consider, including student representation, and the results it intends to produce.

III. MISSION STATEMENT

Metro Deaf School promotes academic excellence for Deaf, DeafBlind, and Hard of Hearing students using an ASL/English bilingual approach. Our primary purpose is to empower our students to develop the skills and knowledge to succeed as global citizens.

IV. REVIEW

The Board will review District #4005's mission statement on a yearly basis. The Board will conduct a comprehensive review of the mission, including the beliefs and values of the community, every five to seven years.

Revised: August 2016

108 GRIEVANCE

I. PURPOSE

A grievance is a dispute or disagreement limited to the interpretation or application of any term or terms of the District #4005 District Policy.

II. GENERAL STATEMENT OF POLICY

Informal: An employee may bring a grievance to his or her supervisor's attention, informally, indicating it is a grievance and they may attempt to reach a satisfactory agreement.

Formal:

Step 1:

An employee may initiate a formal grievance by presenting a written letter to a member of the Board who is not an employee of the district and is designated to receive formal grievances.

The letter shall identify the nature of the grievance, the facts upon which it is based, the section(s) of the district policy allegedly violated and the relief requested.

No grievance shall be accepted which has been filed more than twenty-one (21) calendar days after the occurrence of the event.

Step 2:

Within ten (10) calendar days, the Board Designee receiving the grievance shall gather all appropriate information, ask for clarification from the grievant, meet with the grievant, meet with the grievant's supervisor, as necessary, and present a plan to the Board in an attempt to resolve the grievance.

Step 3:

Within ten (10) calendar days, the Board shall respond in writing to the grievant stating the Board's answer concerning the grievance.

General Principles

Time Limits: If a grievance is not presented within the time limits set forth in this policy, it shall be considered waived.

Grievance Files: Grievance files shall be maintained separately from the official personnel files.

Non-Precedence: Upon mutual written agreement, a grievance may be withdrawn at any step without establishing a precedent.

Representatives: The grievant shall be self-represented in Steps 1 and 2.

Release Time: There is no release time provided to the grievant to prepare for this process.

205 OPEN MEETINGS AND CLOSED MEETINGS

I. PURPOSE

- A. Metro Deaf School's Board of Directors embraces the philosophy of openness in the conduct of its business, in the belief that openness produces better programs, more efficiency in administration of programs, and an organization more responsive to public interest and less susceptible to private interest. The Board shall conduct its business under a presumption of openness. At the same time, the Board recognizes and respects the privacy rights of individuals as provided by law. The Board also recognizes that there are certain exceptions to the Minnesota Open Meeting Law as recognized in statute where it has been determined that, in limited circumstances, the public interest is best served by closing a meeting of the Board.
- B. The purpose of this policy is to provide guidelines to assure the rights of the public to be present at Board meetings, while also protecting the individual's rights to privacy under law, and to close meetings when the public interest so requires as recognized by law.

II. GENERAL STATEMENT OF POLICY

- A. Except as otherwise expressly provided by statute, all meetings of the Board, including executive sessions, shall be open to the public.
- B. Meetings shall be closed only when expressly authorized by law.

III. DEFINITION

"Meeting" means a gathering of at least a quorum or more members of the Board, or quorum of a committee or subcommittee of Board members, at which members discuss, decide, or receive information as a group on issues relating to the official business of the Board. The term does not include a chance or social gathering, or the use of social media by members of a public body so long as the social media use is limited to exchanges with all members of the general public. For purposes of the Open Meeting Law, social media does not include email.

IV. PROCEDURES

A. Meetings

a. Regular Meetings

A schedule of the regular meetings of the Board shall be kept on file at its primary offices. If the Board decides to hold a regular meeting at a time or place different from the time or place stated in its schedule, it shall give the same notice of the meeting as for a special meeting.

b. Special Meetings

- i. For a special meeting, the Board shall post written notice of the date, time, place, and purpose of the meeting at the school. The Board's actions at the special meeting are

limited to those topics included in the notice.

- ii. The notice shall also be mailed or otherwise delivered to each person who has filed a written request for notice of special meetings.
- iii. This notice shall be posted and mailed or delivered at least three days before the date of the meeting. As an alternative to mailing or otherwise delivering notice to persons who have filed a written request, the school board may publish the notice once, at least three days before the meeting, in the official newspaper of the school district or, if none, in a qualified newspaper of general circulation within the area of the school district.
- iv. A person filing a request for notice of special meetings may limit the request to particular subjects, in which case the Board is required to send notice to that person only concerning those particular subjects.
- v. The Board will establish an expiration date on requests for notice of special meetings and require refiling once each year. Not more than 60 days before the expiration date of request for notice, the Board shall send notice of the refiling requirement to each person who filed during the preceding year.

c. Emergency Meetings

- i. An emergency meeting is a special meeting called because of circumstances that, in the judgment of the Board, require immediate consideration.
- ii. If matters not directly related to the emergency are discussed or acted upon, the minutes of the meeting shall include a specific description of those matters.
- iii. The Board shall make good faith efforts to provide notice of the emergency meeting to each news medium that has filed a written request for notice if the request includes the news medium's telephone number.
- iv. Notice of the emergency meeting shall be given by telephone or any other method used to notify the members of the Board.
- v. Notice shall be provided to each news medium which has filed a written request for notice as soon as reasonably practicable after notice has been given to the Board members.
- vi. Notice shall include the subject of the meeting.
- vii. Posted or published notice of an emergency meeting shall not be required.
- viii. The notice requirements for an emergency meeting as set forth in this policy shall supersede any other statutory notice requirement for a special meeting that is an emergency meeting.

d. Recessed or Continued Meetings

If a meeting is a recessed or continued session of a previous meeting, and the time and place of the meeting was established during the previous meeting and recorded in the minutes of that meeting, then no further published or mailed notice is necessary.

e. Closed Meetings

The notice requirements of the Minnesota Open Meeting Law apply to closed meetings.

f. Actual Notice

If a person receives actual notice of a meeting of the Board at least 24 hours before the meeting, all notice requirements are satisfied with respect to that person, regardless of the method of receipt of notice.

g. Health Pandemic or Declared Emergency

In the event of a health pandemic or an emergency declared under Minn. Stat. Ch. 12, a meeting may be conducted by telephone or other electronic means in compliance with Minn. Stat. § 13D.021.

B. Votes

The votes of Board members shall be recorded in a journal kept for that purpose, and the journal shall be available to the public during all normal business hours at the administrative offices of the District #4005.

C. Written Materials

- a. In any open meeting, a copy of any printed materials relating to the agenda items prepared or distributed by the Board or its employees and distributed to or available to all Board members shall be available in the meeting room for inspection by the public while the Board considers their subject matter.
- b. This provision does not apply to materials not classified by law as public, or to materials relating to the agenda items of a closed meeting.

D. Data

- a. Meetings may not be closed merely because the data to be discussed are not public data.
- b. Data that are not public data may be discussed at an open meeting if the disclosure relates to a matter within the scope of the Board's authority and is reasonably necessary to conduct the business or agenda item before the Board.
- c. Data discussed at an open meeting retain the data's original classification; however, a record of the meeting, regardless of form, shall be public.

E. Closed Meetings

a. Labor Negotiations

- i. The Board may, by a majority vote in a public meeting, decide to hold a closed meeting to consider strategy for labor negotiations, including negotiation strategies or developments or discussion and review of labor negotiation proposals.
- ii. The time and place of the closed meeting shall be announced at the public meeting. A written roll of Board members and all other persons present at the closed meeting shall be made available to the public after the closed meeting. The proceedings shall be tape recorded, and the tape recording shall be preserved for two years after the contract discussed at the meeting is signed. The recording shall be made available to the public after all labor contracts are signed by the Board for the current budget period.

b. Sessions Closed by Bureau of Mediation Services

All negotiations, mediation sessions, and hearings between the Board and its employees or their respective representatives are public meetings except when otherwise provided by the Commissioner of the Bureau of Mediation Services (BMS). The use of recording devices, stenographic records, or other recording methods is prohibited in mediation meetings closed by the BMS.

c. Preliminary Consideration of Charges

The Board shall close one or more meetings for preliminary consideration of allegations or charges against an individual subject to its authority. If the Board members conclude that discipline of any nature may be warranted as a result of those specific charges or allegations, further meetings or hearings relating to those specific charges or allegations held after that conclusion is reached must be open. A meeting must also be open at the request of the individual who is the subject of the meeting. A closed meeting must be electronically recorded at the expense of the school district, and the recording must be preserved for at least three years after the date of the meeting. The recording is not available to the public.

d. Performance Evaluations

The Board may close a meeting to evaluate the performance of an individual who is subject to its authority. The Board shall identify the individual to be evaluated prior to closing a meeting. At its next open meeting, the Board shall summarize its conclusions regarding the evaluation. A meeting must be open at the request of the individual who is the subject of the meeting. A closed meeting must be electronically or video recorded at the expense of the school district, and the recording must be preserved for at least three years after the date of the meeting. The recording is not available to the public.

e. Attorney-Client Meeting

A meeting may be closed if permitted by the attorney-client privilege. Attorney-client privilege applies when litigation is imminent or threatened, or when the Board needs advice above the level of general legal advice, i.e., regarding specific acts and their legal consequences. A meeting may be closed to seek legal advice concerning litigation strategy, but the mere threat that litigation might be a consequence of deciding a matter one way or another does not, by itself, justify closing the meeting. The motion to close the meeting must specifically describe the matter to be discussed at the closed meeting, subject to relevant privacy and confidentiality considerations under state and federal law. The law does not require that such a meeting be recorded.

f. Dismissal Hearing

- i. A hearing on the dismissal of a licensed teacher shall be public or private at the teacher's discretion. A hearing regarding placement of teachers on unrequested leave of absence shall be public.
- ii. A hearing on dismissal of a student pursuant to the Pupil Fair Dismissal Act shall be closed unless the pupil, parent or guardian requests an open hearing.
- iii. To the extent a teacher or student dismissal hearing is held before the Board and is closed, the closed meeting must be electronically or video recorded at the expense of the school district, and the recording must be preserved for at least three years after the date of the meeting. The recording is not available to the public.

G. Coaches: Opportunity to Respond

- i. If the school board has declined to renew the coaching contract of a licensed or nonlicensed head varsity coach, it must notify the coach within 14 days of their decision.
- ii. If the coach requests the reasons for the nonrenewal, the school board must give the coach the reasons in writing within 10 days of receiving the request.
- iii. On the request of the coach, the school board must provide the coach with a reasonable opportunity to respond to the reasons at a school board meeting.
- iv. The meeting may be open or closed at the election of the coach unless the meeting is closed as required by Minn. Stat 13.D.05, Subd.2, to discuss educational or certain other nonpublic data.
- v. A closed meeting must be electronically recorded at the expense of the school district, and the recording must be preserved for at least three years after the date of the meeting. The recording is not available to the public.

H. Meetings to Discuss Certain Not Public Data

Any portion of a meeting must be closed if the following types of data are discussed:

- i. data that would identify alleged victims or reporters of criminal sexual conduct, domestic abuse, or maltreatment of minors or vulnerable adults;
- ii. active investigative data collected or created by a law enforcement agency; or
- iii. educational data, health data, medical data, welfare data, or mental health data that are not public data.
- iv. an individual's personal medical records.

A closed meeting must be electronically or video recorded at the expense of the school

district, and the recording must be preserved for at least three years after the date of the meeting. The recording is not available to the public.

h. Purchase and Sale of Property

- i. The Board may close a meeting:
 - a. to determine the asking price for real or personal property to be sold by the school district;
 - b. to review confidential or nonpublic appraisal data; and
 - c. to develop or consider offers or counteroffers for the purchase or sale of real or personal property.
- ii. Before closing the meeting, the Board must identify on the record the particular real or personal property that is the subject of the closed meeting.
- iii. The closed meeting must be tape recorded at the expense of the school district. The tape must be preserved for eight (8) years after the date of the meeting and be made available to the public after all real or personal property discussed at the meeting has been purchased or sold or the Board has abandoned the purchase or sale. The real or personal property that is the subject of the closed meeting must be specifically identified on the tape. A list of Board members and all other persons present at the closed meeting must be made available to the public after the closed meeting.
- iv. An agreement reached that is based on an offer considered at a closed meeting is contingent on its approval by the Board at an open meeting. The actual purchase or sale must be approved at an open meeting and the purchase price or sale price is public data.

i. Security Matters

- i. The Board may close a meeting to receive security briefings and reports, to discuss issues related to security systems, to discuss emergency response procedures, and to discuss security deficiencies in or recommendations regarding public services, infrastructure, and facilities, if disclosure of the information discussed would pose a danger to public safety or compromise security procedures or responses.
- ii. Financial issues related to security matters must be discussed and all related financial decisions must be made at an open meeting.
- iii. Before closing a meeting, the Board must refer to the facilities, systems, procedures, services, or infrastructures to be considered during the closed meeting.
- iv. The closed meeting must be tape recorded at the expense of the school district and the recording must be preserved for at least four (4) years.

j. Other Meetings

Other meetings shall be closed as provided by law, except as provided above. A closed

meeting must be electronically or video recorded at the expense of the school district, and the recording must be preserved for at least three years after the date of the meeting. The recording is not available to the public.

F. Procedures for Closing a Meeting

The Board shall provide notice of a closed meeting just as for an open meeting. A Board meeting may be closed only after a majority vote at a public meeting. Before closing a meeting, the Board shall state on the record the specific authority permitting the meeting to be closed and shall describe the subject to be discussed.

206 PUBLIC PARTICIPATION IN SCHOOL BOARD MEETINGS/COMPLAINTS ABOUT PERSONS AT SCHOOL BOARD MEETINGS AND DATA PRIVACY CONSIDERATIONS

I. PURPOSE

- A. The school board recognizes the value of participation by the public in deliberations and decisions on school district matters. At the same time, the school board recognizes the importance of conducting orderly and efficient proceedings, with opportunity for expression of all participants' respective views.
- B. The purpose of this policy is to provide procedures to assure open and orderly public discussion as well as to protect the due process and privacy rights of individuals under the law.

II. GENERAL STATEMENT OF POLICY

- A. It is the policy of the school board to encourage discussion by citizens of subjects related to the management of the school district at school board meetings. The school board may adopt reasonable time, place and manner restrictions on public expression in order to facilitate free discussion by all interested parties.
- B. The school board shall, as a matter of policy, protect the legal rights to privacy and due process of employees and students.

III. DEFINITIONS

- A. "Personnel data" means data on individuals collected because the individual is or was an employee or applicant for employment. For purposes of this policy, "employee" includes a volunteer or an independent contractor.
- B. Personnel data on current and former employees that is "public" includes:

Name; employee identification number, which must not be the social security number; actual gross salary; salary range; terms and conditions of employment relationship; contract fees; actual gross pension; the value and nature of employer paid fringe benefits; the basis for and the amount of any added remuneration, including expense reimbursement, in addition to salary; job title; job description; education and training background; previous work experience; date of first and last employment; the existence and status of any complaints or charges against the employee, regardless of whether the complaint or charge resulted in a disciplinary action; the final disposition of any disciplinary action as defined in Minn. Stat. 13.43, Subd. 13.43, Subd. 2(b), together with the specific reasons for the action and data documenting the basis of the action, excluding data that would identify confidential sources who are employees of the public body; the complete terms of any agreement settling any dispute arising out of the employment relationship, including a buyout agreement as defined in Minn. Stat 123B.143, Subd. 2, except that the agreement must include specific reasons for the agreement if it involves the payment of more than \$10,000 of public money; work location; work telephone number; badge number; work-related continuing education; honors and awards received; and payroll time sheets or other comparable data that are only used to account for employee's work time for payroll purposes, except to the extent that release of time sheet data would reveal the employee's reasons for the use of sick or other medical leave or other not public data.

- C. Personnel data on current and former applicants for employment that is “public” includes:

Veteran status; relevant test scores; rank on eligible list; job history; education and training; and work availability. Names of applicants shall be private data except when certified as eligible for appointment to a vacancy or when applicants are considered by the appointing authority to be finalists for a position in public employment. For purposes of this subdivision, “finalist” means an individual who is selected to be interviewed by the appointing authority prior to selection.

- D. “Educational data” means data maintained by the school district which relates to a student.

- E. “Student” means an individual currently or formerly enrolled or registered in the school district, or applicants for enrollment, or individuals who receive shared time services.

- F. Data about applicants for appointments to a public body, including a school board, collected by the school district as a result of the applicant’s application for appointment to the public body are private data on individuals, except that the following are public: name; city of residence, except where the appointment has a residency requirement that requires the entire address to be public; education and training; employment history; volunteer work; awards and honors; prior government service; any data required to be provided or that is voluntarily provided in an application to a multimember agency pursuant to Minn. Stat. 15.0597; and veteran status. Once an individual has been appointed to a public body, the following additional items of data are public: residential address; either a telephone number or electronic mail address where the appointee can be reached, or both at the request of the appointee; the first and last dates of service on the public body; the existence and status of any complaints or charges against an appointee; and, upon completion of an investigation of a complaint or charge against an appointee, the final investigative report unless access to the data would jeopardize an active investigation. Any electronic mail address or telephone number provided by a public body for use by an appointee shall be public. An appointee may use an electronic mail address or telephone number provided by the public body as the designated electronic mail address or telephone number at which the appointee can be reached.

IV. RIGHTS TO PRIVACY

- A. School district employees have a legal right to privacy related to matters which may come before the school board, including, but not limited to, the following:
- a. right to a private hearing for teachers, pursuant to Minn. Stat. § 122A.40, Subd. 14 (Teachers Discharge Hearing);
 - b. right to privacy of personnel data as provided by Minn. Stat. § 13.43 (Personnel Data);
 - c. right to consideration by the school board of certain data treated as not public as provided in Minn. Stat. § 13D.05 (Not Public Data);
 - d. right to a private hearing for licensed or no licensed head varsity coaches to discuss reasons for nonrenewal of a coaching contract pursuant to Minn. Stat. § 122A.33, Subd. 3.
- B. School district students have a legal right to privacy related to matters which may come before the school board, including, but not limited to, the following:
- a. right to a private hearing, Minn. Stat. § 121A.47, Subd. 5 (Student Dismissal Hearing);
 - b. right to privacy of educational data, Minn. Stat. § 13.32 (Educational Data); 20 U.S.C. §

1232g (FERPA);

- c. right to privacy of complaints as provided by child abuse reporting and discrimination laws, Minn. Stat. § 626.556 (Reporting of Maltreatment of Minors) and Minn. Stat. Ch. 363A (Minnesota Human Rights Act).

V. THE PUBLIC'S OPPORTUNITY TO BE HEARD

The school board will strive to give all citizens of the school district an opportunity to be heard and to have complaints considered and evaluated, within the limits of the law and this policy and subject to reasonable time, place, and manner restrictions. Among the rights available to the public is the right to access public data as provided by Minn. Stat. § 13.43, Subd. 2 (Public Data).

VI. PROCEDURES

A. Agenda Items

- a. Citizens who wish to have a subject discussed at a public school board meeting are encouraged to notify the Board Secretary in advance of the school board meeting. The citizen should provide his or her name, address, the name of group represented (if any), and the subject to be covered or the issue to be addressed.
- b. Citizens who wish to address the school board on a particular subject should identify the subject and identify agenda item(s) to which their comments pertain.
- c. The school board chair will recognize one speaker at a time, and will rule out of order other speakers who are not recognized. Only those speakers recognized by the chair will be allowed to speak. Comments by others are out of order. Individuals who interfere with or interrupt speakers, the school board, or the proceedings may be directed to leave.
- d. The school board retains the discretion to limit discussion of any agenda item to a reasonable period of time as determined by the school board. If a group or organization wishes to address the school board on a topic, the school board reserves the right to require designation of one or more representatives or spokespersons to speak on behalf of the group or organization.
- e. Matters proposed for placement on the agenda which may involve data privacy concerns, which may involve preliminary allegations, or which may be potentially libelous or slanderous in nature shall not be considered in public, but shall be processed as determined by the school board in accordance with governing law.
- f. The school board chair shall promptly rule out of order any discussion by any person, including school board members, that would violate the provisions of state or federal law, this policy or the statutory rights of privacy of an individual.
- g. Personal attacks by anyone addressing the school board are unacceptable. Persistence in such remarks by an individual shall terminate that person's privilege to address the school board.

- h. Depending upon the number of persons in attendance seeking to be heard, the school board reserves the right to impose such other limitations and restrictions as necessary in order to provide an orderly, efficient and fair opportunity for those present to be heard.

B. Complaints

- a. Routine complaints about a teacher or other employee should first be directed to that teacher or employee or to the employee's immediate supervisor.
- b. If the complaint is against an employee relating to child abuse, discrimination, racial, religious, or sexual harassment, or other activities involving an intimidating atmosphere, the complaint should be directed to the employee's supervisor or other official as designated in the school district policy governing that kind of complaint. In the absence of a designated person, the matter should be referred to the Executive Director.
- c. Unresolved complaints from Paragraph 1. of this section or problems concerning the school district should be directed to the Executive Director..
- d. Complaints which are unresolved at the Executive Director's level may be brought before the school board by notifying the school board in writing.

C. Open Forum

The school board shall normally provide a specified period of time where citizens may address the school board on any topic, subject to the limitations of this policy. The school board reserves the right to allocate a specific period of time for this purpose and limit time for speakers accordingly.

The school board may decide to hold certain types of public meetings where the public will not be invited to address the school board. Possible examples are work sessions and board retreats. The public will still be entitled to notice of these meetings and will be allowed to attend these meetings, but the public will not be allotted time during the meeting to address the board.

VII. PENALTIES FOR VIOLATION OF DATA PRIVACY

- A. The school district is liable for damages, costs and attorneys' fees, and in the event of a willful violation, punitive damages for violation of state data privacy laws. (Minn. Stat. § 13.08, Subd. 1)
- B. A person who willfully violates data privacy. Or whose conduct constitutes the knowing unauthorized acquisition of not public data is guilty of a misdemeanor.– (Minn. Stat. § 13.09)
- C. In the case of an employee, willful violation of the Minnesota data practices law, Chapter 13, or any rules adopted thereunder, including any action subject to a criminal penalty, constitutes just cause for suspension without pay or dismissal. (Minn. Stat. § 13.09)

208 DEVELOPMENT, ADOPTION, AND IMPLEMENTATION OF POLICIES

I. PURPOSE

The purpose of this policy is to emphasize the importance of the policy-making role of the school board and provide the means for it to continue to be an ongoing effort.

II. GENERAL STATEMENT OF POLICY

Formal guidelines are necessary to ensure the school community that the school system responds to its mission and operates in an effective, efficient, and consistent manner. A set of written policy statements shall be maintained and modified as needed. Policies should define the desire and intent of the school board and should be in a form which is sufficiently explicit to guide administrative action.

III. DEVELOPMENT OF POLICY

- A. The school board has jurisdiction to legislate policy for the school district with the force and effect of law. School board policy provides the general direction as to what the school board wishes to accomplish while delegating implementation of policy to the administration.
- B. The school board's written policies provide guidelines and goals to the school community. The policies shall be the basis for the formulation of guidelines and directives by the administration. The school board shall determine the effectiveness of the policies by evaluating periodic reports from the administration.
- C. Policies may be proposed by a school board member, employee, student or resident of the school district. Proposed policies or ideas shall be submitted to the superintendent for review prior to possible placement on the school board agenda.

IV. ADOPTION OF POLICY

- A. The school board shall give notice of proposed policy changes or adoption of new policies by placing the item on the agenda of two school board meetings. The proposals shall be distributed and public comment will be allowed at both meetings prior to final school board action.
- B. The final action taken to adopt the proposed policy shall be approved by a simple majority vote of the school board at a subsequent meeting after the meetings at which public input was received. The policy will be effective on the later of the date of passage or the date stated in the motion.
- C. In the case of an emergency, a new or modified policy may be adopted by a majority vote of a quorum of the school board. A statement regarding the emergency and the need for immediate adoption of the policy shall be included in the minutes. The emergency policy shall expire within one year following the emergency action unless the policy adoption procedure stated above is followed and the policy is reaffirmed. The school board shall have discretion to determine what constitutes an emergency situation.
- D. If a policy is modified with minor changes that do not affect the substance of the policy or because of a legal change over which the school board has no control, the modified policy

may be approved at one meeting at the discretion of the school board.

V. IMPLEMENTATION OF POLICY

- A. The Executive Director shall be responsible for implementing school board policies, other than the policies that cover how the school board will operate. The Executive Director shall develop administrative guidelines and directives to provide greater specificity and consistency in the process of implementation. These guidelines and directives, including employee and student handbooks, shall be subject to annual review and approval by the school board.
- B. Each school board member shall have access to this policy manual, and a copy shall be placed in the front office. Manuals shall be available in the front office and made available for reference purposes to other interested persons.
- C. The Executive Director, employees designated by the Executive Director, and individual school board members shall be responsible for keeping the policy manuals current.
- D. The school board shall review policies at least once every three years. The Executive Director shall be responsible for developing a system of periodic review, addressing approximately one third of the policies annually. In addition, the school board shall review the following policies annually: 410 Family and Medical Leave Policy; 413 Harassment and Violence; 414 Mandated Reporting of Child Neglect or Physical or Sexual Abuse; 415 Mandated Reporting of Maltreatment of Vulnerable Adults; 506 Student Discipline; 514 Bullying Prohibition Policy; 522 Student Sex Nondiscrimination; 524 Internet Acceptable Use and Safety Policy; 616 School District System Accountability; and 806 Crisis Management Policy.
- E. When no school board policy exists to provide guidance on a matter, the Executive Director is authorized to act appropriately under the circumstances keeping in mind the educational philosophy and financial condition of the school district. Under such circumstances, the Executive Director shall advise the school board of the need for a policy and present a recommended policy to the school board for approval.

209 CODE OF ETHICS

I.PURPOSE

The purpose of this policy is to assist individual Board members in understanding his or her role as part of a school board and in recognizing the contribution that each member must make to develop an effective and responsible school board.

II.GENERAL STATEMENT OF POLICY

Each school board member shall follow the code of ethics stated in this policy.

A. AS A MEMBER OF THE BOARD I WILL:

1. Attend School Board Meetings
2. Come to the meetings prepared for discussion of the agenda items.
3. Listen to the opinions and views of others (including, but not limited to, other school board members, administration, staff, students, and community members).
4. Vote my conscience after informed discussion, unless I abstain because a conflict of interest exists.
5. Support the decision of the school board, even if my position concerning the issue was different.
6. Appreciate the merit of their work. Recognize the integrity of my predecessor and associates and appreciate their work.
7. Be primarily motivated only by a desire to serve provide the best possible education for the students of my school district.
8. Inform myself about the proper duties and functions of a school board member

B. IN PERFORMING THE PROPER FUNCTIONS OF A BOARD MEMBER I WILL:

1. Focus on education policy as much as possible.
2. Remember my responsibility is to set policy – not to implement policy.
3. Consider myself a trustee of public education and do my best to protect, conserve, and advance its progress.
4. Recognize that my responsibility, exercised through the actions of the school board as a whole, is to see that the school is properly run- not to run them myself.

5. Work through the Executive Director- not over or around the Executive Director.
6. Delegate the implementation of school board decisions to the Executive Director.

C. TO MAINTAIN RELATIONS WITH OTHER MEMBERS OF THE SCHOOL BOARD, I WILL:

1. Respect the rights of others to have and express opinions.
2. Recognize that authority rests with the school board in legal session- not with individual members of the school board except as authorized by the law.
3. Make no disparaging remarks, in or out of school board meetings, about other members of the school board or their opinions.
4. Keep an open mind about how I will vote on any proposition until the board has met and fully discussed the issue.
5. Make decisions by voting in school board meets after all sides of debatable questions have been presented.
6. Insist that committees be appointed to serve in an advisory capacity to the school board.

D. IN MEETING MY RESPONSIBILITIES TO MY COMMUNITY, I WILL:

1. Attempt to appraise and plan for both the present and future educational needs of the school district and community.
2. Attempt to obtain adequate financial support for the school district's programs.
3. Insist that business transactions of the school be ~~on an~~ ethical and open.

E. IN WORKING WITH THE EXECUTIVE DIRECTOR AND STAFF, I WILL:

1. Hold the Executive Director responsible for the administration of the school.
2. Give the Executive Director authority commensurate with his or her responsibilities.
3. Assure that the school district will be administered by the best professional personnel available.
4. Consider the recommendation of the Executive Director hiring all employees.
5. Participate in school board action after considering the recommendation of the Executive Director only after the Executive Director has furnished adequate information supporting the recommendation.
6. Insist the Executive Director keep the school board adequately informed at all times.
7. Offer the Executive Director counsel and advice.
8. Recognize the status of the Executive Director as the chief executive officer and a non-voting, ex officio member of the school board.

9. Refer all complaints to the proper administrative officer or insist that they be presented in writing to the whole school board for proper referral according to the chain of command.
10. Present any personal criticism of employees to the Executive Director
11. Provide support for the Executive Director and employees of the school District so that they may perform their proper functions on a professional level.
12. Spend adequate time in school board meetings on educational policies.

F. IN FULFILLING MY LEGAL OBLIGATIONS AS A SCHOOL BOARD MEMBER, I WILL:

1. Comply with all federal, state, and local laws relating to my work as a school board member.
2. Comply with all school district policies as adopted by the school board.
3. Abide by all rules and regulations as promulgated by the Minnesota Department of Education and other state and federal agencies with jurisdiction over school districts.
4. Recognize that school district business may be legally transacted only in an open meeting of the school board.
5. Avoid conflicts of interest and refrain from using my school board position for personal gain.
6. Take no private action that will compromise the school board or administration.
7. Guard the confidentiality of information that is protected under applicable law.

214 OUT-OF-STATE TRAVEL BY BOARD MEMBERS

I. PURPOSE

The purpose of this policy is to control out-of-state travel by Board members as required by law.

II. GENERAL STATEMENT OF POLICY

Board members have an obligation to become informed on the proper duties and functions of a Board member, to become familiar with issues that may affect the school district, to acquire a basic understanding of school finance and budgeting, and to acquire sufficient knowledge to comply with federal, state and local laws, rules, regulations and school district policies that relate to their functions as Board members. Occasionally, it may be appropriate for Board members to travel out of state to fulfill their obligations.

III. APPROPRIATE TRAVEL

Travel outside the state is appropriate when the Board finds it proper for Board members to acquire knowledge and information necessary to allow them to carry out their responsibilities as Board members. Travel to regional or national meetings of the National Boards Association is presumed to fulfill this purpose. Travel to other out-of-state meetings for which the member intends to seek reimbursement from the school district should be pre-approved by the Board.

IV. REIMBURSABLE EXPENSES

Expenses to be reimbursed may include transportation, checked baggage, meals, lodging, registration fees, required materials, parking fees, tips, and other reasonable and necessary school district-related expenses.

V. REIMBURSEMENT

- A. Requests for reimbursement must be itemized on the reimbursement form and are to be submitted to the business office. Per diems follow the domestic per diem rates found at US General Services Administration at <http://www.gsa.gov/portal/content/104877>. Receipts for lodging, commercial transportation, registration, and other reasonable and necessary expenses must be attached to the reimbursement form. District #4005 will not reimburse for alcohol of any kind. District #4005 will not reimburse Minnesota Sales Tax.
- B. Automobile travel shall be reimbursed at the mileage rate as stated on the reimbursement form. Commercial transportation shall reflect economy fares and shall be reimbursed only for the actual cost of the trip.
- C. Amounts to be reimbursed shall be within the Board's approved budget allocations, including attendance at workshops and conventions.

VI. ESTABLISHMENT OF DIRECTIVES AND GUIDELINES

The business office manager shall develop a schedule of reimbursement rates for the school district business expenses, including those expenses requiring advance approval and specific rates of reimbursement to be approved by the Executive Director. The Business office manager shall also develop directives and guidelines to address methods and times for submission of requests for reimbursement.

401 EQUAL EMPLOYMENT OPPORTUNITY

I. PURPOSE

The purpose of this policy is to provide equal employment opportunity for all applicants for employment at District #4005 and District #4005 employees.

II. GENERAL STATEMENT OF POLICY

- A. It is District #4005's policy to provide equal employment opportunity for all applicants and employees. District #4005 does not unlawfully discriminate on the basis of age, color, creed, sex, religion, culture, disability, ethnic origin, family care leave status, gender, marital status, political affiliation, status with regard to public assistance, disability, race, religion, sexual preference/orientation, gender identity, socioeconomic status, veteran's status or any other protected class. District #4005 also makes reasonable accommodations for disabled employees.
- B. District #4005 prohibits the harassment of any individual for any of the categories listed above. For information about the types of conduct that constitute impermissible harassment and District #4005's internal procedures for addressing complaints of harassment, please refer to District #4005's policy on harassment and violence, Policy #413.
- C. This policy applies to all areas of employment including hiring, discharge, promotion, compensation, facilities or privileges of employment.
- D. It is the responsibility of every District #4005 employee to follow this policy.
- E. Any person having any questions regarding this policy should discuss it with Administration.

402 DISABILITY NONDISCRIMINATION

I. PURPOSE

The purpose of this policy is to provide a fair employment setting for all persons and to comply with state and federal law.

II. GENERAL STATEMENT OF POLICY

- A. District #4005 shall not discriminate against qualified individuals with disabilities because of the disabilities of such individuals in regard to job application procedures, hiring, advancement, discharge, compensation, job training, and other terms, conditions, and privileges of employment.
- B. District #4005 shall not engage in contractual or other arrangements that have the effect of subjecting its qualified applicants or employees with disabilities to discrimination on the basis of disability.
- C. District #4005 shall not exclude or otherwise deny equal jobs or job benefits to a qualified individual because of the known disability of an individual with whom the qualified individual is known to have a relationship or association.
- D. District #4005 shall make reasonable accommodations for the known physical or mental limitations of an otherwise qualified individual with a disability who is an applicant or employee, unless the accommodation would impose undue hardship on the operation of the business of District #4005.
- E. Any job applicant or employee wishing to discuss the need for a reasonable accommodation, or other matters related to a disability or the enforcement and application of this policy, should contact School Administration.

403 DISCIPLINE, SUSPENSION AND DISMISSAL OF SCHOOL DISTRICT EMPLOYEES

I. PURPOSE

The purpose of this policy is to achieve the effective operation of District #4005's programs through the cooperation of all employees under a system of policies and rules applied fairly and uniformly.

II. GENERAL STATEMENT OF POLICY

The disciplinary process described herein is designed to utilize progressive steps, where appropriate, to produce positive corrective action. While District #4005 intends that in most cases progressive discipline will be administered, the specific form of discipline chosen in a particular case and/or the decision to impose discipline in a manner otherwise is solely within the discretion of District #4005.

III. DISCIPLINE

A. Violation of School Laws and Rules.

The form of discipline imposed for violations of school laws and rules may vary from an oral reprimand to termination of employment depending upon factors such as the nature of the violation, whether the violation was intentional, knowing and/or willful and whether the employee has been the subject of prior disciplinary action of the same or a different nature. School laws and rules to which this provision applies include:

- a. policies of District #4005;
- b. directives and/or job requirements imposed by administration and/or the employee's supervisor; and
- c. federal, state and local laws, rules and regulations, including, but not limited to, the rules and regulations adopted by federal and state agencies.

B. Substandard Performance.

An employee's substandard performance may result in the imposition of discipline ranging from an oral reprimand to termination of employment. In most instances, discipline imposed for the reason of substandard performance will follow a progressive format and will be accompanied by guidance, help and encouragement to improve from the employee's supervisor and reasonable time for correction of the employee's deficiency.

C. Misconduct.

Misconduct of an employee will result in the imposition of discipline consistent with the seriousness of the misconduct. Conduct which falls into this category includes, but is not limited to:

- a. unprofessional conduct;
- b. failure to observe rules, regulations, policies and standards of District #4005 and/or directives and orders of supervisors and any other act of an insubordinate nature;
- c. continuing neglect of duties in spite of oral warnings, written warnings and/or other forms of discipline;
- d. personal and/or immoral misconduct;
- e. use of illegal drugs, alcohol or any other chemical substance on the job or any use off the job which impacts on the employee's performance;
- f. deliberate and serious violation of the rights and freedoms of other employees, students, parents or other persons in the school community;
- g. activities of a criminal nature relating to the fitness or effectiveness of the employee to perform the duties of the position;
- h. failure to follow the canons of professional and personal ethics;
- i. falsification of credentials and experience;
- j. unauthorized destruction of school district property;
- k. other good and sufficient grounds relating to any other act constituting inappropriate conduct;
- l. neglect of duty;
- m. violation of the rights of others as provided by federal and state laws related to human rights.

IV. FORMS OF DISCIPLINE

- A. The forms of discipline that may be imposed by District #4005 include, but are not limited to:
 - a. oral warning;
 - b. written warning or reprimand;
 - c. probation;
 - d. disciplinary suspension, demotion or leave of absence with pay;
 - e. disciplinary suspension, demotion or leave of absence without pay; and
 - f. dismissal/termination from employment.
- B. Other forms of discipline, including any combination of the forms described under A above, may be imposed if, in the judgment of the administration, another form of discipline will better accomplish District #4005's objective of stopping or correcting the offending conduct and improving the

employee's performance.

V. PROCEDURES FOR ADMINISTERING POLICY

- A. In an instance where any form of discipline is imposed, the employee's supervisor will:
 - a. Advise the employee of any inadequacy, deficiency or conduct which is the cause of the discipline, either orally or in writing. If given orally, the supervisor will document the fact that an oral warning was given to the employee specifying the date, time and nature of the oral warning.
 - b. Provide directives to the employee to correct the conduct or performance.
 - c. Forward copies of all writings to the Executive Director for filing in the employee's personnel file.
 - d. Allow a reasonable period of time, when appropriate, for the employee to correct or remediate the performance or conduct.
 - e. Specify the expected level of performance or modification of conduct to be required from the employee.
- B. District #4005 retains the right to immediately discipline or terminate an employee as appropriate, subject to relevant governing law where applicable.

404 EMPLOYMENT BACKGROUND CHECKS

I. PURPOSE

The purpose of this policy is to maintain a safe and healthful environment at District #4005 in order to promote the physical, social, and psychological well-being of its students. To that end, District #4005 will seek a nationwide criminal history background check for applicants who receive an offer of employment with District #4005 or such other background checks as provided by this policy. District #4005 will also seek background checks of volunteers, independent contractors and student employees at District #4005.

II. GENERAL STATEMENT OF POLICY

- A. District #4005 shall require that applicants for school district positions who receive an offer of employment, independent contractors and student employees, submit to a nationwide criminal history background check. Any offer shall be conditioned upon a determination by District #4005 that an applicant's criminal history does not preclude the applicant from a relationship with District #4005.
- B. District #4005 specifically reserves any and all rights it may have to conduct background checks regarding current employees or applicants without the consent of such individuals.
- C. Adherence to this policy by District #4005 shall in no way limit District #4005's right to require additional information, or to use procedures currently in place or other procedures to gain additional background information concerning employees, applicants, volunteers, independent contractors and student employees.

III. PROCEDURES

- A. Normally an applicant will not commence employment until District #4005 receives the results of the criminal history background check. District #4005 may conditionally hire an applicant pending completion of the background check, but shall notify the applicant that the applicant's employment may be terminated based on the result of the background check. District #4005 reserves the right to have criminal history background checks conducted by any organization or agency of their choosing.
- B. An applicant who is offered employment must sign a criminal history consent form, which provides permission for District #4005 to conduct a nationwide criminal history background check. If the applicant fails to provide District #4005 with a signed Informed Consent Form at the time the applicant receives a job offer, the applicant will be considered to have voluntarily withdrawn the application for employment.
- C. District #4005, in its discretion, may elect not to request a criminal history background check on an applicant who holds an initial entrance license issued by the state board of teaching or the state board of education within the 12 months preceding an offer of employment.
- D. District #4005 may use the results of a criminal background check conducted at the request of another school hiring authority if:
 - a. the results of the criminal background check are on file with the other school hiring authority or otherwise accessible;

- b. the other school hiring authority conducted a criminal background check within the previous 12 months;
 - c. the applicant executes a written consent form giving District #4005 access to the results of the check; and
 - d. there is no reason to believe that the applicant has committed an act subsequent to the check that would disqualify the applicant for employment.
- E. When required, applicants must provide fingerprints to assist in a criminal history background check. If the fingerprints provided by the applicant are unusable, the applicant will be required to submit another set of prints.
- F. The applicant will be informed of the results of the criminal background check(s) to the extent required by law.
- G. If the criminal history background check precludes employment with District #4005, the applicant will be so advised.
- H. District #4005 may apply these procedures to volunteers, independent contractors or student employees as though they were applicants for employment.

Background checks will only be checked upon employment for continuous employees unless due cause is warranted.

All substitutes will have a background check conducted annually.

406 PUBLIC AND PRIVATE PERSONNEL DATA

I. PURPOSE

The purpose of this policy is to provide guidance to District #4005 employees as to the data District #4005 collects and maintains regarding its personnel.

II. GENERAL STATEMENT OF POLICY

- A. All data on individuals collected, created, received, maintained or disseminated by District #4005, which is classified by statute or federal law as public, shall be accessible to the public pursuant to the procedures established by District #4005.
- B. All other data on individuals is private or confidential.

III. DEFINITIONS

- A. "Public" means that the data is available to anyone who requests it.
- B. "Private" means the data is available to the subject of the data and to District #4005 employees who need it to conduct the business of District #4005.
- C. "Confidential" means the data is not available to the subject.
- D. "Personnel data" means government data on individuals maintained because they are or were employees of District #4005, applicants for employment, volunteers or independent contractors for District #4005, or members of or applicants for an advisory board or commission. Personnel data include data submitted to the school district by an employee as part of an organized self evaluation effort by the school district to request suggestions from all employees on ways to cut costs, make the school district more efficient

IV. PUBLIC PERSONNEL DATA

- A. The following information on employees, including volunteers and independent contractors, is public:
 - a. name;
 - b. employee identification number, which may not be the employee's social security number;
 - c. actual gross salary;
 - d. salary range;
 - e. terms and conditions of employment relationship;

- f. contract fees;
- g. the value and nature of employer-paid fringe benefits;
- h. the basis for the amount of any added remuneration, including expense reimbursement, in addition to salary;
- i. job title;
- j. job description;
- k. education and training background;
- l. previous work experience;
- m. date of first and last employment;
- n. the existence and status of any complaints or charges against the employee, regardless of whether the complaint or charge resulted in a disciplinary action;
- o. the final disposition of any disciplinary action, as defined in Minn. Stat. § 13.43, Subd. 2(b), together with the specific reasons for the action and data documenting the basis of the action, excluding data that would identify confidential sources;
- p. the terms of any agreement settling any dispute arising out of the employment relationship, including Director buyout agreements, except that the agreement must include specific reasons for the agreement if it involves the payment of more than \$10,000 of public money, and such agreement may not have the purpose or effect of limiting access to or disclosure of personnel data or limiting the discussion of information or opinions related to personnel data;
- q. Work location;
- r. Work telephone number;
- s. Work-related continuing education;
- t. honors and awards received; and
- u. Payroll time sheets or other comparable data that are used only to account for employee's work time for payroll purposes, except to the extent that release of time sheet data would reveal the employee's reasons for the use of sick or other medical leave or other not public data.

B. The following information on applicants for employment is public:

- a. Veteran status;
- b. Relevant test scores;
- c. Rank on eligible list;
- d. Job history;
- e. Education and training, and
- f. Work availability.

- C. Names of applicants are private data except when certified as eligible for appointment to a vacancy or when they become finalists for an employment position.
- D. Applicants for appointment to a public body.
 - a. Data about applicants for appointment to a public body are private data on individuals except that the following are public:
 - i. Name;
 - ii. City of residence, except when the appointment has a residency requirement that requires the entire address to be public;
 - iii. Education and training;
 - iv. Employment history;
 - v. Volunteer work;
 - vi. Awards and honors;
 - vii. Prior government service;
 - viii. Any data required to be provided or that are voluntarily provided in an application for appointment to multimember agency pursuant to Minn. Stat. § 15.0597; and
 - ix. Veteran status.
 - b. Once an individual is appointed to a public body, the following additional items of data are public:
 - i. Residential address;
 - ii. Either telephone number or electronic mail address where the appointee can be reached, or both at the request of the appointee;
 - iii. First and last dates of service on the public body;
 - iv. The existence and status of any complaints or charges against the appointee; and
 - v. Upon completion of an investigation of a complaint or charge against an appointee, the final investigative report is public, unless access to the data would jeopardize an active investigation.
- E. Regardless of whether there has been a final disposition as defined in Minn. Stat. § 13.43, Subd. 2(b), upon completion of an investigation of a complaint or charge against a public official, as defined in Minn. Stat. § 13.43, Subd. 2(e), or if a public official resigns or is terminated from employment while the complaint or charge is pending, all data relating to the complaint or charge are public, unless access to the data would jeopardize an active investigation or reveal confidential sources.
- F. Data relating to a complaint or charge against a public official is public only if: (1) the complaint or charge results in disciplinary action or the employee resigns or is terminated from employment while the complaint or charge is pending; or (2) potential legal claims arising out of the conduct that is the subject of the complaint or charge are released as part of a settlement agreement. Data that is classified as private under another law is not made public by this provision.

V. PRIVATE PERSONNEL DATA

- A. All other personnel data is private and will only be shared with District #4005 employees whose work requires such access. Private data will not be otherwise released unless authorized by law or by the employee's informed written consent.
- B. Data pertaining to an employee's dependents are private data on individuals.
- C. Data created, collected or maintained by District #4005 to administer employee assistance programs are private.
- D. An individual's checking account number is private when submitted to a government entity.

- E. District #4005 may display a photograph of a current or former employee to prospective witnesses as part of District #4005' investigation of any complaint or charge against the employee.
- F. District #4005 may, if the responsible authority or designee reasonably determines that the release of personnel data is necessary to protect an employee from harm to self or to protect another person who may be harmed by the employee, release data that are relevant to the concerns for safety to:
 - a. The person who may be harmed and to the attorney representing the person when the data are relevant to obtaining a restraining order;
 - b. A pre-petition screening team conducting an investigation of the employee under Minn. Stat. § 253B.07, Subd. 1; or
 - c. A court, law enforcement agency or prosecuting authority.
- G. Private personnel data or confidential investigative data on employees may be disseminated to a law enforcement agency for the purpose of reporting a crime or alleged crime committed by an employee, or for the purpose of assisting law enforcement in the investigation of such a crime or alleged crime.
- H. A complainant has access to a statement provided by the complainant to District #4005 in connection with a complaint or charge against an employee.
- I. When allegations of sexual or other types of harassment are made against an employee, the employee shall not have access to data that would identify the complainant or other witnesses if District #4005 determines that the employee's access to that data would:
 - a. threaten the personal safety of the complainant or a witness; or
 - b. subject the complainant or witness to harassment.

If a disciplinary proceeding is initiated against the employee, data on the complainant or witness shall be available to the employee as may be necessary for the employee to prepare for the proceeding.

- J. District #4005 shall make any report to the board of teaching or the state board of education as required by Minn. Stat. § 122A.20, Subd. 2, and shall, upon written request from the licensing board having jurisdiction over a teacher's license, provide the licensing board with information about the teacher from District #4005' files, any termination or disciplinary proceeding, and settlement or compromise, or any investigative file in accordance with Minn. Stat. § 122A.20, Subd. 2.
- K. Private personnel data shall be disclosed to the department of economic security for the purpose of administration of the unemployment insurance program under Minn. Stat. Ch. 268.
- L. When a report of alleged maltreatment of a student in a school is made to the Commissioner of Education, data that are relevant and collected by the school about the person alleged to have committed maltreatment must be provided to the Commissioner on request for purposes of an assessment or investigation of the maltreatment report.
- M. District #4005 shall release to a requesting school district or charter school private personnel data on a current or former employee related to acts of violence toward or sexual contact with a student, if an investigation conducted by or on behalf of District #4005 or law enforcement affirmed the allegations in writing prior to release and the investigation resulted in the resignation of the subject of the data; or

the employee resigned while a complaint or charge involving the allegations was pending, the allegations involved acts of sexual contact with a student, and the employer informed the employee in writing, before the employee resigned, that if the employee resigns while the complaint or charge is still pending, the employer must release private personnel data about the employee's alleged sexual contact with a student to a school district or charter school requesting the data after the employee applies for employment with that school district or charter school and the data remain classified as provided in Minn. Stat. Ch. 13. Data that are released under this paragraph must not include data on the student.

- N. The identity of an employee making a suggestion as part of an organized self-evaluation effort by District #4005 to cut costs, make District #4005 more efficient, or to improve school district operations is private.
- O. Health information on employees is private unless otherwise provided by law. To the extent that District #4005 transmits protected health information, District #4005 will comply with all privacy requirements.
- P. Personal home contact information for employees may be used by the school district and shared with another government entity in the event of an emergency or other disruption to ensure continuity of operation for District #4005.
- Q. The personal telephone number, home address, and electronic mail address of a current or former employee of a contractor or subcontractor maintained as a result of a contractual relationship between the school district and a contractor or subcontractor entered on or after August 1, 2012, are private data. These data must be shared with another government entity to perform a function authorized by law. The data also must be disclosed to a government entity or any person for prevailing wage purposes.
- R. When a teacher is discharged immediately because the teacher's license has been revoked due to a conviction for child abuse or sexual abuse or when the Commissioner of the Minnesota Department of Education (MDE) makes a final determination of child maltreatment involving a teacher, the school principal or other person having administrative control of the school must include in the teachers' employment record the information contained in the record of the disciplinary action or the final maltreatment determination, consistent with the definition of public data under Minn. Stat. § 13.41, Subd. 5, and must provide the Board of Teaching and the licensing division at MDE with the necessary and relevant information to enable the Board of Teaching and MDE's licensing division to fulfill their statutory and administrative duties related to issuing, renewing, suspending, or revoking a teacher's license. In addition to the background check required under Minn. Stat. § 123B.03, a school board or other school hiring authority must contact the Board of Teaching and MDE to determine whether the teacher's license has been suspended or revoked, consistent with the discharge and final maltreatment determinations. Unless restricted by federal or state data practices law, the responsible authority for a school district must disseminate to another school district private personnel data on a current or former teacher (employee or contractor) of the district, including the results of background investigations, if the requesting school district seeks the information because the subject of the data has applied for employment with the requesting school district.

VI. MULTIPLE CLASSIFICATIONS

If data on individuals are classified as both private and confidential by Minn. Stat. Ch. 13, or any other state or federal law, the data is private.

VII. CHANGE IN CLASSIFICATIONS

District #4005 shall change the classification of data in its possession if it is required to do so to comply with other judicial or administrative rules pertaining to the conduct of legal actions or with a specific statute

applicable to the data in the possession of the disseminating or receiving agency.

VIII. RESPONSIBLE AUTHORITY

District #4005 has designated District #4005's Business Office Manager as the authority responsible for personnel data.

407 EMPLOYEE RIGHT TO KNOW–EXPOSURE TO HAZARDOUS SUBSTANCES

I. PURPOSE

The purpose of this policy is to provide District #4005 employees a place of employment and conditions of employment free from recognized hazards that are likely to cause death or serious injury or harm.

II. GENERAL STATEMENT OF POLICY

The policy of District #4005 is to provide information and training to employees who may be routinely exposed to a hazardous substance, harmful physical agent, or infectious agent, or blood borne pathogen.

III. DEFINITIONS

- A. "Commissioner" means the Commissioner of Labor and Industry.
- B. "Routinely exposed" means that there is a reasonable potential for exposure during the normal course of assigned work or when an employee is assigned to work in an area where a hazardous substance has been spilled.
- C. "Hazardous substance" means a chemical or substance, or mixture of chemicals and substances, which:
 - a. is regulated by the Federal Occupational Safety and Health Administration under the Code of Federal Regulations, title 29, part 1910, subpart Z; or
 - b. is either toxic or highly toxic; an irritant; corrosive; a strong oxidizer; a strong sensitizer; combustible; either flammable or extremely flammable; dangerously reactive; pyrophoric; pressure-generating; compressed gas; carcinogen; teratogen; mutagen; reproductive toxic agent; or that otherwise, according to generally accepted documented medical or scientific evidence, may cause substantial acute or chronic personal injury or illness during or as a direct result of any customary or reasonably foreseeable accidental or intentional exposure to the chemical or substance; or
 - c. is determined by the commissioner as a part of the standard for the chemical or substance or mixture of chemicals and substances to present a significant risk to worker health and safety or imminent danger of death or serious physical harm to an employee as a result of foreseeable use, handling, accidental spill, exposure, or contamination.
- D. "Harmful physical agent" means a physical agent determined by the commissioner as a part of the standard for that agent to present a significant risk to worker health or safety or imminent danger of death or serious physical harm to an employee. This definition includes but is not limited to radiation, whether ionizing or nonionizing.
- E. "Infectious agent" means a communicable bacterium, rickettsia, parasites, virus, or fungus determined by the commissioner by rule, with approval of the commissioner of health, which according to documented medical or scientific evidence causes substantial acute or chronic illness or

permanent disability as a foreseeable and direct result of any routine exposure to the infectious agent. Infectious agent does not include an agent in or on the body of a patient before diagnosis.

- F. "Blood borne pathogens" means pathogenic microorganisms that are present in human blood and can cause disease in humans. This definition includes, but is not limited to, hepatitis B virus (HBV) and human immunodeficiency virus (HIV).

IV. TARGET JOB CATEGORIES

Annual Training will be provided to all full and part-time employees who are routinely exposed to a hazardous substance, harmful physical agent, infectious agent, or blood borne pathogen as set forth above.

V. TRAINING SCHEDULE

Training will be provided to employees before beginning a job assignment as follows:

Any newly-hired employee assigned to a work area where he or she is determined to be "routinely exposed" under the guidelines above.

Any employee reassigned to a work area where he or she is determined to be routinely exposed under the above guidelines.

410 FAMILY AND MEDICAL LEAVE POLICY

I. PURPOSE

The purpose of this policy is to provide for family and medical leave to school district employees in accordance with the Family and Medical Leave Act of 1993 (FMLA) and also with parenting leave under state law.

II. GENERAL STATEMENT OF POLICY

The following procedures and policies regarding family and medical leave are adopted by the school district, pursuant to the requirements of the FMLA and consistent with the requirements of the Minnesota parenting leave laws.

III. DEFINITIONS

A. "Covered active duty" means:

1. in the case of a member of a regular component of the Armed Forces, duty during the deployment of the member with the Armed Forces to a foreign country; and
2. in the case of a member of a reserve component of the Armed Forces, duty during the deployment of the member with the Armed Forces to a foreign country under a call or order to active duty under a provision of law referred to in 10 U.S.C. § 101(a)(13)(B).

B. "Covered servicemember" means:

1. member of the Armed Forces, including a member of the National Guard or Reserves, who is undergoing medical treatment, recuperation, or therapy, is otherwise in outpatient status, or is otherwise on the temporary disability retired list, for a serious injury or illness; or
2. a covered veteran who is undergoing medical treatment, recuperation, or therapy for a serious injury or illness and who was a member of the Armed Forces, including a member of the National Guard or Reserves, and was discharged or released under conditions other than dishonorable, at any time during the period of five years preceding the first date the eligible employee takes FMLA leave to care for the covered veteran.

- C. "Eligible employee" means an employee who has been employed by the school district for a total of at least 12 months and who has been employed for at least 1,250 hours of service during the 12-month period immediately preceding the commencement of the leave. An employee returning from fulfilling his or her Uniformed Services Employment and Reemployment Rights Act (USERRA) covered service obligation shall be credited with the hours of service that would have been performed but for the period of absence from work due to or necessitated by USERRA-covered service. In determining whether the employee met the hours of service requirement, and to determine the hours that would have been worked during the period of absence from work due to or necessitated by USERRA-covered service, the employee's pre-service work schedule can generally be used for calculations. While the 12 months of employment need not be consecutive, employment periods prior to a break in service of seven years or more may not be counted unless the break is occasioned by the employee's fulfillment of his or her USERRA-covered service obligation or a written agreement, including a collective bargaining agreement, exists concerning the school district's intention to rehire the employee after the break in service.

- D. "Military caregiver leave" means leave taken to care for a covered servicemember with a serious injury or illness
- E. "Next of kin of a covered servicemember" means the nearest blood relative other than the covered servicemember's spouse, parent, son, or daughter, in the following order of priority: blood relatives who have been granted legal custody of the covered servicemember by court decree or statutory provisions, brothers and sisters, grandparents, aunts and uncles, and first cousins, unless the covered servicemember has specifically designated in writing another blood relative as his or her nearest blood relative for purposes of military caregiver leave under the FMLA. When no such designation is made and there are multiple family members with the same level of relationship to the covered servicemember, all such family members shall be considered the covered servicemember's next of kin, and the employee may take FMLA leave to provide care to the covered servicemember, either consecutively or simultaneously. When such designation has been made, the designated individual shall be deemed to be the covered servicemember's only next of kin.
- F. "Outpatient status" means, with respect to a covered servicemember who is a current member of the Armed Forces, the status of a member of the Armed Forces assigned to:
 - 1. a military medical treatment facility as an outpatient; or
 - 2. a unit established for the purpose of providing command and control of members of the Armed Forces receiving care as outpatients.
- G. "Qualifying exigency" means a situation where the eligible employee seeks leave for one or more of the following reasons:
 - 1. to address any issues that arise from a short-notice deployment (seven calendar days or less) of a covered military member;
 - 2. to attend military events and related activities of a covered military member;
 - 3. to address issues related to childcare and school activities of a covered military member's child;
 - 4. to address financial and legal arrangements for a covered military member;
 - 5. to attend counseling provided by someone other than a health care provider for oneself, a covered military member, or his/her child;
 - 6. to spend up to 15 calendar days with a covered military member who is on short-term, temporary rest and recuperation leave during a period of deployment;
 - 7. to attend post-deployment activities related to a covered military member
 - 8. to address parental care needs; and
 - 9. to address other events related to a covered military member that both the employee and school district agree is a qualifying exigency.
- H. "Serious health condition" means an illness, injury, impairment, or physical or mental condition that involves:
 - 1. inpatient care in a hospital, hospice, or residential medical care facility; or
 - 2. continuing treatment by a health care provider.
- I. "Spouse" means a husband or wife. For purposes of this definition, husband or wife refers to the other person with whom an individual entered in marriage as defined or recognized under state law for the purposes of marriage in the state in which the marriage was entered into or, in the case of a marriage entered into outside of any state, if the marriage is valid in the place where entered into and could have been entered into in at least one state. This definition includes an individual in a same-sex or common law marriage that either: (1) was entered into in a state that recognizes such marriages; or (2) if entered into outside of any state, is valid in the place where entered into and could have been entered into in at least one state.
- J. "Veteran" has the meaning given in 38 U.S.C. § 101.

IV. LEAVE ENTITLEMENT

- A. Twelve-week Leave under Federal Law
 - 1. Eligible employees are entitled to a total of 12 work weeks of unpaid family or medical leave during the applicable 12-month period as defined below, plus any additional leave as required by law. Leave may be taken for one or more of the following reasons in accordance with applicable law:

- a. birth of the employee's child and to care for such child;
 - b. placement of an adopted or foster child with the employee;
 - c. to care for the employee's spouse, son, daughter, or parent with a serious health condition;
 - d. the employee's serious health condition makes the employee unable to perform the functions of the employee's job; and/or
 - e. any qualifying exigency arising from the employee's spouse, son, daughter, or parent being on covered active duty, or notified of an impending call or order to covered active duty in the Armed Forces
2. For the purposes of this policy, "year" is defined as a rolling 12-month period measured backward from the date an employee's leave is to commence.
 3. An employee's entitlement to FMLA leave for the birth, adoption, or foster care of a child expires at the end of the 12-month period beginning on the date of the birth or placement.
 4. A "serious health condition" typically requires either inpatient care or continuing treatment by or under the supervision of a health care provider, as defined by applicable law. Family and medical leave generally is not intended to cover short-term conditions for which treatment and recovery are very brief.
 5. A "serious injury or illness," in the case of a member of the Armed Forces, including a member of the National Guard or Reserves, means:
 - a. injury or illness that was incurred by the member in the line of duty on active duty in the Armed Forces (or that existed before the beginning of the member's active duty and was aggravated by service in the line of duty on active duty in the Armed Forces) and that may render the member medically unfit to perform the duties of the member's office, grade, rank, or rating; and
 - b. in the case of a covered veteran who was a member of the Armed Forces, including a member of the National Guard or Reserves, at any time, during the period of five years preceding the date on which the veteran undergoes the medical treatment, recuperation, or therapy, means a qualifying injury or illness that was incurred by the member in the line of duty on active duty in the Armed Forces (or that existed before the beginning of the member's active duty and was aggravated by service in the line of duty in the Armed Forces) and that manifested itself before or after the member became a veteran and is:
 - i. a continuation of serious injury or illness that was incurred or aggravated when the covered veteran was a member of the Armed Forces and rendered the servicemember unable to perform the duties of the servicemember's office, grade, rank, or rating; or
 - ii. a physical or mental condition for which the covered veteran has received a U.S. Department of Veterans Affairs Service-Related Disability (VASRD) rating of 50 percent or greater and such VASRD rating is based, in whole or in part, on the condition precipitating the need for military caregiver leave; or
 - iii. a physical or mental condition that substantially impairs the covered veteran's ability to secure or follow a substantially gainful occupation by reason of disability or disabilities related to military service, or would do so absent treatment; or
 - iv. an injury, including a psychological injury, on the basis of which the covered veteran has been enrolled in the Department of Veterans Affairs Program of Comprehensive Assistance for Family Caregivers.
 6. Eligible spouses employed by the school district are limited to an aggregate of 12 weeks of leave during any 12-month period for the birth and care of a newborn child or adoption of a child, the placement of a child for foster care, or to care for a parent. This limitation for spouses employed by the school district does not apply to leave taken: by one spouse to care for the other spouse who is seriously ill; to care for a

child with a serious health condition; because of the employee's own serious health condition; or pursuant to Paragraph IV.A.1.e. above.

7. Depending on the type of leave, intermittent or reduced schedule leave may be granted in the discretion of the school district or when medically necessary. However, part-time employees are only eligible for a pro-rata portion of leave to be used on an intermittent or reduced schedule basis, based on their average hours worked per week. Where an intermittent or reduced schedule leave is foreseeable based on planned medical treatment, the school district may transfer the employee temporarily to an available alternative position for which the employee is qualified and which better accommodates recurring periods of leave than does the employee's regular position, and which has equivalent pay and benefits.
8. If an employee requests a leave for the serious health condition of the employee or the employee's spouse, child, or parent, the employee will be required to submit sufficient medical certification. In such a case, the employee must submit the medical certification within 15 days from the date of the request or as soon as practicable under the circumstances.
9. If the school district has reason to doubt the validity of a health care provider's certification, it may require a second opinion at the school district's expense. If the opinions of the first and second health care providers differ, the school district may require certification from a third health care provider at the school district's expense. An employee may also be required to present a certification from a health care provider indicating that the employee is able to return to work.
10. Requests for leave shall be made to the school district. When leave relates to an employee's spouse, son, daughter, parent, or covered servicemember being on covered active duty, or notified of an impending call or order to covered active duty pursuant to Paragraph IV.A.1.e. above, and such leave is foreseeable, the employee shall provide reasonable and practical notice to the school district of the need for leave. For all other leaves, employees must give 30 days' written notice of a leave of absence where practicable. The failure to provide the required notice may result in a delay of the requested leave. Employees are expected to make a reasonable effort to schedule leaves resulting from planned medical treatment so as not to disrupt unduly the operations of the school district, subject to and in coordination with the health care provider.
11. The school district may require that a request for leave under Paragraph IV.A.1.e. above be supported by a copy of the covered military member's active duty orders or other documentation issued by the military indicating active duty or a call to active duty status and the dates of active duty service. In addition, the school district may require the employee to provide sufficient certification supporting the qualifying exigency for which leave is requested.
12. During the period of a leave permitted under this policy, the school district will provide health insurance under its group health plan under the same conditions coverage would have been provided had the employee not taken the leave. The employee will be responsible for payment of the employee contribution to continue group health insurance coverage during the leave. An employee's failure to make necessary and timely contributions may result in termination of coverage. An employee who does not return to work after the leave may be required, in some situations, to reimburse the school district for the cost of the health plan premiums paid by it.
13. The school district may request or require the employee to substitute accrued paid leave for any part of the 12-week period. Employees may be allowed to substitute paid leave for unpaid leave by meeting the requirements set out in the administrative directives and guidelines established for the implementation of this policy, if any. Employees eligible for leave must comply with the family and medical leave directives and guidelines prior to starting leave. The Executive Director shall be responsible to develop directives and guidelines as necessary to implement this policy. Such directives and guidelines shall be submitted to the school board for annual review.

The school district shall comply with written notice of requirements as set forth in federal regulations.

14. Employees returning from a leave permitted under this policy are eligible for reinstatement in the same or an equivalent position as provided by law. However, the employee has no greater right to reinstatement or to other benefits and conditions of employment than if the employee had been continuously employed during the leave.
- B. Twelve-week Leave under State Law An employee who does not qualify for parenting leave under Paragraphs IV.A.1.a. or IV.A.1.b. above may qualify for a twelve-week unpaid leave which is available to a biological or adoptive parent in conjunction with the birth or adoption of a child, or to a female employee for prenatal care or incapacity due to pregnancy, childbirth, or related health conditions. The length of the leave shall be determined by the employee but must not exceed 12 weeks unless agreed by the employer. The employee may qualify if he or she has worked for the school district for at least 12 months and has worked an average number of hours per week equal to one-half of the full time equivalent during the 12-month period immediately preceding the leave. This leave is separate and exclusive of the family and medical leave described in the preceding paragraphs but may be reduced by any period of paid parental, disability, personal, or medical, or sick leave, or accrued vacation provided by the employer so that the total leave does not exceed 12 weeks, unless agreed by the employer, or leave taken for the same purpose under the FMLA. The leave taken under this section shall begin at a time requested by the employee. An employee who plans to take leave under this section must give the employer reasonable notice of the date the leave shall commence and the estimated duration of the leave. For leave taken by a biological or adoptive parent in conjunction with the birth or adoption of a child, the leave must begin within 12 months of the birth or adoption; except that, in the case where the child must remain in the hospital longer than the mother, the leave must begin within 12 months after the child leaves the hospital.
- C. Twenty-six-week Service member Family Military Leave
1. An eligible employee who is the spouse, son, daughter, parent, or next of kin of a covered servicemember shall be entitled to a total of 26 work weeks of leave during a 12-month period to care for the servicemember. The leave described in this paragraph shall be available only during a single 12-month period. For purposes of this leave, the need to care for a servicemember includes both physical and psychological care.
 2. During a single 12-month period, an employee shall be entitled to a combined total of 26 work weeks of leave under Paragraphs IV.A. and IV.C. above.
 3. The 12-month period referred to in this section begins on the first day the eligible employee takes leave to care for a covered servicemember and ends 12 months after that date.
 4. Eligible spouses employed by the school district are limited to an aggregate of 26 weeks of leave during any 12-month period if leave is taken for birth of the employee's child or to care for the child after birth; for placement of a child with the employee for adoption or foster care or to care for the child after placement; to care for the employee's parent with a serious health condition; or to care for a covered servicemember with a serious injury or illness.
 5. The school district may request or require the employee to substitute accrued paid leave for any part of the 26-week period. Employees may be allowed to substitute paid leave for unpaid leave by meeting the requirements set out in the administrative directives and guidelines established for the implementation of this policy, if any. Employees eligible for leave must comply with the family and medical leave directives and guidelines prior to starting leave.
 6. An employee will be required to submit sufficient medical certification issued by the health care provider of the covered servicemember and other information in support of requested leave and eligibility for such leave under this section within 15 days from the date of the request or as soon as practicable under the circumstances.
 7. The provisions of Paragraphs IV.A.7., IV.A.10., IV.A.12., IV.A.13., and IV.A.14. above shall apply to leaves under this section.

V. SPECIAL RULES FOR INSTRUCTIONAL EMPLOYEES

- A. An instructional employee is one whose principal function is to teach and instruct students in a class, a small group, or an individual setting. This includes, but is not limited to, teachers, coaches, driver's education instructors, and special education assistants.
- B. Instructional employees who request foreseeable medically necessary intermittent or reduced work schedule leave greater than 20 percent of the work days in the leave period may be required to:
 - 1. take leave for the entire period or periods of the planned medical treatment; or
 - 2. move to an available alternative position for which the employee is qualified, and which provides equivalent pay and benefits, but not necessarily equivalent duties.
- C. Instructional employees who request continuous leave near the end of a semester may be required to extend the leave through the end of the semester. The number of weeks remaining before the end of a semester does not include scheduled school breaks, such as summer, winter, or spring break.
 - 1. If an instructional employee begins leave for any purpose more than five weeks before the end of a semester and it is likely the leave will last at least three weeks, the school district may require that the leave be continued until the end of the semester.
 - 2. If the employee begins leave for a purpose other than the employee's own serious health condition during the last five weeks of a semester, the school district may require that the leave be continued until the end of the semester if the leave will last more than two weeks or if the employee's return from leave would occur during the last two weeks of the semester
 - 3. If the employee begins leave for a purpose other than the employee's own serious health condition during the last three weeks of the semester and the leave will last more than five working days, school district may require the employee to continue taking leave until the end of the semester.
- D. The entire period of leave taken under the special rules will be counted as leave. The school district will continue to fulfill the school district's leave responsibilities and obligations, including the obligation to continue the employee's health insurance and other benefits, if an instructional employee's leave entitlement ends before the involuntary leave period expires.

VI. OTHER

- A. The provisions of this policy are intended to comply with applicable law, including the FMLA and applicable regulations. Any terms used from the FMLA will have the same meaning as defined by the FMLA and/or applicable regulations. To the extent that this policy is ambiguous or contradicts applicable law, the language of the applicable law will prevail

VII. DISSEMINATION OF POLICY

- A. This policy shall be referenced in District #4005 Human Resource Handbook, which will be accessible to all employees.
- B. This policy will be reviewed at least annually for compliance with state and federal law.

Adopted:

MSBA/MASA Model Policy 412

Revised: June 2017

412 EXPENSE REIMBURSEMENT

I. PURPOSE

The purpose of this policy is to identify school district business expenses that involve initial payment by an employee, and qualify for reimbursement from the school district, and to specify the manner by which the employee seeks reimbursement.

II. AUTHORIZATION

All school district business expenses to be reimbursed must be approved. Such expenses to be reimbursed may include transportation, meals, lodging, registration fees, required materials, parking fees and other reasonable and necessary school district business-related expenses.

III. REIMBURSEMENT

- A. Requests for reimbursement must be itemized on the reimbursement form and are to be submitted to the business office. Per diems follow the domestic per diem rates found at US General Services Administration at <http://www.gsa.gov/portal/category/100120>. Receipts for lodging, commercial transportation, registration, and other reasonable and necessary expenses must be attached to the reimbursement form. District #4005 will not reimburse for alcohol of any kind.
- B. Automobile travel shall be reimbursed at the mileage rate as stated on the reimbursement form. Commercial transportation shall reflect economy fares and shall be reimbursed only for the actual cost of the trip.

IV. ESTABLISHMENT OF DIRECTIVES AND GUIDELINES

The business office under the direction of the Executive Director shall develop a schedule of reimbursement rates for school district business expenses, including those expenses requiring advance approval and specific rates of reimbursement. The business office under the direction of the Executive Director shall also develop directives and guidelines to address methods and times for submission of requests for reimbursement.

413 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, gender, age marital status, familial status, status with regard to public assistance, sexual orientation, or disability.

II. GENERAL STATEMENT OF POLICY

- A. The policy of District #4005 is to maintain a positive, safe learning and working environment for students and staff that is free from harassment and violence based upon their actual or perceived sex, gender, sexual orientation, race, color, creed, national origin, religion, disability, receipt of public assistance, or marital status and age or any other protected class. For purposes of this policy, a district employee includes school board members, school employees, agents, volunteers, contractors, or persons subject to the supervision and control of the district.
- B. It will be a violation of this policy for any student or district employee to inflict, threaten to inflict, or attempt to inflict violence based upon a student or district employee's actual or perceived protected class as defined by this policy.
- C. District #4005 will investigate all complaints, formal or informal, verbal or written, of harassment and/or violence based upon a student or employee's perceived or actual protected class and to discipline or take appropriate action against any student or school district employee who is found to have violated this policy.

II. DEFINITIONS

The following definitions, which have been modified for purposes of this policy, are found in the Minnesota Human Rights Act. Please note that there is not a definition for every protected class.

- A. Disability. "'Disability" means any condition or characteristic that renders a person a disabled person. A disabled person is any person who
 - 1. has a physical, sensory, or mental impairment which materially limits one or more major life activities;
 - 2. has a record of such an impairment; or
 - 3. is regarded as having such an impairment."¹
- B. Discriminate. "The term "discriminate" includes segregate or separate and, for purposes of discrimination based on sex, it includes sexual harassment."
- C. Educational institution. "Educational institution" means a public or private institution and includes an academy, college, elementary or secondary school, extension course, kindergarten, nursery,

¹ This includes students with an IFSP, IEP, and students who qualify for special education and related aids and services under Section 504 of the Rehabilitation Act.

school system and a business, nursing, professional, secretarial, technical, vocational school, and includes an agent of an educational institution.”

- D. National origin. ““National origin” means the place of birth of an individual or of any of the individual's lineal ancestors.”²
- E. Sexual harassment. “Sexual harassment” includes unwelcome sexual advances, requests for sexual favors, sexually motivated physical contact or other verbal or physical conduct or communication of a sexual nature when:
 - 1. submission to that conduct or communication is made a term or condition, either explicitly or implicitly, of obtaining employment, ... [or] education...;
 - 2. 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
 - 3. 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
 - 4. that conduct or communication has the purpose or effect of substantially interfering with an individual's employment, ...[or] education..., or creating an intimidating, hostile, or offensive employment, ...[or] educational... environment.”
- F. **Sexual orientation.** "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.

III. HARASSMENT AND VIOLENCE GENERAL APPLICABILITY

- A. The antidiscrimination laws apply to all of the academic and nonacademic (e.g. athletic, and extracurricular) programs of the school district, whether conducted in school district facilities or elsewhere.
- B. For purposes of this policy, any student who is harassed or discriminated against, including subject to violence, by peers or school district employees based upon that student’s actual or perceived sex/gender, sexual orientation, race, color, creed, national origin, religion, disability, receipt of public assistance, or marital status and age [protected class] may file a complaint as described more fully in section IV below.
- C. For purposes of this policy, any school district employee who is harassed or discriminated against, including violence, by students or other school district employees based upon that employee’s actual or perceived sex/gender, sexual orientation, race, color, creed, national origin, religion, disability, receipt of public assistance, or marital status and age may file a complaint as described more fully in section IV below.
- D. The alleged harassment/violence consists of harassing conduct (e.g. physical, verbal, graphic, or written verbal or physical) based upon that student’s actual or perceived protected class that interferes or limits the ability of that student to participate in, enjoy, or benefit from the education program, including athletics and extracurricular activities.

² This includes harassment of students born in the United States who have relatives that are from other countries.

- E. The alleged harassment/violence may not be directed at a particular person, but may instead consist of harassing conduct (e.g. physical, verbal, graphic, or written) that creates a hostile environment for students based upon actual or perceived protected class that interferes with or limits the student's ability to participate in, enjoy, or benefit from the academic and nonacademic programs, including athletics and extracurricular activities.

IV. DESCRIPTION OF HARASSMENT BASED UPON A PERSON'S PERCEIVED OR ACTUAL PROTECTED CLASS

- A. Harassment is unwelcome conduct that is based upon actual or perceived sex/gender, sexual orientation, race, color, creed, gender, national origin, religion, disability, receipt of public assistance, or marital status and age.
 - 1. Harassing conduct may take many forms, including verbal acts and name-calling, as well as nonverbal behavior, such as graphic and written statements, or conduct that is physically threatening, harmful, or humiliating.
 - 2. It is unwelcome if the student or employee did not request or invite it and considered the conduct to be undesirable or offensive.
 - 3. The conduct is considered harassment if it creates a hostile environment by interfering with or denying a student's participation in or receipt of benefits, services, or opportunities in the school district's programs.
- B. Sexual harassment based upon sex/gender and/or sexual orientation
 - 1. Sexual conduct that is unwelcome.
 - a. It is unwelcome if the student or employee did not request or invite it and considered the conduct undesirable or offensive.
 - b. A student's submission or failure to complain does not mean that the conduct was welcome – look at circumstances.
- C. Sexual violence: 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 Minnesota Statutes, section 609.341, includes the primary genital area, groin, inner thigh, buttocks or breast, as well as the clothing covering these areas.
 - 1. Sexual violence includes rape, sexual assault, and dating violence. This includes coerced sexual intercourse or other sexual acts. The physical act is considered nonconsensual if a person is incapable of giving consent due to alcohol or drug use or due to an intellectual or other disability.
 - 2. Sexual violence includes touching, patting, grabbing, or pinching another student's or employee's intimate parts of the clothing covering the intimate parts.
 - 3. Sexual violence includes coercing or forcing or attempting to coerce or force a student or employee to touch anyone's intimate parts.
 - 4. A police report does not relieve the school of its responsibilities under Title IX.
- D. Assault: Assault, as defined in state statute is:
 - 1. an act done with intent to cause fear in another of immediate bodily harm or death; or

2. the intentional infliction of or attempt to inflict bodily harm upon another.

E. Racial, color, creed or national origin harassment/violence

1. Intimidation or abusive behavior toward a student, based on perceived or actual race, color, creed or national origin, that creates a hostile environment by interfering with or denying a student's participation in or receipt of benefits, services, or opportunities in the school district's programs.
2. Racial violence: Racial violence is a physical act of aggression or force, or the threat thereof, which is directed toward a student or employee based upon their perceived or actual race, color, creed, or national origin.

F. Religious harassment/violence

1. Intimidation or abusive behavior toward a student based on perceived or actual religious beliefs that create a hostile environment by interfering with or denying a student's participation in or receipt of benefits, services, or opportunities in the school district's programs.
2. Religious violence is the threat of or an actual physical act of aggression or force which is directed toward a student or employee based upon their perceived or actual religion.

G. Disability harassment

1. Intimidation or abusive behavior toward a student based on disability that creates a hostile environment by interfering with or denying a student's participation in or receipt of benefits, services, or opportunities in the school district's programs.
2. Disability harassment also may deny a student with a disability a free and appropriate public education (FAPE). Harassment of a student based on disability may decrease the student's ability to benefit from his or her education and amount to a denial of FAPE.

V. REPORTING PROCEDURES

Any person who believes he or she has been the victim of sexual, gender, religious, or racial harassment or violence by a pupil, teacher or other District #4005 personnel or any person with knowledge or belief of conduct which may constitute harassment or violence toward a pupil, teacher or other District #4005 personnel should report the alleged acts immediately to the appropriate school district official designated by this policy. District #4005 encourages the reporting party or complainant to use the report forms available from the business office, but spoken or signed reports shall be considered complaints as well. Nothing in this policy shall prevent any person from reporting harassment or violence directly to District #4005 Human Rights Officer.

District #4005 Human Rights Officer is the person responsible for receiving spoken, signed or written reports of sexual, religious, or racial harassment or violence at the building level. Any adult school district personnel who receives a report of harassment or violence shall inform the human rights officer immediately.

A written statement of the facts alleged will be forwarded as soon as practicable by the Executive Director to District #4005 Human Rights Officer. If the report was given verbally, District #4005 Human Rights Officer shall personally reduce it to written form within 24 hours. Failure to forward any harassment or violence report or complaint as provided herein will result in disciplinary action against the Human Rights Officer. If the complaint involves District #4005 Human Rights Officer, the complaint shall be made or filed directly with the Executive Director by the reporting party of complaint.

The Board hereby designates Melissa Sweetmilk as District #4005 Human Rights Officer to receive reports or complaints of religious, racial or sexual harassment or violence. If the complaint involves District #4005 Human Rights Officer, the complaint shall be filed directly with the Executive Director.

District #4005 shall conspicuously post the name of the Human Rights Officer, executive director, and the school board chair including email addresses for each.

Submission of a good faith complaint or report of religious, racial or sexual harassment or violence will not affect the complainant or reporter's future employment, grades or work assignments.

Use of formal reporting forms is not mandatory.

District #4005 will respect the privacy of the complainant, the individual(s) against whom the complaint is filed, and the witnesses as much as possible, consistent with District #4005' legal obligations to investigate, to take appropriate action, and to conform with any discovery or disclosure obligations.

VI. INVESTIGATION

By authority of District #4005, the Human Rights Officer upon receipt of a report or complaint alleging religious, racial or sexual harassment or violence, shall immediately undertake or authorize an investigation. The investigation may be conducted by school district officials or by a third party designated by District #4005. 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.

In determining whether alleged conduct constitutes a violation of this policy, District #4005 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.

In addition, District #4005 may take immediate steps, at its discretion, to protect the complainant, pupils, teachers, administrators or other District #4005 personnel pending completion of the investigation of alleged religious, racial or sexual harassment or violence.

The investigation will be completed within the time limits set forth in the affirmative action complaint procedures, but not to exceed thirty (30) calendar days. District #4005' Human Rights Officer shall make a written report to the Executive Director upon completion of the investigation. If the complaint involves the Director, the report may be filed directly with the Board. The report shall include a determination of whether the allegations have been substantiated as factual and whether they appear to be a violation of this policy.

VII. SCHOOL DISTRICT ACTION

Upon receipt of a report, District #4005 will take appropriate action. Such action may include, but is not limited to; warning, suspension, exclusion, expulsion, transfer, redemption or termination. 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.

The result of District #4005's investigation of each complaint filed under these procedures will be reported in writing to the complainant by District #4005 in accordance with state and federal law regarding data or records privacy.

VIII. REPRISAL

District #4005 will discipline or take appropriate action against any pupil, teacher, or other District #4005 personnel who retaliates against any person who reports alleged religious, racial or sexual harassment or violence 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 or harassment.

IX. 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.

X. HARASSMENT OR VIOLENCE AS ABUSE

Under certain circumstances, alleged harassment or violence may also be possible abuse under Minnesota law. If so, the duties of mandatory reporting under Minn. Statute. § 626.556 may be applicable. Nothing in this policy will prohibit District #4005 from taking immediate action to protect victims of alleged harassment, violence or abuse.

XI. DISSEMINATION OF POLICY AND TRAINING

- A. This policy shall be conspicuously posted throughout each school building in areas accessible to pupils and employees.
- 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.

414 MANDATED REPORTING OF CHILD NEGLECT OR PHYSICAL OR SEXUAL ABUSE

I. PURPOSE

The purpose of this policy is to make clear the statutory requirements of school personnel to report suspected child neglect or physical or sexual abuse.

II. GENERAL STATEMENT OF POLICY

- A. It is the policy of the District #4005 to fully comply with Minn. Stat. § 626.556 requiring school personnel to report suspected child neglect or physical or sexual abuse.
- B. It shall be a violation of this policy for any school personnel to fail to immediately report instances of child neglect, or physical or sexual abuse when the school personnel knows or has reason to believe a child is being neglected or physically or sexually abused or has been neglected or physically or sexually abused within the preceding three years.

III. DEFINITIONS

- A. "Accidental" means a sudden, not reasonably foreseeable, and unexpected occurrence or event which:
 - 1. is not likely to occur and could not have been prevented by exercise of due care; and
 - 2. if occurring while a child is receiving services from a facility, happens when the facility and the employee or person providing services in the facility are in compliance with the laws and rules relevant to the occurrence of event.
- B. "Child" means one under age 18.
- C. "Immediately" means as soon as possible but in no event longer than 24 hours.
- D. "Mandated Reporter" means any school personnel who knows or has reason to believe a child is being neglected or physically or sexually abused, or has been neglected or physically or sexually abused within the preceding three years.
- E. "Neglect" means:
 - 1. failure by a person responsible for a child's care to supply a child with necessary food, clothing, shelter, health, medical, or other care required for the child's physical or mental health when reasonably able to do so, including a growth delay, which may be referred to as a failure to thrive, that has been diagnosed by a physician and is due to parental neglect;
 - 2. failure to protect a child from conditions or actions that seriously endanger the child's physical or mental health when reasonably able to do so;
 - 3. failure to provide for necessary supervision or child care arrangements appropriate for a child after considering factors such as the child's age, mental ability, physical condition, length of absence, or environment, when the child is unable to care for his or her own basic needs or safety or the basic needs or safety of another child in his or her care;

4. failure to ensure that a child is educated in accordance with state law, which does not include a parent's refusal to provide his or her child with sympathomimetic medications;
5. prenatal exposure to a controlled substance used by the mother for a nonmedical purpose, as evidenced by withdrawal symptoms in the child at birth, results of a toxicology test performed on the mother at delivery or the child's birth, or medical effects or developmental delays during the child's first year of life that medically indicate prenatal exposure to a controlled substance;
6. medical neglect as defined by Minn. Stat. § 260C.007, Subd. 4, Clause (5);
7. chronic and severe use of alcohol or a controlled substance by a parent or person responsible for the care of the child that adversely affects the child's basic needs and safety; or
8. emotional harm from a pattern of behavior which contributes to impaired emotional functioning of the child which may be demonstrated by a substantial and observable effect in the child's behavior, emotional response, or cognition that is not within the normal range for the child's age and stage of development, with due regard to the child's culture.

Neglect does not include spiritual means or prayer for treatment or care of disease where the person responsible for the child's care in good faith has selected and depended on those means for treatment or care of disease, except where the lack of medical care may cause serious danger to the child's health.

F. "Non-maltreatment mistake" means:

1. at the time of the incident, the individual was performing duties identified in the center's child care program plan required under Minn. Rules Part 9503.0045;
2. the individual has not been determined responsible for a similar incident that resulted in a finding of maltreatment for at least seven years;
3. the individual has not been determined to have committed a similar non-maltreatment mistake under this paragraph for at least four years;
4. any injury to a child resulting from the incident, if treated, is treated only with remedies that are available over the counter, whether ordered by a medical professional or not; and
5. except for the period when the incident occurred, the facility and the individual providing services were both in compliance with all licensing requirements relevant to the incident. This definition only applies to child care centers licensed under Minn. Rules Ch. 9503.

G. "Physical Abuse" means any physical injury, mental injury, or threatened injury, inflicted by a person responsible for the child's care other than by accidental means; or any physical or mental injury that cannot reasonably be explained by the child's history of injuries or any aversive or deprivation procedures, or regulated interventions, that have not been authorized by Minn. Stat. § 121A.0942 or § 245.825.

Abuse does not include reasonable and moderate physical discipline of a child administered by a parent or legal guardian which does not result in an injury. Abuse does not include the use of reasonable force by a teacher, Director, or school employee as allowed by Minn. Stat. § 121A.582.

Actions which are not reasonable and moderate include, but are not limited to, any of the following:

1. throwing, kicking, burning, biting, or cutting a child;
2. striking a child with a closed fist;
3. shaking a child under age three;

4. striking or other actions which result in any nonaccidental injury to a child under 18 months of age;
 5. unreasonable interference with a child's breathing;
 6. threatening a child with a weapon, as defined in Minn. Stat. § 609.02, Subd. 6;
 7. striking a child under age one on the face or head;
 8. striking a child who is at least age one but under age four on the face or head, which results in an injury;
 9. purposely giving a child poison, alcohol, or dangerous, harmful, or controlled substances which were not prescribed for the child by a practitioner, in order to control or punish the child, or giving the child other substances that substantially affect the child's behavior, motor coordination, or judgment or that result in sickness or internal injury, or subject the child to medical procedures that would be unnecessary if the child were not exposed to the substances;
 10. unreasonable physical confinement or restraint not permitted under Minn. Stat. § 609.379 including, but not limited to, tying, caging, or chaining; or
 11. in a school facility or school zone, an act by a person responsible for the child's care that is a violation under Minn. Stat. § 121A.58.
- H. "Report" means any communication received by the local welfare agency, police department, county sheriff, or agency responsible for child protection pursuant to this section that describes neglect or physical or sexual abuse of a child and contains sufficient content to identify the child and any person believed to be responsible for the neglect or abuse, if known.
- I. "School Personnel" means professional employee or professional's delegate of District #4005 who provides health, educational, social, psychological, law enforcement or child care services.
- J. "Sexual Abuse" means the subjection of a child by a person responsible for the child's care, by a person who has a significant relationship to the child (as defined in Minn. Stat. § 609.341, Subd. 15), or by a person in a position of authority (as defined in Minn. Stat. § 609.341, Subd. 10) to any act which constitutes a violation of Minnesota statutes prohibiting criminal sexual conduct. Such acts include sexual penetration as well as sexual contact. Sexual abuse also includes any act involving a minor which constitutes a violation of Minnesota statutes prohibiting prostitution, or use of a minor in a sexual performance. Sexual abuse includes all reports of known or suspected child sex trafficking involving a child who is identified as a victim of sex trafficking. Sexual abuse includes threatened sexual abuse which includes the status of a parent or household member who has committed a violation which requires registration under Minn. Stat. § 243.166, Subd. 1b(a) or (b) (Registration of Predatory Offenders).
- K.
- L. "Mental Injury" means an injury to the psychological capacity or emotional stability of a child as evidenced by an observable or substantial impairment in the child's ability to function within a normal range of performance and behavior with due regard to the child's culture.
- M. "Person responsible for the child's care" means
1. an individual functioning within the family unit and having responsibilities for the care of the child such as a parent, guardian, or other person having similar care responsibilities, or
 2. an individual functioning outside the family unit and having responsibilities for the care of the child such as a teacher, school administrator, other school employees or agents, or other lawful custodian of a child having either full-time or short-term care responsibilities including, but not limited to, day care, babysitting whether paid or unpaid, counseling, teaching, and coaching.
- N. "Threatened injury" means a statement, overt act, condition, or status that represents a substantial risk of physical or sexual abuse or mental injury. Threatened injury includes, but is not limited to, exposing a child to a person responsible for the child's care who has subjected the child to, or failed

to protect a child from, egregious harm, or a person whose parental rights were involuntarily terminated, been found palpably unfit, or one from whom legal and physical custody of a child has been involuntarily transferred to another.

IV. REPORTING PROCEDURES

- A. A mandated reporter as defined herein shall immediately report the neglect or physical or sexual abuse, which he or she knows or has reason to believe is happening or has happened within the preceding three years to the local welfare agency, police department, county sheriff, tribal social services, or tribal police department. The reporter will include his or her name and address in the report.
- B. If the immediate report has been made orally, by telephone or otherwise, the oral report shall be followed by a written report within 72 hours (exclusive of weekends and holidays) to the appropriate police department, the county sheriff, local welfare agency, or agency responsible for assisting or investigating maltreatment. The written report shall identify the child, any person believed to be responsible for the abuse or neglect of the child if the person is known, the nature and extent of the abuse or neglect and the name and address of the reporter.
- C. Regardless of whether a report is made, as soon as practicable after a school receives information regarding an incident that may constitute maltreatment of a child in a school facility, the school shall inform the parent, legal guardian, or custodian of the child that an incident has occurred and may constitute maltreatment of the child, when the incident occurred, and the nature of the conduct that may constitute maltreatment.
- D. With the exception of a health care professional or a social service professional who is providing the woman with prenatal care or other health care services, a mandated reporter shall immediately report to the local welfare agency if the person knows or has reason to believe that a woman is pregnant and has used a controlled substance for a non-medical purpose during the pregnancy, including, but not limited to, tetrahydrocannabinol, or has consumed alcoholic beverages during the pregnancy in any way that is habitual or excessive.
- E. A mandated reporter who knows or has reason to know of the deprivation of parental rights or the kidnapping of a child shall report the information to the local police department or the county sheriff.
- F. A person mandated by Minnesota law and this policy to report who fails to report may be subject to criminal penalties and/or discipline, up to and including termination of employment.
- G. Submission of a good faith report under Minnesota law and this policy will not adversely affect the reporter's employment, or the child's access to school.
- H. Any person who knowingly or recklessly makes a false report under the provisions of applicable Minnesota law or this policy shall be liable in a civil suit for any actual damages suffered by the person or persons so reported and for any punitive damages set by the court or jury, and the reckless making of a false report may result in discipline. The court may also award attorney's fees.

V. INVESTIGATION

- A. The responsibility for investigating reports of suspected neglect or physical or sexual abuse rests with the appropriate county, state, or local agency or agencies. The agency responsible for assessing or investigating reports of child maltreatment has the authority to interview the child, the person or persons responsible for the child's care, the alleged perpetrator, and any other person with knowledge of the abuse or neglect for the purpose of gathering the facts, assessing safety and risk to the child, and formulating a plan. The investigating agency may interview the child at school. The interview may

take place outside the presence of a school official. The investigating agency, not the school, is responsible for either notifying or withholding notification of the interview to the parent, guardian or person responsible for the child's care. School officials may not disclose to the parent, legal custodian, or guardian the contents of the notification or any other related information regarding the interview until notified in writing by the local welfare or law enforcement agency that the investigation or assessment has been concluded.

- B. When the investigating agency determines that an interview should take place on school property, written notification of intent to interview the child on school property will be received by school officials prior to the interview. The notification shall include the name of the child to be interviewed, the purpose of the interview, and a reference to the statutory authority to conduct an interview on school property.
- C. Except where the alleged perpetrator is believed to be a school official or employee, the time and place, and manner of the interview on school premises shall be within the discretion of school officials, but the local welfare or law enforcement agency shall have the exclusive authority to determine who may attend the interview. The conditions as to time, place, and manner of the interview set by the school officials shall be reasonable and the interview shall be conducted not more than 24 hours after the receipt of the notification unless another time is considered necessary by agreement between the school officials and the local welfare or law enforcement agency. Every effort must be made to reduce the disruption of the educational program of the child, other students, or school employees when an interview is conducted on school premises.
- D. Where the alleged perpetrator is believed to be a school official or employee, District #4005 shall conduct its own investigation independent of MDE and, if involved, the local welfare or law enforcement agency.
- E. Upon request by MDE, District #4005 shall provide all requested data that are relevant to a report of maltreatment and are in the possession of a school facility, pursuant to an assessment or investigation of a maltreatment report of a student in school. District #4005 shall provide the requested data in accordance with the requirements of the Minnesota Government Data Practices Act, Minn. Stat. Ch. 13, and the Family Educational Rights and Privacy Act, 20 U.S.C. § 1232g.

VI. MAINTENANCE OF SCHOOL RECORDS CONCERNING ABUSE OR POTENTIAL ABUSE

- A. When a local welfare or local law enforcement agency determines that a potentially abused or abused child should be interviewed on school property, written notification of the agency's intent to interview on school property must be received by school officials prior to the interview. The notification shall include the name of the child to be interviewed, the purpose of the interview, and a reference to the statutory authority to conduct the interview. The notification shall be private data. School officials may not disclose to the parent, legal custodian, or guardian the contents of the notice or any other related information regarding the interview until notified in writing by the local welfare or law enforcement agency that the investigation has been concluded.
- B. All records regarding a report of maltreatment, including any notification of intent to interview which was received by the school as described above in Paragraph A., shall be destroyed by the school only when ordered by the agency conducting the investigation or by a court of competent jurisdiction.

VII. PHYSICAL OR SEXUAL ABUSE AS SEXUAL HARASSMENT OR VIOLENCE

Under certain circumstances, alleged physical or sexual abuse may also be sexual harassment or violence under Minnesota law. If so, the duties relating to the reporting and investigation of such harassment or violence may be applicable.

VIII. DISSEMINATION OF POLICY AND TRAINING

- A. This policy shall appear in school personnel handbook(s).
- B. District #4005 will develop a method of discussing this policy with school personnel.
- C. This policy shall be reviewed at least annually for compliance with state law.

Adopted:

MSBA/MASA Model Policy 415

Revised: January 2018

415 MANDATED REPORTING OF MALTREATMENT OF VULNERABLE ADULTS

I. PURPOSE

The purpose of this policy is to make clear the statutory requirements of District #4005 personnel to report suspected maltreatment of vulnerable adults.

II. GENERAL STATEMENT OF POLICY

- A. It is the policy of District #4005 to fully comply with Minn. Stat. § 626.557 requiring District #4005 personnel to report suspected maltreatment of vulnerable adults.
- B. A violation of this policy occurs when any District #4005 personnel fails to report suspected maltreatment of vulnerable adults when District #4005 personnel has reason to believe that a vulnerable adult is being or has been maltreated, or has knowledge that a vulnerable adult has sustained a physical injury which is not reasonably explained.

III. DEFINITIONS

- A. "Mandated Reporters" means any District #4005 personnel who has reason to believe that a vulnerable adult is being or has been maltreated.
- B. "Maltreatment" means the neglect, abuse, or financial exploitation of a vulnerable adult.
- C. "Neglect" means the failure or omission by a caregiver to supply a vulnerable adult with care or services, including but not limited to, food, clothing, shelter, health care, or supervision which is: (1) reasonable and necessary to obtain or maintain the vulnerable adult's physical or mental health or safety, considering the physical and mental capacity or dysfunction of the vulnerable adult; and (2) which is not the result of an accident or therapeutic conduct. Neglect also includes the absence or likelihood of absence of care or services, including but not limited to, food, clothing, shelter, health care, or supervision necessary to maintain the physical and mental health of the vulnerable adult which a reasonable person would deem essential to obtain or maintain the vulnerable adult's health, safety, or comfort considering the physical or mental capacity or dysfunction of the vulnerable adult. Neglect does not include actions specifically excluded by Minn. Stat. § 626.5572, Subd. 17.
- D. "Abuse" means: (a) An act against a vulnerable adult that constitutes a violation of, an attempt to violate, or aiding and abetting a violation of: (1) assault in the first through fifth degrees as defined in sections 609.221 to 609.224; (2) the use of drugs to injure or facilitate crime as defined in section 609.235; (3) the solicitation, inducement, and promotion of prostitution as defined in section 609.322; and (4) criminal sexual conduct in the first through fifth degrees as defined in sections 609.342 to 609.3451. A violation includes any action that meets the elements of the crime, regardless of whether there is a criminal proceeding or conviction. (b) Conduct which is not an accident or therapeutic conduct as defined in this section, which produces or could reasonably be expected to produce physical pain or injury or emotional distress including, but not limited to, the following: (1) hitting, slapping, kicking, pinching, biting, or corporal punishment of a vulnerable adult; (2) use of repeated or malicious oral, written, or gestured language toward a vulnerable adult or the treatment of a

vulnerable adult which would be considered by a reasonable person to be disparaging, derogatory, humiliating, harassing, or threatening; (3) use of any aversive or deprivation procedure, unreasonable confinement, or involuntary seclusion, including the forced separation of the vulnerable adult from other persons against the will of the vulnerable adult or the legal representative of the vulnerable adult; and (4) use of any aversive or deprivation procedures for persons with developmental disabilities or related conditions not authorized under section 245.825. (c) Any sexual contact or penetration as defined in section 609.341, between a facility employees person or a person providing services in the facility and a resident, patient, or client of that facility. (d) The act of forcing, compelling, coercing, or enticing a vulnerable adult against the vulnerable adult's will to perform services for the advantage of another. Abuse does not include actions specifically excluded by Minn. Stat § 626.5572, Subd. 2.

- E. "Financial Exploitation" means a breach of a fiduciary duty by an actor's unauthorized expenditure of funds entrusted to the actor for the benefit of the vulnerable adult or by an actor's failure to provide food, clothing, shelter, health care, therapeutic conduct or supervision, the failure of which results or is likely to result in detriment to the vulnerable adult. Financial exploitation also includes: the willful use, withholding or disposal of funds or property of a vulnerable adult; the obtaining of services for wrongful profit or advantage which results in detriment to the vulnerable adult; the acquisition of a vulnerable adult's funds or property through undue influence, harassment, duress, deception or fraud; and the use of force, coercion or enticement to cause a vulnerable adult to perform services against the vulnerable adult's will for the profit or advantage of another.
- F. "Vulnerable Adult" means any person 18 years of age or older who: (1) is a resident or inpatient of a facility; (2) required to be licensed under Minn. Stat. Ch. 245A, except as excluded under Minn. Stat. § 626.5572, Subd. 21(a)(2);(3) receives services from a licensed home care provider person or organization that offers, provides, or arranges for personal care assistance services under the 415-3 medical assistance program; or (4) regardless of residence or type of service received possesses a physical or mental infirmity or other physical, mental, or emotional dysfunction that impairs the individual's ability to adequately provide the person's own care without assistance or supervision and, because of the dysfunction or infirmity and need for care or services, has an impaired ability to protect the individual's self from maltreatment.
- G. "Caregiver" means an individual or facility who has responsibility for the care of a vulnerable adult as a result of a family relationship, or who has assumed responsibility for all or a portion of the care of a vulnerable adult voluntarily, by contract, or by agreement.
- H. "District #4005 Personnel" means professional employees or their delegates of District #4005 engaged in providing health, educational, social, psychological, law enforcement or other care-taking services of vulnerable adults.
- I. "Immediately" means as soon as possible, but no longer than 24 hours from the time initial knowledge that the incident occurred has been received.

IV. REPORTING PROCEDURES

- A. A mandated reporter as defined herein shall immediately report the suspected maltreatment to the common entry point responsible for receiving reports.
- B. Whenever a mandated reporter, as defined herein, knows or has reason to believe that an individual made an error in the provision of therapeutic conduct to a vulnerable adult which results in injury or harm, which reasonably requires the care of a physician, such information shall be reported immediately to the designated county agency. The mandated reporter also may report a belief that the error did not constitute neglect and why the error does not constitute neglect.

- C. The reporter shall to the extent possible identify the vulnerable adult, the caregiver, the nature and extent of the suspected maltreatment, any evidence of previous maltreatment, the name and address of the reporter, the time, date, and location of the incident and any other information that the reporter believes might be helpful in investigating the suspected abuse or neglect. A mandated reporter may disclose not public data as defined under Minn. Stat. § 13.02 to the extent necessary to comply with the above reporting requirements.
- D. A person mandated to report suspected maltreatment of a vulnerable adult who negligently or intentionally fails to report is liable for damages caused by the failure. A negligent or intentional failure to report may result in discipline. A mandatory reporter who intentionally fails to make a report, who knowingly provides false or misleading information in reporting or who intentionally fails to provide all the material circumstances surrounding the reported incident may be guilty of a misdemeanor.
- E. Retaliation against a person who makes a good faith report under Minnesota law and this policy, or against vulnerable adult who is named in a report is prohibited.
- F. Any person who intentionally makes a false report under the provisions of applicable Minnesota law or this policy shall be liable in a civil suit for any actual damages suffered by the person or persons so reported and for any punitive damages set by the court or jury. The intentional making of a false report may result in discipline.

V. INVESTIGATION

The responsibility for investigating reports of suspected maltreatment of a vulnerable adult rests with the entity designated by the county for receiving reports.

VI. DISSEMINATION OF POLICY AND TRAINING

- A. This policy shall appear in District #4005 personnel handbooks where appropriate.
- B. District #4005 will develop a method of discussing this policy with employees where appropriate.
- C. This policy shall be reviewed at least annually for compliance with state law.

417 CHEMICAL USE AND ABUSE

I. PURPOSE

The Board recognizes that chemical use and abuse constitutes a grave threat to the physical and mental well being of students and employees and significantly impedes the learning process. Chemical use and abuse also creates significant problems for society in general. The Board believes that the public school has a role in education, intervention, and prevention of chemical use and abuse. The purpose of this policy is to assist District #4005 in its goal to prevent chemical use and abuse by providing procedures for education and intervention.

II. GENERAL STATEMENT OF POLICY

- A. Use of controlled substances, medical cannabis, toxic substances, and alcohol is prohibited in the school setting in accordance with school district policies with respect to a Drug-Free Workplace/Drug-Free School.
- B. It is the policy of District #4005 to provide an instructional program in every elementary and secondary school in chemical abuse and the prevention of chemical dependency.
- C. The school district shall establish and maintain in every school a chemical abuse preassessment team. The team is responsible for addressing reports of chemical abuse problems and making recommendations for appropriate responses to the individual reported cases.
- D. It will be the responsibility of the Executive Director, with the advice of the Board, to establish a school and community advisory team to address chemical abuse problems in the district.
- E. District #4005 shall establish and maintain a program to educate and assist employees, students and others in understanding this policy and the goals of achieving drug-free schools and workplaces.

III. DEFINITIONS

- A. "Chemical abuse" means use of any psychoactive or mood-altering chemical substance, without compelling medical reason, in a manner that induces mental, emotional, or physical impairment and causes socially dysfunctional or socially disordering behavior, to the extent that the student's normal function in academic, school, or social activities is chronically impaired.
- B. "Chemicals" includes but is not limited to alcohol, medical cannabis, toxic substances, and controlled substances as defined in District #4005' Drug-Free Workplace/Drug-Free School policy.
- C. "School location" includes any school building or on any school premises; on any school-owned vehicle or in any other school-approved vehicle used to transport students to and from school or school activities; off-school property at any school-sponsored or school-approved activity, event or function, such as a field trip or athletic event, where students are under the jurisdiction of District #4005; or during any period of time such employee is supervising students on behalf of District #4005 or otherwise engaged in school district business.

IV. STUDENTS

A. Instruction

- a. District #4005 shall provide an instructional program in chemical abuse and the prevention of chemical dependency. District #4005 may involve parents, students, health care professionals, state department employees, and members of the community in developing the curriculum.
- b. District #4005 shall have age-appropriate and developmentally based activities that:
 1. address the consequences of violence and the illegal use of drugs, as appropriate;
 2. promote a sense of individual responsibility;
 3. teach students that most people do not illegally use drugs;
 4. teach students to recognize social and peer pressure to use drugs illegally and the skills for resisting illegal drug use;
 5. teach students about the dangers of emerging drugs;
 6. engage students in the learning process; and
 7. incorporate activities in secondary schools that reinforce prevention activities implemented in elementary schools.
- c. District #4005 shall have activities that involve families, community sectors (which may include appropriately trained seniors), and a variety of drug and violence prevention providers in setting clear expectations against violence and illegal use of drugs and appropriate consequences for violence and illegal use of drugs.
- d. District #4005 shall disseminate drug and violence prevention information within the school and to the community.
- e. District #4005 shall have professional development and training for, and involvement of, school personnel, student services personnel, parents, and interested community members in prevention, education, early identification and intervention, mentoring, or rehabilitation referral, as related to drug and violence prevention.
- f. District #4005 shall have drug and violence prevention activities that may include the following:
 1. Community-wide planning and organizing activities to reduce violence and illegal drug use, which may include gang activity prevention.
 2. The hiring and mandatory training, based on scientific research, of school security personnel who interact with students in support of youth drug and violence prevention activities under this policy that are implemented in the school.

3. Conflict resolution programs, including peer mediation programs that educate and train peer mediators and a designated faculty supervisor, and youth anti-crime and anti-drug councils and activities.
4. Counseling, mentoring, referral services, and other student assistance practices and programs, including assistance provided by qualified school-based mental health services providers and the training of teachers by school-based mental health services providers in appropriate identification and intervention techniques for students at risk of violent behavior and illegal use of drugs.
5. Programs that encourage students to seek advice from, and to confide in, a trusted adult regarding concerns about violence and illegal drug use.

B. Reports of Chemical Use and Abuse

- a. In the event that an District #4005 employee knows that a student is abusing, possessing, transferring, distributing or selling chemicals at District #4005:
 1. The employee shall immediately either take the student to an administrator or notify an administrator of the observation and continue to observe the student until the administrator arrives.
 2. The Administrator will notify the student's parents.
 3. The Administrator will notify law enforcement officials.
 4. The Administrator and/or law enforcement officials will confiscate the chemicals and/or conduct a search of the student's person, effects, locker, vehicle, or areas within the student's control. Searches by school district officials shall be in accordance with Board policies regarding search and seizure.
 5. District #4005 will take appropriate disciplinary action in compliance with the student discipline code. Such discipline may include immediate suspension, initiation of expulsion proceedings, and/or referral to a detoxification center or medical center.
- b. If a District #4005 employee has reason to believe that a student is abusing, possessing, transferring, distributing or selling chemicals:
 1. The employee shall notify Administration and shall describe the basis for suspicion. School Administration will determine what action should be taken. Action may include conducting an investigation, gathering data, scheduling a conference with the student or parents, or providing a meeting between a single member of the preassessment team and the student to discuss the behaviors that have been reported and attempting to ascertain facts regarding chemical abuse.
 2. The team may determine there is no chemical abuse. If the team determines there is chemical abuse, the team will select an appropriate course of action, which may include referral to the school mental health team; referral to a treatment program; referral for screening, assessment, and treatment planning; participation in support groups; or other appropriate measures.
- c. Students involved in the abuse, possession, transfer, distribution or sale of chemicals shall be

suspended in compliance with the student discipline policy and the Pupil Fair Dismissal Act, Minn. Stat. §121A.40-121A.56, and proposed for expulsion.

- d. Searches by school district officials in connection with the abuse, possession, transfer, distribution or sale of chemicals will be conducted in accordance with Board policies related to search and seizure.

C. Preassessment Team

- a. District 4005 shall have a chemical abuse preassessment team designated by the Executive Director or designee. The team will be composed of classroom teachers, administration, and other appropriate professional staff such as the school social worker, school psychologist and/or other.
- b. The team is responsible for addressing reports of chemical abuse problems and making recommendations for appropriate responses to the individual reported cases.
- c. Within forty-five(45) days after receiving an individual reported case, the team shall make a determination whether to provide the student and, in the case of a minor, the student's parents with information about school and community services in connection with chemical abuse.

D. Data Practices

- a. Student data may be disclosed without consent in health and safety emergencies pursuant to Minn. Stat. § 13.32 and applicable federal law and regulations.
- b. Destruction of Records
 - 1. If the preassessment team decides not to provide a student and, in the case of a minor, the student's parents with information about school or community services in connection with chemical abuse, records created or maintained by District #4005 about the student shall be destroyed not later than six (6) months after the determination is made.
 - 2. If the preassessment team decides to provide the student and, in the case of a minor or a dependent student, the student's parents with such information, records created or maintained by Administration about the student shall be destroyed not later than six (6) months after the student is no longer enrolled in the district.
 - 3. This section shall govern destruction of records notwithstanding provisions of the Records Management Act, Minn. Stat. § 138.163.

E. Consent

Any minor may give effective consent for medical, mental and other health services to determine the presence of or to treat conditions associated with alcohol and other drug abuse, and the consent of no other person is required.

V. EMPLOYEES

- A. The Executive Director or designee shall undertake and maintain a drug-free awareness and prevention program to inform employees, students and others about:

- a. The dangers and health risks of chemical abuse in the workplace/school.
 - b. District #4005's drug-free workplace/drug-free school policy.
 - c. Any available drug or alcohol counseling, treatment, rehabilitation, re-entry and/or assistance programs available to employees and/or students.
 - d. The penalties that may be imposed on employees for drug abuse violations.
- B. The Executive Director or designee shall notify any federal granting agency required to be notified under the Drug-Free Workplace Act within ten (10) days after receiving notice of a conviction of an employee for a criminal drug statute violation occurring in the workplace. To facilitate the giving of such notice, any employee aware of such a conviction shall report the same to the Executive Director

418 DRUG-FREE WORKPLACE/DRUG-FREE SCHOOL

I. PURPOSE

The purpose of this policy is to maintain a safe and healthful environment for employees and students by prohibiting the use of alcohol, toxic substances, medical cannabis, and controlled substances without a physician's prescription.

II. GENERAL STATEMENT OF POLICY

- A. Use or possession of controlled substances, toxic substances, medical cannabis, and alcohol before, during, or after school hours, at school or in any other school location, is prohibited as general policy. Paraphernalia associated with controlled substances is prohibited.
- B. It shall be a violation of this policy for any student, teacher, administrator, other school district personnel, or member of the public to use or possess alcohol, toxic substances, medical cannabis, or controlled substances in any school location.
- C. District #4005 will act to enforce this policy and to discipline or take appropriate action against any student, teacher, administrator, school personnel, or member of the public who violates this policy.

III. DEFINITIONS

"Alcohol" includes any alcoholic beverage, malt beverage, fortified wine, or other intoxicating liquor.

"Controlled substances" include narcotic drugs, hallucinogenic drugs, amphetamines, barbiturates, marijuana, anabolic steroids, or any other controlled substance as defined in Schedules I through V of the Controlled Substances Act, 21 U.S.C. § 812, including analogues and look-alike drugs.

"Medical Cannabis" means any species of the genus cannabis plant, or any mixture or preparation of them, including whole plant extracts and resins, and is delivered in the form of: (1) liquid, including, but not limited to, oil; (2) pill; (3) vaporized delivery method with use of liquid or oil but which does not require the use of dried leaves or plant form; or (4) any other method, excluding smoking, approved by the commissioner.

"Toxic substances" includes glue, cement, aerosol paint, or other substances used or possessed with the intent of inducing intoxication or excitement of the central nervous system.

"Use" includes selling, buying, manufacturing, distributing, dispensing, possessing, using, or being under the influence of alcohol and/or controlled substances, whether or not for the purpose of receiving remuneration or consideration.

"Possess" means to have on one's person, in one's effects, or in an area subject to one's control.

"School location" includes any school building or on any school premises; in any school-owned vehicle or in any other school-approved vehicle used to transport students to and from school or school activities; off school property at any school-sponsored or school-approved activity, event, or function, such as a field trip or athletic event, where students are under the jurisdiction of District #4005; or during any period of time such

employee is supervising students on behalf of District #4005 or otherwise engaged in school district business.

IV. EXCEPTIONS

- A. It shall not be a violation of this policy for a person to bring onto a school location, for such person's own use, a controlled substance, except for medical cannabis, which has a currently accepted medical use in treatment in the United States and the person has a physician's prescription for the substance. The person shall comply with the relevant procedures of this policy.
- B. It shall not be a violation of this policy for a person to possess an alcoholic beverage in a school location when the possession is within the exceptions of Minn. Stat. § 624.701, Subd. 1a (experiments in laboratories; pursuant to a temporary license to sell liquor issued under Minnesota laws or possession after the purchase from such a temporary license holder).

V. PROCEDURES

- A. Students who have a prescription from a physician for medical treatment with a controlled substance, except for medical cannabis, must comply with District #4005' student medication policy #516.
- B. Employees who have a prescription from a physician for medical treatment with a controlled substance, except for medical cannabis, are permitted to possess such controlled substance and associated necessary paraphernalia, such as an inhaler or syringe. The employee must inform administration. The employee may be required to provide a copy of the prescription.
- C. Each employee shall be provided with written notice of this Drug-Free Workplace/Drug-Free School policy and shall be required to acknowledge that he or she has received the policy.
- D. Employees are subject to the school district's drug and alcohol testing policies and procedures.
- E. Members of the public are not permitted to possess controlled substances in a school location except with the express permission of the Executive Director.
- F. No person is permitted to possess or use medical cannabis on a school bus or van; or on the grounds of the school.
- G. Possession of alcohol on school grounds pursuant to the exceptions of Minn. Stat. § 624.701, Subd. 1a, shall be by permission of the school board only. The applicant shall apply for permission in writing and shall follow the school board procedures for placing an item on the agenda.

VI. ENFORCEMENT

- A. Students.
 - a. A student who violates the terms of this policy shall be subject to discipline in accordance with District #4005's discipline policy. Such discipline may include suspension or expulsion from school.
 - b. The student may be referred to a drug or alcohol assistance or rehabilitation program and/or to law enforcement officials when appropriate.

B. Employees.

- a. As a condition of employment in any federal grant, each employee who is engaged either directly or indirectly in performance of a federal grant shall abide by the terms of this policy and shall notify his or her supervisor in writing of his or her conviction of any criminal drug statute for a violation occurring in any of the places listed above on which work on a school district federal grant is performed, no later than five (5) calendar days after such conviction.
- b. An employee who violates the terms of this policy is subject to disciplinary action, including nonrenewal, suspension, termination, or discharge as deemed appropriate by the Board.
- c. In addition, any employee who violates the terms of this policy may be required to satisfactorily participate in a drug and/or alcohol abuse assistance or rehabilitation program approved by District #4005. Any employee who fails to satisfactorily participate in and complete such a program is subject to non-renewal, suspension, or termination as deemed appropriate by the School Board.
- d. Sanctions against employees, including non-renewal, suspension, termination, or discharge shall be pursuant to and in accordance with applicable statutory authority, collective bargaining agreements, and school district policies.

C. The Public.

A member of the public who violates this policy shall be informed of the policy and asked to leave. If necessary, law enforcement officials will be notified and asked to provide an escort.

419 TOBACCO-FREE ENVIRONMENT

I. PURPOSE

The purpose of this policy is to maintain a learning and working environment that is tobacco free.

II. GENERAL STATEMENT OF POLICY

- A. A violation of this policy occurs when any student, teacher, administrator, other school personnel of District #4005, or person smokes or uses tobacco, tobacco-related devices, or electronic cigarettes in a public school. This prohibition extends to all facilities, whether owned, rented, or leased, and all vehicles that District #4005 owns, leases, rents, contracts for, or controls. In addition, this prohibition includes vehicles used, in whole or in part, for work purposes, during hours of school operation, if more than one person is present. This prohibition includes all District #4005 property and all off-campus events sponsored by District #4005.
- B. A violation of this policy occurs when any elementary school, middle school, or secondary school student possesses any type of tobacco, tobacco-related device, or electronic cigarette in a public school. This prohibition extends to all facilities, whether owned, rented, or leased, and all vehicles that District #4005 owns, leases, rents, contracts for, or controls and includes vehicles used, in whole or in part, for school purposes, during hours of school operation, if more than one person is present. This prohibition includes all District #4005 property and all off-campus events sponsored by District #4005.
- C. District #4005 will act to enforce this policy and to discipline or take appropriate action against any student, teacher, administrator, school personnel, or person who is found to have violated this policy.
- D. The school district will not solicit or accept any contributions or gifts of money, curricula, materials, or equipment from companies that directly manufacture and are identified with tobacco products, devices, or electronic cigarettes. The school district will not promote or allow promotion of tobacco products or e-cigarettes on school property or at school-sponsored events.

III. TOBACCO AND TOBACCO-RELATED DEVICES DEFINED

- A. "Electronic cigarette" means any oral device that provides a vapor of liquid nicotine, lobelia, and/or other similar substance, and the use or inhalation of which simulates smoking. The term shall include any such devices, whether they are manufactured, distributed, marketed, or sold as e-cigarettes, e-cigars, e-pipes, or under another product name or descriptor.
- B. "Tobacco" means cigarettes and any product containing, made, or derived from tobacco that is intended for human consumption, whether chewed, smoked, absorbed, dissolved, inhaled, snorted, sniffed, or ingested by any other means, or any component, part, or accessory of a tobacco product; cigars; cheroots; stogies; perique; granulated, plug cut, crimp cut, ready rubbed, and other smoking tobacco; snuff; snuff flour; cavendish; plug and twist tobacco; fine cut and other chewing tobacco; shorts; refuse scraps, clippings, cuttings and sweepings of tobacco; and other kinds and forms of tobacco.
- C. "Tobacco-related devices" means cigarette papers or pipes for smoking.

- D. "Smoking" means inhaling or exhaling smoke from any lighted cigar, cigarette, pipe, or any other lighted tobacco or plant product. Smoking also includes carrying a lighted cigar, cigarette, pipe, or any other lighted tobacco or plant product intended for inhalation, and the use of electronic cigarettes, including the inhaling and exhaling of vapor from any electronic delivery device.

IV. EXCEPTIONS

- A. A violation of this policy does not occur when an Indian adult lights tobacco on school district property as a part of a traditional Indian spiritual or cultural ceremony. An Indian is a person who is a member of an Indian tribe as defined under Minnesota law.
- B. A violation of this policy does not occur when an adult nonstudent possesses a tobacco or nicotine product that has been approved by the United States Food and Drug Administration for sale as a tobacco cessation product, as a tobacco dependence product, or for other medical purposes, and is being marketed and sold solely for such an approved purpose.

V. ENFORCEMENT

- A. All individuals on school premises shall adhere to this policy.
- B. Students who violate this tobacco-free policy shall be subject to District #4005 discipline procedures.
- C. District #4005 administrators and other school personnel who violate this tobacco-free policy shall be subject to District #4005 discipline procedures.
- D. District #4005 action taken for violation of this policy will be consistent with requirements of applicable collective bargaining agreements, Minnesota or federal law, and school district policies.
- E. Persons who violate this tobacco-free policy may be referred to the building administration or other District #4005 supervisory personnel responsible for the area or program at which the violation occurred.
- F. School administrators may call the local law enforcement agency to assist with enforcement of this policy. Smoking or use of any tobacco product in a public school is a violation of the Minnesota Clean Indoor Air Act and/or the Freedom to Breathe Act of 2007 and is a petty misdemeanor. A court injunction may be instituted against a repeated violator.
- G. No persons shall be discharged, refused to be hired, penalized, discriminated against, or in any manner retaliated against for exercising any right to a smoke-free environment provided by the Freedom to Breathe Act of 2007 or other law.

VI. DISSEMINATION OF POLICY

- A. This policy shall appear in the student handbook.
- B. District #4005 will develop a method of discussing this policy with students and employees.

420 STUDENTS AND EMPLOYEES WITH SEXUALLY TRANSMITTED INFECTIONS AND DISEASES AND CERTAIN OTHER COMMUNICABLE DISEASES AND INFECTIOUS CONDITIONS

I. PURPOSE

Public concern that students and employees of District #4005 be able to attend school without becoming infected with serious communicable or infectious diseases, including but not limited to, Human Immunodeficiency Virus (HIV), Acquired Immunodeficiency Syndrome (AIDS), Hepatitis B, and Tuberculosis, requires that the Board adopt measures effectively responding to health concerns while respecting the rights of all students, employees, and contractors, including those who are so infected. The purpose of this policy is to adopt such measures.

II. GENERAL STATEMENT OF POLICY

A. Students

The policy of the School Board is that students with communicable diseases not be excluded from attending school in their usual daily attendance setting so long as their health permits and their attendance does not create a significant risk of the transmission of illness to students or employees of District #4005. A procedure for minimizing interruptions to learning resulting from communicable diseases will be established by District #4005 in its IEP and Section 504 team process, if applicable, and in consultation with community health and private health care providers. Procedures for the inclusion of students with communicable diseases will include any applicable educational team planning processes, including the review of the educational implications for the student and others with whom the student comes into contact.

B. Employees

The policy of the School Board is that employees with communicable diseases not be excluded from attending to their customary employment so long as they are physically, mentally and emotionally able to safely perform tasks assigned to them and so long as their employment does not create a significant risk of the transmission of illness to students, employees, or others in District #4005. If a reasonable accommodation will eliminate the significant risk of transmission, such accommodation will be undertaken unless it poses an undue hardship to District #4005.

C. Circumstances and Conditions

- a. Determinations of whether a contagious individual's school attendance or job performance creates a significant risk of the transmission of the illness to students or employees of District #4005 will be made on a case by case basis. Such decisions will be based upon the nature of the risk (how it is transmitted), the duration of the risk (how long the carrier is infectious), the severity of the risk (what is the potential harm to third parties) and the probabilities the disease will be transmitted and will cause varying degrees of harm. When a student is disabled, such a determination will be made in consultation with the educational planning team.
- b. The School Board recognizes that some students and some employees, because of special circumstances and conditions, may pose greater risks for the transmission of infectious conditions than other persons infected with the same illness. Examples include students who

display biting behavior, students or employees who are unable to control their bodily fluids, who have oozing skin lesions or who have severe disorders which result in spontaneous external bleeding. These conditions need to be taken into account and considered in assessing the risk of transmission of the disease and the resulting effect upon the educational program of the student or employment of the employee by consulting with the Commissioner of Health, the physician of the student or employee, and the parent(s)/guardian(s) of the student.

D. Students with Special Circumstances and Conditions

The Executive Director, along with the infected individual's physician, the infected individual or parent(s)/guardian(s), and others, if appropriate, will weigh risks and benefits to the student and to others, consider the least restrictive appropriate educational placement, and arrange for periodic reevaluation as deemed necessary by the state epidemiologist. The risks to the student shall be determined by the student's physician.

E. Extracurricular Student Participation

Student participation in nonacademic, extracurricular and non-educational programs of District #4005 are subject to a requirement of equal access and comparable services. Student educational services are subject to FAPE/LRE standards.

F. Precautions

District #4005 will develop routine procedures for infection control at school and for educating employees about these procedures. The procedures shall be developed through cooperation with health professionals taking into consideration any guidelines of the Minnesota Department of Education and the Minnesota Department of Health.

G. Information Sharing

1. Employee and student health information shall be shared within District #4005 only with those whose jobs require such information and with those who have a legitimate educational interest (including health and safety) in such information and shall be shared only to the extent required to accomplish legitimate educational goals and to comply with employees' right to know requirements.
2. Employee and student health data shall be shared outside District #4005 only in accordance with state and federal law and with District #4005' policies on employee and student records and data.

H. Reporting

If a medical condition of a student or employee threatens public health, it must be reported to the Commissioner of Health.

I. Prevention

District #4005 shall, with the assistance of the Commissioners of Health and Education, implement a program to prevent and reduce the risk of sexually transmitted diseases in accordance with Minn. Stat. § 121A.23 which includes:

1. planning materials, guidelines, and other technically accurate and updated information;
2. a comprehensive, developmentally appropriate, technically accurate, and updated curriculum that includes helping students to abstain from sexual activity until marriage;

3. cooperation and coordination among school districts and Service Cooperatives;
4. a targeting of adolescents, especially those who may be at high risk of contracting sexually transmitted diseases and infections, for prevention efforts;
5. involvement of parents and other community members;
6. in-service training for district employees and School Board members;
7. collaboration with state agencies and organizations having a sexually transmitted infection and disease prevention or sexually transmitted infection and disease risk reduction program;
8. collaboration with local community health services, agencies and organizations having a sexually transmitted infection and disease risk reduction program; and
9. participation by state and local student organizations.
10. The program must be consistent with the health and wellness curriculum.
11. District #4005 may accept funds for sexually transmitted infection and disease prevention programs developed and implemented under this section from public and private sources including public health funds and foundations, department professional development funds, federal block grants or other federal or state grants.

J. Vaccination and Screening

The school district will develop procedures regarding the administration of Hepatitis B vaccinations and Tuberculosis screenings in keeping with current state and federal law. The procedures shall provide that the Hepatitis B vaccination series be offered to all who have occupational exposure at no cost to the employee.

Adopted: September

Revised: September 2017

423 EMPLOYEE-STUDENT RELATIONSHIPS

I. PURPOSE

District #4005 is committed to an educational environment in which all students are treated with respect and dignity. Every school district employee is to provide students with appropriate guidance, understanding and direction, while maintaining a standard of professionalism, and acting within accepted standards of conduct.

II. GENERAL STATEMENT OF POLICY

- A. This policy applies to all school district employees at all times, whether on or off duty and on or off of school district locations.
- B. At all times, students will be treated by teachers and other school district employees with respect, courtesy and consideration and in a professional manner. District #4005 district employee is expected to exercise good judgment and professionalism in all interpersonal relationships with students. Such relationships must be and remain on a teacher-student basis or an employee-student basis.
- C. Teachers must be mindful of their inherent positions of authority and influence over students. Similarly, other school district employees also may hold positions of authority over students of District #4005 and must be mindful of their authority and influence over students.
- D. Sexual relationships between school district employees and students, without regard to the age of the student, are strictly forbidden and may subject the employee to criminal liability.
- E. Other actions that violate this policy include, but are not limited to, the following:
 - 1. Dating students.
 - 2. Having any interaction/activity of a sexual nature with a student.
 - 3. Committing or attempting to induce students or others to commit an illegal act or act of immoral conduct which may be harmful to others or bring discredit to District #4005.
 - 4. Supplying alcohol or any illegal substance to a student, allowing a student access to such substances, or failing to take reasonable steps to prevent such access from occurring.
- F. School district employees shall, whenever possible, employ safeguards against improper relationships with students and/or claims of such improper relationships.

[Note such safeguards may include the following: avoiding altogether or minimizing physical contact, keeping doors open when talking or meeting with students one-on-one and/or making sure that such meetings with a student take place in rooms with windows and/or others nearby.]

- G. Excessive informal and social involvement with individual students is unprofessional, is not compatible with employee-student relationships, and is inappropriate.
- H. School district employees will adhere to applicable standards of ethics and professional conduct in Minnesota law.

III. REPORTING AND INVESTIGATION

- A. Complaints and/or concerns regarding alleged violations of this policy shall be handled in accordance with Policy 103 (Complaints—Students, Employees, Parents, Other Persons) unless other specific complaint procedures are provided within any other policy of District #4005.
- B. All employees shall cooperate with any investigation of alleged acts, conduct or communications in violation of this policy.

IV. SCHOOL DISTRICT ACTION

Upon receipt of a report, District #4005 will take appropriate action. Such action may include, but is not limited to, warning, suspension, exclusion, expulsion, transfer, remediation, termination or discharge. It also may include reporting to appropriate state or federal authorities, including the Board of Teaching or the appropriate licensing authority and appropriate agencies responsible for investigating reports of maltreatment of minors and/or vulnerable adults. 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.

V. SCOPE OF LIABILITY

Employees are placed on notice that if an employee acts outside the performance of the duties of the position for which the employee is employed, or is guilty of malfeasance, willful neglect of duty, or bad faith, District #4005 is not required to defend and indemnify the employee for damages in school-related litigation.

424 LICENSING AND CERTIFICATION

I. PURPOSE

The purpose of this policy is to ensure that qualified teachers are employed by District #4005 and to fulfill its duty to ascertain the licensure status of its teachers. A board that employs a teacher who does not hold a valid teaching license or permit places itself at risk for a reduction in state aid. This policy does not negate a teacher's duty and responsibility to maintain a current and valid teaching license.

II. GENERAL STATEMENT OF POLICY

- A. A qualified teacher is one holding a valid license to perform the particular service for which the teacher is employed by District #4005.
- B. No person shall be a qualified teacher until District #4005 verifies through the Minnesota education licensing system available on the Minnesota Department of Education, MDE, website that the person is a qualified teacher consistent with state law.
- C. District #4005 has a duty to ascertain the licensure status of its teachers and ensure that District #4005' teacher license files are up to date. District #4005 shall establish a procedure for annually reviewing its teacher license files to verify that every teacher's license is current and appropriate to the particular service for which the teacher is employed by District #4005.

III. PROCEDURE

- A. The Executive Director, or Executive Director's designee, shall establish a schedule for the annual review of teacher licenses.
- B. Where it is discovered that a teacher's license will expire within one year from the date of the annual review, the Executive Director or designee will advise the teacher in writing of the approaching expiration and that the teacher must complete the renewal process and file the license with the Director prior to the expiration of the current license. However, failure to provide this notice does not relieve a teacher from his/her duty and responsibility of ensuring that his/her teaching license is valid, current and appropriate to his/her teaching assignment.
- C. If it is discovered that a teacher's license has expired, the Executive Director will immediately investigate the circumstances surrounding the lack of license and will take appropriate action. The teacher shall be advised that the teacher's failure to have the license reinstated will constitute gross insubordination, inefficiency and willful neglect of duty which are grounds for immediate discharge from employment.
- D. The duty and responsibility of maintaining a current and valid teaching license appropriate to the teaching assignment as required by this policy shall remain with the teacher, notwithstanding the Executive Director's failure to discover a lapsed license or license that does not support the teaching assignment. A teacher's failure to comply with this policy may be grounds for the teacher's immediate discharge from employment.

IV. OTHER REQUIREMENTS

For positions in which state or federal law, or appropriate state agencies require certification, licensing requirements, or provisional requirements, District #4005 also considers this a requirement of employment. It shall be the responsibility of the applicant/employee to provide evidence or documentation that they meet the requirements.

New employees are required to make arrangements with the Minnesota Department of Education/Board of Teaching or appropriate state agency regarding licensure as a teacher, or in their related field. It is expected that an individual's license will be in progress no later than the first week of September and official notification from MDE or the appropriate state agency that the employee's license is in process, be on file in the Business Office. When an employee receives their license, copies shall be given to the Executive Director and the Business Office.

The duty and responsibility of maintaining a current and valid license appropriate to the employee's assignment as required by this policy shall remain with the employee, notwithstanding the Executive Director's failure to discover a lapsed license or a license that does not support the employee's assignment. An Employee's failure to comply with this policy may be grounds for the employee's immediate discharge from employment.

Adopted: January 2014

Revised: November 2017

426 NEPOTISM IN EMPLOYMENT

POLICY RATIONALE

Metro Deaf School (MDS) has the unique mission of promoting academic excellence for Deaf and Hard of Hearing students using an ASL/English bilingual approach. To fulfill its mission, MDS is committed to hiring bilingual staff, many of whom are members of the relatively small Deaf and Hard of Hearing community. In addition, to operate as efficiently as possible, MDS has very few supervisory employees—currently only the Executive Director, the Dean of Students, and the Student Life Coordinator supervise other employees.

Due to the size of the Deaf and Hard of Hearing community and the size of MDS's own supervisory staff, there could be instances in which the best-qualified applicant for a position is related to the supervisory employee to whom the position reports. Having relatives report to each other, however, can cause serious conflicts, raise concerns about favoritism, and decrease employee morale, all of which could detract from MDS's mission.

Recognizing both the importance of preventing the negative effects of nepotism and the unique characteristics of MDS, the Board has adopted the following policy which fulfills MDS's legal obligation to adopt a nepotism policy under Minn. Stat. § 124D.10, subd. 11(c).

DEFINITIONS (FOR THE PURPOSES OF THIS POLICY ONLY)

Dating relationship means a relationship that is or may be reasonably expected to lead to the formation of a romantic or sexual relationship, regardless of the gender or sexual orientation of the individuals involved.

Relative means a supervisory employee's spouse, parent, child, brother, sister, aunt, uncle, cousin, nephew, niece, grandparent, father- or mother-in-law, son- or daughter-in-law, brother- or sister-in law, or person with whom the employee is involved in a dating relationship.

Supervisory employee means an employee who has direct supervisory authority over one or more employees, including the authority to hire, discipline, or terminate those employees who report to him or her.

POLICY

I. NEW HIRES

- A. If the relative of a supervisory employee applies for a position which reports to that supervisory employee, the supervisory employee must immediately inform:
 1. The Executive Director; or
 2. If the supervisory employee is the Executive Director, the Chairperson of the Board's Personnel Committee ("Chairperson"), or if the Chairperson is an employee of MDS, a non-employee member of the Personnel Committee who is the Chairperson's Designee ("Designee").

The failure to promptly notify appropriate personnel of the relationship will be considered a conflict of interest and a violation of this policy and may result in discipline up to termination.

- B. If the relative of a supervisory employee applies for a position which reports to that supervisory employee, and the supervisory employee is not the Executive Director,
1. The Executive Director will immediately relieve the supervisory employee of any authority over the hiring process for the position and will assume oversight over the hiring process. The Executive Director will have the authority to hire an outside evaluator, if necessary, to provide expertise in evaluating applicants that would have otherwise been provided by the supervisory employee. The supervisory employee shall not be involved in the hiring process for the position in any way and will only be kept apprised of the hiring process to the extent necessary to perform his or her ordinary job functions.
 2. Should the supervisory employee's relative be selected through the hiring process, the Executive Director will determine whether it is possible to develop a reporting protocol under which the relative is not reporting to the supervisory employee but is nonetheless receiving adequate supervision. A number of options could be considered—such as assigning the relative to the supervision of the Executive Director and/or hiring an outside evaluator to perform evaluations and assist with any discipline. However, it is within the sole discretion of the Executive Director to approve or disapprove such a reporting protocol after considering whether it is in the best interests of MDS, taking into account—among other factors—the costs of the arrangement to MDS. The Board shall be informed of any alternative reporting protocol that is instituted and shall receive periodic reports about whether the protocol has been effective in avoiding nepotism and in enabling MDS to achieve its mission.
- C. If the relative of a supervisory employee applies for a position which reports to that supervisory employee, and the supervisory employee is the Executive Director,
1. The Chairperson or Designee will immediately relieve the Executive Director of any authority over the hiring process for the position and will designate another MDS supervisor (“Designated Supervisor”) to be in charge of the hiring process. The Designated Supervisor will have the authority to hire an outside evaluator, if necessary, to provide expertise in evaluating applicants that would have otherwise been provided by the supervisory employee. The Executive Director shall not be involved in the hiring process for the position in any way and will only be kept apprised of the hiring process to the extent necessary to perform his or her ordinary job functions.
 2. Should the Executive Director's relative be selected through the hiring process, the Designated Supervisor will inform the Chairperson or Designee before any offer is made. Together, they shall determine whether it is possible to develop a reporting protocol under which the relative is not reporting to the supervisory employee, but is, nonetheless, receiving adequate supervision. A number of options could be considered—such as assigning the relative to another MDS supervisor and/or hiring an outside evaluator to perform evaluations and assist with any discipline. However, it is within the sole discretion of the MDS Board to approve or disapprove of such a reporting protocol after considering whether it is in the best interests of MDS, taking into account—among other factors—the costs of the arrangement to MDS.
- D. If the relative of an employee applies for the supervisory position to which the employee reports, the employee must immediately inform the Executive Director, or if there is no Executive Director at the time, the Chairperson or the Chairperson's Designee. In the event that the relative is selected for the supervisory position, but before any offer is made, the Executive Director, the Chairperson or the Chairperson's Designee shall determine whether it is possible to develop a reporting protocol under which the employee will not report to the

supervisory position for which his or her relative has been selected but through which the employee may still receive adequate supervision. It is within the sole discretion of the Executive Director or the MDS Board to approve or disapprove of such a reporting protocol after considering whether it is in the best interests of MDS, taking into account—among other factors—the costs of the arrangement to MDS.

- E. Should the Executive Director or the MDS Board determine that it is not feasible to implement an alternative reporting protocol, the current employee and the relative shall be informed that the relative is being offered a position but only under the condition that the current employee either resign or be transferred to another position within MDS, if one is available and if the current employee is qualified for the position. If they are unwilling or unable to make the decision regarding the offer, MDS will do so.

II. EMPLOYEES WHO BECOME RELATIVES

- A. There may be situations in which an employee who reports to a supervisory employee becomes a relative of the supervisory employee during the course of their employment with MDS. In those situations, the supervisory employee is responsible for immediately notifying:
1. The Executive Director; or
 2. If the supervisory employee is the Executive Director, the Chairperson, or if the Chairperson is an employee of MDS, the Chairperson's Designee.

The failure to promptly notify appropriate personnel of the relationship will be considered a conflict of interest and a violation of this policy and may result in discipline up to termination.

- B. When an employee who reports to a supervisory employee becomes a relative of the supervisory employee during the course of their employment with MDS and the supervisory employee is not the Executive Director,
1. The Executive Director will immediately relieve the supervisory employee of any supervisory responsibility over the relative and will become the relative's temporary supervisor. The Executive Director shall determine whether it is possible to develop a reporting protocol under which the relative is not reporting to the supervisory employee, as would be done during the hiring process for an applicant. It is within the sole discretion of the Executive Director to approve or disapprove of such a reporting protocol after considering whether it is in the best interests of MDS, taking into account—among other factors—the costs of the arrangement to MDS. The Board shall be informed of any alternative reporting protocol that is instituted and shall receive periodic reports about whether the protocol has been effective in avoiding nepotism and in enabling MDS to achieve its mission.
- C. When an employee who reports to a supervisory employee becomes a relative of the supervisory employee during the course of their employment with MDS and the supervisory employee is the Executive Director,
1. The Chairperson or Designee will immediately relieve the Executive Director of any supervisory responsibility over the relative and will name a temporary Designated Supervisor. Together, the Chairperson or Designee and the Designated Supervisor shall determine whether it is possible to develop a reporting protocol under which the relative is not reporting to the Executive Director, as would be done during the hiring process for an applicant. It is within the sole discretion of the MDS Board to approve or disapprove of such a reporting protocol after considering whether it is in the best

interests of MDS, taking into account—among other factors—the costs of the arrangement to MDS.

- D. Should MDS (either the Executive Director or the Board) determine that it is not feasible to implement an alternative reporting protocol, the supervisory employee and the relative shall have 60 days to determine whether one of them will resign or whether the supervisory employee will take a non-supervisory position, if one is available and the supervisory employee is qualified for the position. If they are unable or unwilling to make the decision, MDS will do so.

III. EMPLOYEES WHO BECOME SUPERVISORS

- A. There may be situations where a non-supervisory employee is selected for a supervisory role in which he or she would ordinarily supervise a relative. In those situations, after the new supervisory employee has been selected but before an offer has been made, either the Executive Director (if the selected employee is not the Executive Director) or the Chairperson or Designee (if the selected employee is the Executive Director) shall determine whether it is possible to develop a reporting protocol under which the relative is not reporting to the supervisory employee, as would be done during the hiring process for an applicant. It is within the sole discretion of the Executive Director (so long as the selected employee is not the Executive Director) or the MDS Board (if the selected employee is the Executive Director) to approve or disapprove of such a reporting protocol after considering whether it is in the best interests of MDS, taking into account—among other factors—the costs of the arrangement to MDS. The Board shall be informed of any alternative reporting protocol that is instituted and shall receive periodic reports about whether the protocol has been effective in avoiding nepotism and in enabling MDS to achieve its mission.
- B. Should the Executive Director or the MDS Board determine that it is not feasible to implement an alternative reporting protocol, the selected employee and the relative shall be informed that the selected employee is being offered the supervisory role under the condition that the relative either resign or be transferred to another position within MDS, if one is available and if the relative is qualified for the position. If they are unwilling or unable to make the decision regarding the offer, MDS will do so.

IV. ABILITY TO RECONSIDER, MODIFY, OR ELIMINATE ALTERNATIVE REPORTING PROTOCOLS

The MDS Board retains the right to reconsider, modify, or eliminate any alternative reporting protocol implemented pursuant to this policy if the Board determines it is in the best interests of MDS to do so. If an alternative reporting protocol is eliminated, the supervisory employee and the relative shall have 60 days to determine whether one of them will resign or whether the supervisory employee will take a non-supervisory position, if one is available and the supervisory employee is qualified for the position. If they are unable or unwilling to make the decision, MDS will do so.

Adopted: March 2015

Revised: December 2017

427 HEALTH INSURANCE POLICY

I. PURPOSE

The purpose of this policy is to comply with terms of the Minnesota Health Insurance Transparency and Accountability Act MN Statute 124E.12, subd 5

II. GENERAL STATEMENT OF POLICY

Metro Deaf School, District 4005 will follow the guidelines set forth in this policy when procuring group health insurance coverage for its employees.

III. REQUESTS FOR PROPOSALS

Metro Deaf School, District 4005 will request sealed proposals for group health insurance coverage from a minimum of three sources at least every two years.

IV. SEALED BIDS

- a. The Human Resource Office and Executive Director will receive and open all sealed proposals on the date specified.
- b. The Human Resource Office and Executive Director will collaborate with appropriate board appointed committees and will then make a recommendation to the school board on which bid appears to be in the best interest of the school.
- c. The Human Resource Office and Executive Director will notify employees covered by the group health insurance before the effective date of the changes in group health contract.
- d. Upon the opening of the proposals, the content of the proposals becomes public data under MN Statute Chapter 13.

Adopted: April 2003

MSBA/MASA Model Policy 501

Revised: November 2017

501 SCHOOL WEAPONS POLICY

I. PURPOSE

The purpose of this policy is to ensure a safe school environment for students, employees 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. District #4005 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"

- a. 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.
- b. 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.
- c. 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 District #4005.

- 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 School Administration shall not be considered to possess a weapon. If it would be impractical or dangerous to take the weapon to the School Administration 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:
- a. active licensed peace officers;
 - b. military personnel, or students or nonstudents participating in military training, who are on duty performing official duties;
 - c. 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;
 - d. 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;
 - 1. 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."
 - 2. 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.
 - e. firearm safety or marksmanship courses or activities for students or nonstudents conducted on school property;
 - f. possession of dangerous weapons, BB guns, or replica firearms by a ceremonial color guard;
 - g. a gun or knife show held on school property;
 - h. 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 carecenter; or
 - i. 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 District #4005 does not allow the possession, use or distribution of weapons by students or 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., Section 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. District #4005 does not allow the possession, use or distribution of weapons by students. Consequently, the minimum consequence for students possessing, using or distributing weapons shall include:
 - a. immediate out-of-school suspension;
 - b. confiscation of the weapon;
 - c. immediate notification of police;
 - d. parent or guardian notification; and
 - e. recommendation to the Director 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 Board may modify this requirement on a case-by-case basis.
- C. Administrative Discretion

While District #4005 does not allow the possession, use or distribution of weapons by students, the Director 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
 - a. An employee who violates the terms of this policy is subject to disciplinary action, including nonrenewal, suspension, or discharge as deemed appropriate by the Board.
 - b. Sanctions against employees, including non-renewal, suspension, or discharge shall be

pursuant to and in accordance with applicable statutory authority, collective bargaining agreements, and school district policies.

- c. When an employee violates the weapons policy, law enforcement may be notified, as appropriate.

B. Other Non-students

- a. 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.
- b. 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.

Revised/ Reviewed: December 2017

502 SEARCH OF STUDENT LOCKERS, DESKS, PERSONAL POSSESSIONS AND STUDENT'S PERSON

I. PURPOSE

The purpose of this policy is to provide for a safe and healthful educational environment by enforcing District #4005's policies against contraband.

II. GENERAL STATEMENT OF POLICY

A. Lockers and Personal Possessions within a Locker

Pursuant to Minnesota statutes, school lockers are the property of District #4005. At no time does District #4005 relinquish its exclusive control of lockers provided for the convenience of students. Inspection of the interior of lockers may be conducted by school officials 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 only when school officials have a reasonable suspicion that the search will uncover evidence of a violation of law or school rules. As soon as practicable after the search of a student's personal possessions, the school officials must provide notice of the search to students whose lockers were searched unless disclosure would impede an ongoing investigation by police or school officials.

B. Desks

School desks are the property of District #4005. At no time does District #4005 relinquish its exclusive control of desks provided for the convenience of students. Inspection of the interior of desks may be conducted by school officials for any reason at any time, without notice, without student consent, and without a search warrant.

C. Personal Possessions and Student's Person

The personal possessions of students and/or a student's person may be searched when school officials have a reasonable suspicion that the search will uncover a violation of law or school rules. The search will be reasonable in its scope and intrusiveness.

D. A violation of this policy occurs when students-use lockers and desks for unauthorized purposes or to store contraband. A violation occurs when students carry contraband on their person or in their personal possessions.

III. DEFINITIONS

- A. "Contraband" means any unauthorized item possession of which is prohibited by school district policy and/or law. It includes but is not limited to weapons and "look-alikes," alcoholic beverages, controlled substances and "look-alikes," overdue books and other materials belonging to District #4005, and stolen property.
- B. "Personal possessions" includes but is not limited to purses, backpacks, bookbags, packages, and clothing.

- C. "Reasonable suspicion" means that a school official has grounds to believe that the search will result in evidence of a violation of school district policy, rules, and/or law. Reasonable suspicion may be based on a school official's personal observation, a report from a student, parent or employees member, a student's suspicious behavior, a student's age and past history or record of conduct both in and out of the school context, or other reliable sources of information.
- D. "Reasonable scope" means that the scope and/or intrusiveness of the search is reasonably related to the objectives of the search. Factors to consider in determining what is reasonable include the seriousness of the suspected infraction, the reliability of the information, the necessity of acting without delay, the existence of exigent circumstances necessitating an immediate search and further investigation (e.g. to prevent violence, serious and immediate risk of harm or destruction of evidence), and the age of the student.

IV. PROCEDURES

- A. School officials may inspect the interiors of lockers and desks for any reason at any time, without notice, without student consent, and without a search warrant.
- B. School officials may inspect the personal possessions of a student and/or a student's person based on a reasonable suspicion that the search will uncover a violation of law or school rules. A search of personal possessions of a student and/or a student's person will be reasonable in its scope and intrusiveness.
- C. As soon as practicable after a search of personal possessions within a locker pursuant to this policy, the school officials must provide notice of the search to students whose possessions were searched unless disclosure would impede an ongoing investigation by police or school officials.
- D. Whenever feasible, a search of a person shall be conducted in private by a school official of the same sex. A second school official of the same sex shall be present as an observer during the search of a person whenever feasible.
- E. A strip search is a search involving the removal of coverings or clothing from private areas. Mass strip searches, or body cavity searches, are prohibited. Strip searches will be conducted only in circumstances involving imminent danger.
- F. A school official conducting any other search may determine when it is appropriate to have a second official present as an observer.
- G. A copy of this policy will be printed in the family handbook or disseminated in any other way which school officials deem appropriate. District #4005 shall provide a copy of this policy to a student when the student is given use of a locker.

V. DIRECTIVES AND GUIDELINES

School administration may establish reasonable directives and guidelines which address specific needs of District #4005, such as use of tape in lockers, standards of cleanliness and care, posting of pin-ups and posters which may constitute sexual harassment, etc.

VI. SEIZURE OF CONTRABAND

If a search yields contraband, school officials will seize the item and, where appropriate, turn it over to legal officials for ultimate disposition.

VIII. VIOLATIONS

A student found to have violated this policy and/or the directives and guidelines implementing it shall be subject to discipline in accordance with District #4005' Student Discipline Policy, which may include suspension, exclusion, or expulsion, and the student may, when appropriate, be referred to legal officials.

Adopted: MSBA/MASA Model Policy 503

Reviewed: February 2015

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 make-up 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.
- (13) Religious Holidays

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 three days from the date of the student's return to school. For students in grades 6-12+, any work not completed within this period shall result in "no credit" for the missed assignment. However, the Dean of Students 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) Caring for siblings or other children at home
- (6) Missed Bus
- (7) 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 cumulated unexcused absences.

(3) In cases of recurring unexcused absences, the administration may also 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:

(a) After the third cumulated unexcused absence in a semester, a student's parent or guardian will be notified by certified mail that his or her child is nearing a total of four unexcused absences and that, after the fourth unexcused absence, a physician's note or other documentation may be required.

(b) After the seventh cumulated absence, whether excused or unexcused, a student's parent or guardian will be notified by mail that his or her child has a total of seven or more absences and may require a physician's note or other documentation for future excused absences.

(b) After such notification, the student or his or her parent or guardian may, within a reasonable time, request a conference with school officials regarding the student's absences and the prescribed discipline. The notification will state that the school strongly urges the student's parent or guardian to request such a conference.

C. Tardiness

1. Definition:

- a. Grades Pre K- 5th: A student is considered tardy if he/she arrives within 90 minutes after the start of the school day. A student will be considered absent for half day if he/she misses more than 90 minutes at the start or end of a school day.
- b. Grades 6-12+: Students are expected to be in their assigned areas 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 for students grades 6-12 + 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. Late Bus.
- h. Any tardiness for which the student has been excused in writing by an administrator or faculty member.

4. Unexcused Tardiness

Grades PK-5th:

- a. An unexcused tardiness is any tardiness that does not meet any of the valid excuses for excused tardiness as listed in this policy.

Grades 6-12+ :

- a. An unexcused tardiness is failing to be in an assigned area at the designated time class period commences without a valid excuse.
- b. Consequences of tardiness may include detention after 3 unexcused tardies.

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 for a full day, whether excused or unexcused, he/she will not be allowed to participate in after school activities or athletics that day.

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 Administrators' 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 child's enrolling or resident 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 17 years who is absent from attendance at school without lawful excuse for seven school days per school year if the child is in elementary school or for one or more class periods on seven school days per school year if the child is in middle school, junior high school, or high school, or a child who is 17 years of age who is absent from attendance at school without lawful excuse for one or more class periods on seven school days per school year 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.

504 STUDENT DRESS AND APPEARANCE

I. PURPOSE

The purpose of this policy is to enhance the education of students by establishing expectations of dress and grooming that are related to educational goals and community standards.

II. GENERAL STATEMENT OF POLICY

- A. It is the policy of District #4005 to encourage students to be dressed appropriately for school activities and in keeping with community standards. This is a joint responsibility of the student and the student's parent(s) or guardian(s).
- B. Appropriate clothing includes, but is not limited to, the following:
 - a. Clothing appropriate for the weather.
 - b. Clothing that does not create a health or safety hazard.
 - c. Clothing appropriate for the activity (i.e., physical education or the classroom).
- C. Inappropriate clothing includes, but is not limited to, the following:
 - a. "Short shorts," skimpy tank tops, tops that expose the midriff, and other clothing that is not in keeping with community standards.
 - b. Clothing bearing a message that is lewd, vulgar, or obscene.
 - c. Apparel promoting products or activities that are illegal for use by minors.
 - d. Objectionable emblems, badges, symbols, signs, words, objects or pictures on clothing or jewelry communicating a message that is racist, sexist, or otherwise derogatory to a protected minority group, evidences gang membership or affiliation, or approves, advances or provokes any form of religious, racial or sexual harassment and/or violence against other individuals as defined in District #4005' Harassment and Violence Policy #413.
 - e. Any apparel or footwear that would damage school property.
- D. Hats are not allowed to be worn in the building except with the approval of the Director (i.e., student undergoing chemotherapy; medical situations).
- E. It is not the intention of this policy to abridge the rights of students to express political, religious, philosophical, or similar opinions by wearing apparel on which such messages are stated. Such messages are acceptable as long as they are not lewd, vulgar, obscene, defamatory, profane or do not advocate violence or harassment against others.

- F. "Gang," as defined in this policy, means any ongoing organization, association or group of three or more persons, whether formal or informal, having as one of its primary activities the commission of one or more criminal acts, which has an identifiable name or identifying sign or symbol, and whose members individually or collectively engage in or whose members engaged in a pattern of criminal gang activity. "Pattern of gang activity" means the commission, attempt to commit, conspiring to commit, or solicitation of two or more criminal acts, provided the criminal acts were committed on separate dates or by two or more persons who are members of or belong to the same criminal street gang.

III. PROCEDURES

- A. When, in the judgment of the administration, a student's appearance, grooming, or mode of dress interferes with or disrupts the educational process or school activities, or poses a threat to the health or safety of the student or others, the student will be directed to make modifications or will be sent home for the day. Parents/guardians will be notified.
- B. The administration may recommend a form of dress considered appropriate for a specific event and communicate the recommendation to students and parents/guardians.
- C. Likewise, an organized student group may recommend a form of dress for students considered appropriate for a specific event and make such recommendation to the administration for approval.

506 STUDENT DISCIPLINE

I. PURPOSE

The purpose of this policy is to ensure that students are aware of and comply with District #4005's expectations for student conduct. Such compliance will enhance District #4005's ability to maintain discipline and ensure that there is no interference with the educational process. District #4005 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 Board recognizes that individual responsibility and mutual respect are essential components of the educational process. The 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. It is the position of District #4005 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 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 District #4005.

III. AREAS OF RESPONSIBILITY

- A. The Board. The Board holds all school personnel responsible for the maintenance of order within District #4005 and supports all personnel acting within the framework of this discipline policy.
- B. Executive Director. The Executive Director 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 Director 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 Board for approval and shall be attached as an addendum to this policy. The Director is also given the responsibility and authority to formulate building rules and regulations necessary to enforce this policy, subject to final Board approval. The Director shall give direction and support to all school personnel performing their duties within the framework of this policy. The Director shall consult with parents of students conducting themselves in a manner contrary to the policy. The Director 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 Director, 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.

- C. Dean of Students: The Dean of Students shall give direction and support to all school personnel performing their duties within the framework of this policy. The Dean of Students shall consult with parents of students conducting themselves in a manner contrary to the policy. The Dean of Students 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. The Dean of Students, 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 self or 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 Director/Other School Administrator. 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 employees 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 employees 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 District #4005. 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 or property immediately adjacent to school grounds; 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, school-sponsored activities, events, or trips. School district property also may mean a student's walking route to and from school for purposes of attending school or school-related functions, activities, or events. While prohibiting unacceptable behavior subject to disciplinary action at these locations and events, District #4005 does not represent that it will provide supervision or assume liability at these locations and events. 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 District #4005 or the safety or welfare of the student, other students, or employees.
 - a. 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;

- b. The use of profanity or obscene language, or the possession of obscene materials;
- c. Gambling, including, but not limited to, playing a game of chance for stakes;
- d. Violation of District #4005 Hazing Prohibition Policy #526;
- e. Attendance problems including, but not limited to, truancy, absenteeism, tardiness, skipping classes, or leaving school grounds without permission;
- f. Violation of District #4005 Student Attendance Policy #503;
- g. Opposition to authority using physical force or violence;
- h. Using, possessing, or distributing tobacco or tobacco paraphernalia;
- i. 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;
- j. 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 from a physician, including one student sharing prescription medication with another student;
- k. Using, possessing, or distributing items or articles that are illegal or harmful to persons or property including, but not limited to, drug paraphernalia;
- l. Using, possessing, or distributing weapons, or look-alike weapons or other dangerous objects;
- m. Violation of District #4005 Weapons Policy # 501;
- n. Violation of District #4005 Violence Prevention Policy;
- o. Possession of ammunition including, but not limited to, bullets or other projectiles designed to be used in or as a weapon;
- p. 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;
- q. 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;
- r. 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;
- s. Violation of any local, state or federal law as appropriate;

- t. 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;
- u. Violation of District #4005 Internet Acceptable Use and Safety Policy # 524;
- v. 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;
- w. Violation of school bus or transportation rules or the school bus safety policy;
- x. 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;
- y. Violation of directives or guidelines relating to lockers or improperly gaining access to a school locker;
- z. Violation of District 4005 Search of Student Lockers, Desks, Personal Possessions, and Student's Person Policy # 502;
- aa. Violation of District 4005 student Use and Parking of Motor Vehicles; Patrols, Inspections, and Searches Policy #527;
- bb. Possession or distribution of slanderous, libelous or pornographic materials;
- cc. Violation of District #4005 Bullying Prohibition Policy #514;
- dd. 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;
- ee. Criminal activity;
- ff. Falsification of any records, documents, notes or signatures;
- gg. Tampering with, changing, or altering records or documents of District #4005 by any method including, but not limited to, computer access or other electronic means;
- hh. 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;
- ii. Impertinent or disrespectful language toward teachers or other school district personnel;
- jj. Violation of District #4005 Harassment and Violence Policy #525;
- kk. 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;

- ll. Committing an act which inflicts great bodily harm upon another person, even though accidental or a result of poor judgment;
- mm. 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;
- nn. 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;
- oo. Physical or verbal threats including, but not limited to, the staging or reporting of dangerous or hazardous situations that do not exist;
- pp. 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;
- qq. Violation of school rules, regulations, policies, or procedures, including, but not limited to, those policies specifically enumerated in this policy;
- rr. Other acts, as determined by District #4005, 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 Metro Deaf School or the safety or welfare of students or employees.

VII. DISCIPLINARY ACTION OPTIONS

It is the general policy of District #4005 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 District #4005. At a minimum, violation of school district rules, regulations, policies or procedures will result in discussion of the violation and a verbal warning. District #4005 shall, however, impose more severe disciplinary sanctions for any violation, including exclusion or expulsion, if warranted by the student's misconduct, as determined by District #4005. Disciplinary action may include, but is not limited to, one or more of the following:

- A. Student conference with teacher, Executive Director/Other Administrator, school social worker 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. Expulsion under the Pupil Fair Dismissal Act;
- S. Exclusion under the Pupil Fair Dismissal Act; and/or
- T. Other disciplinary action as deemed appropriate by District #4005.

VIII. INAPPROPRIATE BEHAVIOR WILL BE MANAGED IN THE FOLLOWING WAYS

A. Prevention:

The school environment is designed to:

- a. provide a positive and pleasant atmosphere for students.
- b. meet the developmental level of the group.
- c. offer space for privacy and independence as well as group space.

B. Positive Redirection:

Employees will redirect unacceptable student behavior to acceptable behavior alternatives.

C. Modeling:

Employees will model appropriate behavior and actions. It is our hope that students will also provide positive modeling of appropriate behavior to others. Students will take responsibility for their actions.

D. Setting Limits:

Reasonable behavioral expectations are established for the school. Employees are expected to post

developmentally appropriate expectations/limits in a prominent place and review them with students so that.

- a. students understand and do what they are expected to do.
- b. consequences are applied consistently and appropriately.

E. Consequences:

In the case of unacceptable behavior (examples: stealing, hitting, swearing, running out of the room or excessive physical contact), District #4005's procedure is to first discuss the problem with the student. If the behavior persists, behavior does not change, or is very serious, the following steps may be considered (in order of seriousness and progression):

1. Parent(s) will be notified of the situation.
2. A "Behavioral Report" will be sent home, requiring parent signature and the report is returned to school.
3. Parent(s) will be called in for a conference/team meeting.
4. The student may be temporarily suspended/or in school suspension.
If the teacher(s) observe that the student's behavior is harmful or becomes a threat to the safety of self and/or, others the student may be suspended and the parent will be invited to a team meeting within five (5) days.

District #4005 employees may discipline students for conduct on buses, in the parking lot, on field trips, student activities, at competitions or related areas in the same manner as disciplined is imposed for conduct within the school building.

F. Discipline:

- a. District #4005 supports and encourages a proactive, positive discipline approach for children. Students should be encouraged to behave appropriately in a positive manner with reinforcement by teachers as needed. For severe discipline concerns, those needing support from an outside person, teachers and educational assistants may request support from a team leader and/or School Administration. Teams (e.g., primary, intermediate and middle school teams) shall meet and determine their discipline policies in order to maintain consistency between teachers in the event that students are taught by more than one teacher on a team. These policies shall be written up and distributed to all members of the team, students, and parents.
- b. Students who have special discipline plans will follow their individual plans.
- c. Students who have physically threatened or hurt another student or cause other disruptive problems on a continual basis, will be **suspended** or be **assigned ISS (in-school suspension)**, depending on severity of situation. ISS occurs with the School Administration. In this situation, School Administration will discuss the incident first with the student and teachers involved, then call the parent. If a student is suspended, he/she is removed from class and put into ISS; his/her parents are called to pick up their child as soon as possible. In the School Administration absence, the Team Leaders would assume the responsibility of disciplining the student and meeting with parents.

The suspended student will be re-admitted to class after meeting with School Administration and the School Social Worker. Parents are strongly encouraged to participate in this meeting, but the student's re-entry into school cannot be denied after the suspension has been served.

IX. REMOVAL OF STUDENTS FROM CLASS

- A. The teacher of record shall have the general control and government of the classroom. 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, School Administration, or other Metro Deaf School employee to prohibit a student from attending a class or activity period for a period of time not to exceed five days, pursuant to this discipline policy.

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

- a. Willful conduct that significantly disrupts the rights of others to an education, including conduct that interferes with a teacher's ability to teach or communicate effectively with students in a class or with the ability of other students to learn;
- b. Willful conduct that endangers surrounding persons, including school district employees, the student or other students, or the property of the school;
- c. Willful violation of any school rules, regulations, policies or procedures, including the Code of Student Conduct in this policy; or
- d. 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 activity period or class period of instruction for a given course of study and shall not exceed five such periods. A student must be removed from class immediately if the student engages in assault or violent behavior. "Assault" is an act done with intent to cause fear in another of immediate bodily harm or death; or the intentional infliction of, or attempt to inflict bodily harm upon another. The removal from class shall be for a period of time deemed appropriate by school administration in consultation with the teacher.

- B. If a student is removed from class, Metro Deaf School shall notify the parent or guardian of the student's 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.

X. 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.
- a. District #4005 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.
 - b. District #4005 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:
- a. Willful violation of any reasonable school board regulation, including those found in this policy;
 - b. Willful conduct that significantly disrupts the rights of others to an education, or the ability of school personnel to perform their duties, or school sponsored extracurricular activities; or
 - c. Willful conduct that endangers the student or other students, or surrounding persons, including school district employees, or property of the school.

C. Suspension Procedures

- a. "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 school days; provided, however, if a suspension is longer than five school days, the suspending administrator shall provide the Human Rights Officer and Board President with a reason for the longer term of suspension. This definition does not apply to dismissal for one school day or less, except as may be provided in federal law for a student with a disability.
- b. If a student's total days of removal from school exceeds ten cumulative days in a school year, Metro Deaf School shall make reasonable attempts to convene a meeting with the student and the student's parent or guardian prior to subsequently removing the student from school. The purpose of this meeting is to attempt to determine the pupil's need for assessment or other services.
- c. 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.
- d. In the case of a student with a disability, the student's individual education plan team shall meet immediately but not more than ten school days after the date on which the decision to remove the student from the student's current education placement is made. The individual education plan team shall, at the meeting, conduct a review of the relationship between the child's disability and the behavior subject to disciplinary action, and determine the appropriateness of the child's education plan.

The requirements of the individual education plan team meeting apply when: (1) the parent requests a meeting; (2) the student is removed from the student's current placement for five or more consecutive days; or (3) the student's total days of removal from the student's placement during the school year exceed ten cumulative days in a school year. The school

administration shall implement alternative educational services when the suspension exceeds five days. A separate administrative conference shall be conducted for each period of suspension.

- e. The school administration shall implement alternative educational services when the suspension exceeds five 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.
- f. 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.
- g. 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 hours of the conference.
- h. 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.
- i. 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 hours of the suspension. Service by mail shall be complete upon mailing.
- j. 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 days.

D. Expulsion and Exclusion Procedures

- a. "Expulsion" means a school board action to prohibit an enrolled student from further attendance for up to twelve months from the date the student is expelled. The authority to expel rests with the school board.
- b. "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.
- c. 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.

- d. 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.
- e. The student and parent or guardian shall be provided written notice of Metro Deaf School'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. District #4005 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).
- f. 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 District #4005, student, parent or guardian.
- g. 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.
- h. District #4005 shall record the hearing proceedings at district expense, and a party may obtain a transcript at its own expense.
- i. The student shall have a right to a representative of the student's own choosing, including legal counsel, at the student's sole expense. District #4005 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 District #4005 in any proceeding.
- j. 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.
- k. All expulsion or exclusion hearings shall take place before and be conducted by an independent hearing officer designated by District #4005. 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.
- l. At a reasonable time prior to the hearing, the student, parent or guardian, or authorized representative shall be given access to all District #4005's records pertaining to the student, including any tests or reports upon which the proposed dismissal action may be based.
- m. 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 District #4005.

- n. The student, parent or guardian, or authorized representative, shall have the right to present evidence and testimony, including expert psychological or educational testimony.
- o. The student cannot be compelled to testify in the dismissal proceedings.
- p. 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 days after the close of the hearing.
- q. 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 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.
- r. A party to an expulsion or exclusion decision made by the school board may appeal the decision to the Commissioner within twenty-one 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.
- s. District #4005 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.
- t. District #4005 shall report each expulsion or exclusion within thirty days of the effective date of the action to the Commissioner. This report shall 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 dismissal report must include state student identification numbers of affected students.
- u. Whenever a student fails to return to school within ten 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 District #4005.

XI. ADMISSION OR READMISSION PLAN

The Executive Director 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

XII. 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, School Administration or other school district official may provide additional notification as deemed appropriate.

XIII. STUDENT DISCIPLINE RECORDS

It is the policy of District #4005 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.

In addition, the school district must report, through the MDE electronic reporting system, each physical assault of a school district employee by a student within 30 days of the assault. This report must include a statement of the alternative educational services or other sanction, intervention, or resolution given to the student in response to the assault and the reason for, the effective date, and the duration of the exclusion or expulsion or other sanction, intervention, or resolution. The report also must include the student's age, grade, gender, race, and special education status.

XIV. DISABLED STUDENTS

Students who are currently identified as disabled under 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 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.

XV. OPEN ENROLLED STUDENTS

District #4005 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. District #4005 may also terminate the enrollment of a nonresident student over the age of sixteen enrolled under an Enrollment Options Program if the student is absent without lawful excuse for one or more periods on fifteen school days and has not lawfully withdrawn from school.

XVI. DISTRIBUTION OF POLICY

District #4005 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 the Administrative office.

XVII. REVIEW OF POLICY

The Executive Director and representatives of parents, students and staff 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 School Board President for consideration by the school board, which shall conduct an annual review of this policy.

511 STUDENT FUNDRAISING

I. PURPOSE

The purpose of this policy is to address student fundraising efforts.

II. GENERAL STATEMENT OF POLICY

The Board recognizes a desire and a need by some student organizations for fundraising. The Board also recognizes a need for some constraint to prevent fundraising activities from becoming too numerous and overly demanding on employees, students and the general public.

III. RESPONSIBILITY

- A. It shall be the responsibility of the School Administration to deem an activity acceptable by employees, parents and students. Fundraising must be conducted in a manner that will not result in embarrassment on the part of individual students, employees, or the school.
- B. All fundraising activities must be approved in advance by the School Administration. Participation in non-approved activities shall be considered a violation of school district policy.
- C. It shall be the responsibility of the School Administration to provide coordination of student fundraising throughout District #4005 as deemed appropriate.
- D. District #4005 expects all students who participate in approved fundraising activities to represent the school, the student organization and the community in a responsible manner. All rules pertaining to student conduct and student discipline extend to student fundraising activities.
- E. District #4005 expects all employees who plan, supervise, coordinate, or participate in student fundraising activities to act in the best interests of the students and to represent the school, the student organization, and the community in a responsible manner.

IV. ANNUAL REPORT

The Executive Director shall report to the Board, at least annually, on the nature and scope of student fundraising activities approved pursuant to this policy.

514 BULLYING PROHIBITION POLICY

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 District #4005 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 District #4005 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 District #4005 property and/or with or without the use of District #4005 resources.
- B. No teacher, administrator, volunteer, contractor, or other employee of District #4005 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 District #4005's policies and procedures, including District #4005's discipline policy (See Policy 506). District #4005 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. District #4005 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 District #4005, 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 District #4005 property and events.

- G. District #4005 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 District #4005 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, District #4005 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 and 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 the Dean of Students or Executive Director. A person may report bullying anonymously. However, District #4005 may not rely solely on an anonymous report to determine discipline or other remedial responses.
- B. District #4005 encourages the reporting party or complainant to use the report form available from the Dean of Students or available in the front office, but oral reports shall be considered complaints as well.
- C. The Dean of Students 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 Executive Director. If the complaint involves the Dean of Students, the complaint shall be made or filed directly with the Executive Director or the school district human rights officer by the reporting party or

complainant.

The Dean of Students 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 Dean of Students or a third party designated by the school district shall be responsible for the investigation. The Dean of Students 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 Dean of Students immediately. School district personnel who fail to inform the Dean of Students 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 Dean of Students, 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. District #4005 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 District #4005'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 Dean of Students or a third party designated by District #4005.
- B. The Dean of Students 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.
- D. 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. District #4005

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 (See Policy 506) and other applicable school district policies; and applicable regulations.

- E. District #4005 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, District #4005 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

District #4005 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, who 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. District #4005 shall discuss this policy with school personnel and volunteers and provide appropriate training to school district personnel regarding this policy. District #4005 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 within the first year of their employment with District #4005. District #4005 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. District #4005 shall require ongoing professional development, consistent with Minn. Stat. § 122A.60, 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 incidence and nature of cyberbullying; and
 5. Internet safety and cyberbullying.
- C. District #4005 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 District #4005 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 encouraged 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 other prohibited conduct; and
 7. Foster student collaborations that, in turn, foster a safe and supportive school climate.
- F. District #4005 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. District #4005 shall inform affected students and their parents 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).

VIII. NOTICE

- A. District #4005 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 offices of Metro Deaf 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 District #4005's website.
- F. The school district shall provide an electronic copy of its most recently amended policy to the Commissioner of Education.

IX. POLICY REVIEW

To the extent practicable, the school board shall, on a cycle consistent with other school district policies, review and revise this policy. The policy shall be made consistent with Minn. Stat. § 121A.031 and other applicable law. Revisions shall be made in consultation with students, parents, and community organizations.

515 PROTECTION AND PRIVACY OF PUPIL RECORDS

I. PURPOSE

District #4005 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 *the Executive Director*.

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

District #4005 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. District #4005 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, District #4005 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, District #4005 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

District #4005 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), an act of domestic or international terrorism as defined in 18 U.S.C. § 2331, or a parent is a party to a court proceeding involving child abuse and neglect or dependency matters, and the order is issued in the context of the proceeding. 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 District #4005 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 Administration and to the assigned staff on the mental health team 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. Administration must notify the assigned staff on the Mental Health team immediately and must place the disposition order in the student's permanent education record. The Dean of Students also must notify immediately any teacher or administrator who directly supervises or reports on the behavior or progress of the student whom administration 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. Administration may also notify other school district employees, substitutes, and volunteers who are in direct contact with the student if Administration 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 Administration 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 Mental Health Team staff, 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 school administration where the student attends if it is information from a peace officer's record of children received by the Executive Director under Minn. Stat. § 260B.171, Subd. 5. The Dean of Students must place the information in the student's education record. Administration also must notify immediately any teacher, mental health team staff, or administrator directly supervising the student whom Administration 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. Administration may also notify other district employees, substitutes, and volunteers who are in direct contact with the student if Administration 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 Administration 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 mental health team staff, 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.

Administration must delete the peace officer's record from the student's education record, destroy the data, and make reasonable efforts to notify any teacher, mental health team staff, 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 Executive Director 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.

22. To an agency caseworker or other representative of a State or local child welfare agency, or tribal organization (as defined in section 450b of Title 25), who has the right to access a student's case plan, as defined and determined by the State or tribal organization, when such agency or organization is legally responsible, in accordance with State or tribal law, for the care and protection of the student, provided that the education records, or the personally identifiable information contained in such records, of the student will not be disclosed by such agency or organization, except to an individual or entity engaged in addressing the student's education needs and authorized by such agency or organization to receive such disclosure and such disclosure is consistent with the State or tribal laws applicable to protecting the confidentiality of a student's education records.

C. Nonpublic School Students

District #4005 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," District #4005 may release records that only contain information about an individual obtained after he or she is no longer a student at District #4005 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

District #4005 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 District #4005 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 District #4005 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 District #4005 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. District #4005 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. District #4005 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, written copies of 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 District #4005. 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.

Regardless of whether a written report is made under Minn. Stat. § 626.556, Subd. 7, as soon as practicable after a school receives information regarding an incident that may constitute maltreatment of a child in a school facility, the school shall inform the parent, legal guardian, or custodian of the child that an incident occurred that may constitute maltreatment of the child, when the incident occurred, and the nature of the conduct that may constitute maltreatment.

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. District #4005 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 District #4005.

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 District #4005, 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 District #4005 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. District #4005 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 responsible authority *Executive Director* in writing by *September 30th* 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, District #4005 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, District #4005 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 District #4005 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. District #4005 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, District #4005 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 District #4005.

D. Notification

District #4005 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, District #4005 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 Dean of Students 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 Dean of Students 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. Administration, 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. District #4005 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. District #4005 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

District #4005 shall permit the parent of a student, an eligible student, or the parent of an eligible 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

District #4005 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 District #4005 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, District #4005 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 District #4005 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

District #4005 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. District #4005 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, District #4005 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 District #4005 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. District #4005 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 District #4005 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 District #4005 refuses to amend the education records of a student, District #4005, 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, District #4005 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, District #4005 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 District #4005 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 District #4005 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 District #4005 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 District #4005 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. District #4005 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 *Jennifer Sweat, Business Office Manager*.
- 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.

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. District #4005 may not require such a waiver.

XIX. ANNUAL NOTIFICATION OF RIGHTS

A. Contents of Notice

District #4005 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 District #4005 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 Executive Director.

Adopted: February 2006

MSBA/MASA Model Policy 516

Revised: May 2018

516 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

District #4005 acknowledges that some students may require prescribed drugs or medication during the school day. District #4005's Health Aide will administer prescribed medications, except any form of medical cannabis, 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.
- B. A "Medication at School Permission" form must be completed annually (once per school year) and/or when a change in the prescription or requirements for administration occurs. Prescription medication as used in this policy does not include any form of medical cannabis as defined in Minn. Stat.152.22, Subd. 6.
- C. Prescription medication must come to school in an original container labeled for the student by a pharmacist in accordance with the law, and must be administered in a manner consistent with the instructions on the label.
- D. The Health Aide 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 Health Aide. Exceptions to this requirement are: prescription asthma medications self-administered with an inhaler (See Part I, e. . below), and medications administered as noted in a written agreement between District #4005 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 Health Aide shall be responsible for the filing of the "Medication at School Permission" form in the health records section of the student file. The Health Aide shall be responsible for providing a copy of such form to the Executive Director and other personnel designated to administer the medication.
- I. Specific Exceptions:
 - a. Special health treatments and health functions such as catheterization, tracheostomy suctioning, and gastrostomy feedings do not constitute administration of drugs and medicine;
 - b. Emergency health procedures, including emergency administration of drugs and medicine are not subject to this policy;
 - c. 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;
 - d. Drugs or medicines that are prescription asthma or reactive airway disease medications can be self-administered by a student with an asthma inhaler if:
 - 1. District #4005 has received a written authorization from the pupil's parent permitting the student to self-administer the medication;
 - 2. the inhaler is properly labeled for that student; and
 - 3. 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. 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.

- e. Medications:
 - 1. that are used off school grounds;
 - 2. that are used in connection with athletics or extracurricular activities; or
 - 3. that are used in connection with activities that occur before or after the regular school day are not governed by this policy.
- f. Non Prescription 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,

- g. 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 epinephrine auto-injectors that enables the student to:
 1. possess epinephrine auto-injectors; or
 2. if the parent and prescribing medical professional determine the student is unable to possess the epinephrine, have immediate access to epinephrine auto-injectors 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 epinephrine auto-injectors when required, consistent with state law. This health plan may be included in a student's § 504 plan or IEP.

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

K. Districts and schools may obtain and possess epinephrine auto-injectors to be maintained and administered by school personnel to a student or other individual if, in good faith, it is determined that person is experiencing anaphylaxis regardless of whether the student or other individual has a prescription for an epinephrine auto-injector. The administration of an epinephrine auto-injector in accordance with this section is not the practice of medicine. A district or school may enter into arrangements with manufacturers of epinephrine auto-injectors to obtain epinephrine auto-injectors at fair-market, free, or reduced prices. A third party, other than a manufacturer or supplier, may pay for a school's supply of epinephrine auto-injectors.

521 STUDENT DISABILITY NONDISCRIMINATION

I. PURPOSE

The purpose of this policy is to protect disabled students from discrimination on the basis of disability and to identify and evaluate learners who, within the intent of Section 504 of the Rehabilitation Act of 1973, need special services, accommodations, or programs in order that such learners may receive a free appropriate public education.

II. GENERAL STATEMENT OF POLICY

- A. Disabled students who meet the criteria of Paragraph C are protected from discrimination on the basis of a disability.
- B. It is the responsibility of District #4005 to identify and evaluate learners who, within the intent of Section 504 of the Rehabilitation Act of 1973, need special services, accommodations, or programs in order that such learners may receive a free appropriate public education.
- C. For this policy, a learner who is protected under Section 504 is one who:
 - a. has a physical or mental impairment that substantially limits one or more major life activities, including learning; or
 - b. has a record of such impairment; or
 - c. is regarded as having such impairment.
- D. Learners may be protected from disability discrimination and be eligible for services, accommodations, or programs under the provisions of Section 504 even though they are not eligible for special education pursuant to the Individuals with Disabilities Education Act.

III. COORDINATOR

Persons who have questions or comments, ~~or complaints~~ should contact District #4005's ADA/504 Coordinator, Kelly Anderson at 651-224-3995, regarding grievances or hearing requests regarding disability issues. Persons who wish to make a complaint regarding a disability discrimination matter may use the accompanying Student Disability Discrimination Grievance Report Form. The form should be given to the ADA/ Section 504 coordinator.

STUDENT DISABILITY DISCRIMINATION GRIEVANCE REPORT FORM

General Statement of Policy Prohibiting Disability Discrimination

Independent School District # 4005 maintains a firm policy prohibiting all forms of discrimination on the basis of a disability. All persons are to be treated with respect and dignity. Discrimination on the basis of a disability will not be tolerated under any circumstances.

Complainant: _____ Home
Address: _____ Work
Address: _____ Home
Phone: _____ Work Phone: _____

I have been discriminated against based on (choose one or more): [my disability] / [a record of my disability] / [being regarded as having a disability] because _____

Date of alleged incident(s): _____

Name of person you believe discriminated against you or another person: _____

If the alleged discrimination was toward another person, identify that person: _____

Describe the incident(s) as clearly as possible, including such things as: any verbal statements; what, if any, physical contact was involved; etc. (attach additional pages if necessary): _____

Location of the incident(s): _____

List any witnesses that were present: _____

This complaint is filed based on my honest belief that _____ has discriminated against me or another person based on a disability. I hereby certify that the information I have provided in this complaint is true, correct, and complete to the best of my knowledge and belief.

(Complainant Signature)

(Date)

Received by: _____ (Date _____)

522 STUDENT SEX NONDISCRIMINATION

I. PURPOSE

Students are protected from discrimination on the basis of sex pursuant to Title IX of the Education Amendments of 1972 and the Minnesota Human Rights Act. The purpose of this policy is to provide equal educational opportunity for all students and to prohibit discrimination on the basis of sex.

II. GENERAL STATEMENT OF POLICY

- A. District #4005 provides equal educational opportunity for all students, and does not unlawfully discriminate on the basis of sex. No student will be excluded from participation in, denied the benefits of, or otherwise subjected to discrimination under any educational program or activity operated by District #4005 on the basis of sex.
- B. Every school district employee shall be responsible for complying with this policy.
- C. The school board hereby designates Dr. Susan Lane-Outlaw, Executive Director, 1471 Brewster Street, St. Paul, MN 55108, 651-259-1050 slaneoutlaw@mdsmn.org as its Title IX coordinator. This employee coordinates District #4005's efforts to comply with and carry out its responsibilities under Title IX.
- D. Any student, parent or guardian having questions regarding the application of Title IX and its regulations and/or this policy should discuss them with the Title IX coordinator. Questions relating solely to Title IX and its regulations may be referred to the Assistant Secretary for Civil Rights of the United States Department of Education. In the absence of a specific designee, an inquiry or complaint should be referred to the School Board President or human rights officer.

III. REPORTING GRIEVANCE PROCEDURES

- A. Any student who believes he or she has been the victim of unlawful sex discrimination by a teacher, administrator or other school district personnel, or any person with knowledge or belief of conduct which may constitute unlawful sex discrimination toward a student should report the alleged acts immediately to an appropriate school district official designated by this policy or may file a grievance. District #4005 encourages the reporting party or complainant to use the report form available from the Executive Director or available from District #4005 office, but oral reports shall be considered complaints as well. Nothing in this policy shall prevent any person from reporting unlawful sex discrimination toward a student, directly to the Human Rights officer or to the Executive Director.
- B. The Executive Director or designee is the person responsible for receiving oral or written reports or grievances of unlawful sex discrimination toward a student at the building level. Any adult school district personnel who receives a report of unlawful sex discrimination toward a student shall inform the Executive Director immediately.
- C. Upon receipt of a report or grievance, the Executive Director must notify the school district human

rights officer immediately, without screening or investigating the report. The Executive Director 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 Executive Director to the human rights officer. If the report was given verbally, the Executive Director or designee shall personally reduce it to written form within 24 hours.. Failure to forward any report or complaint of unlawful sex discrimination toward a student as provided herein may result in disciplinary action against the Executive Director. If the complaint involves the Executive Director or designee, the complaint shall be made or filed directly with the School Board President or District #4005 human rights officer by the reporting party or complainant.

- D. The Board hereby designates Dean of Students, Melissa Sweetmilk as District #4005's human rights officer to receive reports, complaints or grievances of unlawful sex discrimination toward a student. If the complaint involves the human rights officer, the complaint shall be filed directly with the Executive Director
- E. District #4005 shall conspicuously post the name of the Title IX coordinator and human rights officer, including office mailing addresses, telephone numbers, and email address.
- F. Submission of a good faith complaint, grievance or report of unlawful sex discrimination toward a student will not affect the complainant or reporter's future employment, grades or work assignments.
- G. Use of formal reporting forms is not mandatory.
- H. District #4005 will respect the privacy of the complainant, the individual(s) against whom the complaint is filed, and the witnesses as much as possible, consistent with District #4005's legal obligations to investigate, to take appropriate action, and to conform with any discovery or disclosure obligations.

IV. INVESTIGATION

- A. By authority of District #4005, the human rights officer, upon receipt of a report, complaint or grievance alleging unlawful sex discrimination toward a student shall promptly undertake or authorize an investigation. The investigation may be conducted by school district officials or by a third party designated by District #4005.
- 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, District #4005 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, District #4005 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 unlawful sex discrimination toward a student.
- E. The investigation will be completed as soon as practicable. If the complaint involves the Executive Director, 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.

V. SCHOOL DISTRICT ACTION

- A. Upon conclusion of the investigation and receipt of a report, District #4005 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 Minnesota and federal law and school district policies.
- B. The result of District #4005's investigation of each complaint filed under these procedures will be reported in writing to the complainant by District #4005 in accordance with state and federal law regarding data or records privacy.

VI. REPRISAL

District #4005 will discipline or take appropriate action against any pupil, teacher, administrator or other school personnel who retaliates against any person who reports alleged unlawful sex discrimination toward a student 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 unlawful sex discrimination. Retaliation includes, but is not limited to, any form of intimidation, reprisal or harassment.

VII. 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, or contacting the Office of Civil Rights for the United States Department of Education.

VIII. DISSEMINATION OF POLICY AND EVALUATION

- A. This policy shall be made available to all students, parents/guardians of students, employees and organizations.
- B. District #4005 shall review this policy and District #4005's operation for compliance with state and federal laws prohibiting discrimination on a continuous basis.

524 INTERNET and OTHER DEVICES ACCEPTABLE USE AND SAFETY POLICY

I. PURPOSE

The purpose of this policy is to set forth policies, parameters and guidelines for student access to and use of the district's electronic technologies, use of personal electronic devices within the district, electronic communications, use of the district's network, Internet, and social networking tools.

II. GENERAL STATEMENT OF POLICY

In making decisions regarding student access to District #4005's computer network, use of electronic technologies and Internet, District #4005 considers its own stated educational mission, goals, and objectives. Electronic information research skills are now fundamental to preparation of citizens and future employees. Access to District #4005's computer network and to the Internet enables students to explore thousands of libraries, databases web pages, and other online resources while exchanging messages with people around the world. District #4005 expects that faculty will blend safe and thoughtful use of District #4005's computer network, educational technologies and the Internet throughout the curriculum and will provide guidance and instruction to students in their use.

III. LIMITED EDUCATIONAL PURPOSE

District #4005's purpose in providing students with access to District #4005's electronic technologies or use of personal technology devices is more specific than providing students with general access to the Internet. District #4005's electronic technologies have a limited educational purpose, which include:

- A. Use of the electronic technologies for classroom activities, educational research, and professional or career development activities.
- B. Users are expected to use electronic technologies through the district network to further educational and professional goals consistent with the mission of District #4005 and school policies.
- C. Uses which might be acceptable on a user's private personal account on another network may not be acceptable on this limited-purpose network.
- D. The district's network, an educational technology, is a limited forum; the district may restrict the content of speech and the use of the network so that the technology is used in support of the district's educational mission and goals.

IV. USE OF SYSTEM IS A PRIVILEGE (Guidelines in Use of Electronic Technologies)

The use of District #4005's electronic technologies and access to use of the Internet is a privilege, not a right.

Depending on the nature and degree of the violation and the number of previous violations, unacceptable use of District #4005's electronic technologies or access to the Internet may result in one or more of the following consequences: suspension or cancellation of use or access privileges; charges for damages and repairs; discipline under other appropriate school district policies, including suspension, or expulsion; or civil or criminal liability under other applicable laws.

- A. Electronic technologies are assets of the district and are protected from unauthorized access, modification, destruction or disclosure. Use of personal devices, while on district property, is subject to all policies and guidelines, as applicable, plus any state and federal laws related to Internet use, including copyright laws.
- B. The district reserves the right to monitor, read or copy any item on or using the district's electronic technologies, including its network.
- C. Students will not vandalize, damage or disable any electronic technology or system, security system or firewall used by the district.
- D. By authorizing use of the district system, the district does not relinquish control over materials on the system or contained in files on the system. Users should not expect privacy in the contents of personal files maintained on the district system.
- E. Routine maintenance and monitoring of electronic technologies, including the district network, may lead to a discovery that a user has violated this policy, another school district policy or the law.

V. UNACCEPTABLE USES OF ELECTRONIC TECHNOLOGIES AND DISTRICT NETWORK

- A. The following uses of District #4005's electronic technologies while either on/off district property and/or personal electronic technologies while on district property and access to the Internet are considered unacceptable:
 - a. Users will not use District #4005's electronic technologies to create, access, review, upload, download, store, print, post, receive, transmit or distribute:
 - 1. pornographic, obscene or sexually explicit material or other visual depictions;
 - 2. obscene, abusive, profane, lewd, vulgar, rude, inflammatory, threatening, disrespectful, or sexually explicit language;
 - 3. materials that use language or images that are inappropriate in the education setting or disruptive to the educational process;
 - 4. information or materials that could cause damage or danger of disruption to the educational process;
 - 5. materials that use language or images that advocate violence or discrimination toward other people (hate literature) or that may constitute harassment or discrimination or threatens the safety of others;
 - 6. orders for shopping online; and
 - 7. storage of personal photos, videos, music or files not related to educational purposes.

- b. Users will not use District #4005's electronic technologies to knowingly or recklessly post, transmit or distribute false or defamatory information about a person or organization, or to harass another person, or to engage in personal attacks, including prejudicial or discriminatory attacks.
- c. Users will not use District #4005's electronic technologies to engage in any illegal act or violate any local, state or federal statute or law.
- d. Users will not use District #4005's electronic technologies to support or oppose any candidate for public office.
- e. Users will not use District #4005's electronic technologies to vandalize, damage or disable the property of another person or organization, will not make deliberate attempts to degrade or disrupt equipment, software or system performance by spreading computer viruses, engaging in "spamming" or by any other means, will not tamper with, modify or change District #4005 system software, hardware or wiring or take any action to violate District #4005's security system, and will not use District #4005's system in such a way as to disrupt the use of the system by other users.
- f. Users will not use District #4005's electronic technologies to gain unauthorized access to information or resources, or to access another person's materials, information or files without the permission of that person.
- g. Users will not use District #4005's electronic technologies to delete a student or employee file.
- h. Users will not use District #4005's electronic technologies to share private information about themselves or another person, including but not limited to personal contact information about themselves or other persons, or other personally identifiable information, including, but not limited to, addresses, telephone numbers, school addresses, work addresses, identification numbers, account numbers, access codes or passwords, labeled photographs or other information that would make a person's identity easily traceable.
 - 1. This paragraph does not prohibit the posting of employee contact information on school district web pages or communications between employees and other individuals when such communications are made for education-related purposes (i.e., communications with parents or other staff members related to students).
 - 2. Employees creating or posting school-related web pages may include personal contact information about themselves on a webpage. However, employees may not post personal contact information or other personally identifiable information about students unless:
 - a. Such information is classified by the school district as directory information and verification is made that the school district has not received notice from a parent/guardian or eligible student that such information is not to be designated as directory information in accordance with Policy 515; or
 - b. Such information is not classified by District #4005 as directory information but written consent for release of the information to be posted has been obtained from a parent/guardian or eligible student in accordance with Policy 515.
 - 3. These prohibitions specifically prohibit a user from utilizing the school district system to post personal information about a user or another individual on social networks, including, but not limited to, social networks such as "Twitter" and "Facebook."

- i. Users will not repost or resend a message that was sent to the user privately without the permission of the person who sent the message.
 - j. Users must keep all account information and passwords on file with the designated school district official. Users will not attempt to gain unauthorized access to District #4005's system or any other system through the use of District #4005's electronic technologies, attempt to log in through another person's account, or use computer accounts, access codes or network identification other than those assigned to the user. Messages and records on District #4005's system may not be encrypted without the permission of appropriate school authorities.
 - k. Users will not use District #4005's system to violate copyright laws or usage licensing agreements, or otherwise use another person's property without the person's prior approval or proper citation, including the downloading or exchanging of pirated software or copying software to or from any school computer, and will not plagiarize works they find on the Internet.
 - 1. Users will not use another person's property without the person's prior approval or proper citation;
 - 2. Users will not download, copy or exchange pirated software including freeware and shareware; and
 - 3. Users will not plagiarize works found on the Internet or other information resources.
 - l. Users will not use District #4005's electronic technologies for conducting business, for unauthorized commercial purposes or for financial gain unrelated to the mission of District #4005. Users will not use District #4005's electronic technologies to offer or provide goods or services or for product advertisement. Users will not use District #4005's electronic technologies to purchase goods or services for personal use without authorization from the administration.
 - m. Users will not use District #4005's electronic technologies to engage in bullying or cyberbullying in violation of District #4005's Bullying Prohibition Policy (#514). This prohibition includes using any technology or other electronic communication off school premises to the extent that student learning or the school environment is substantially or materially disrupted.
- B. A student engaging in any of the foregoing unacceptable uses of the Internet when off District #4005 premises and without the use of District #4005's system also may be in violation of this policy as well as other District #4005 policies. In situations when District #4005 receives a report of an unacceptable use by a student originating from a non-school computer or resource, District #4005 shall investigate such reports to the best of its ability. Students may be subject to disciplinary action for such conduct including, but not limited to, suspension or cancellation of the use or access to District #4005's computer system and the Internet and discipline under other appropriate District #4005 policies, including suspension, or expulsion.
- C. If a user inadvertently accesses unacceptable materials or an unacceptable Internet site, the user shall immediately disclose the inadvertent access to an appropriate school district official. This disclosure may serve as a defense against an allegation that the user has intentionally violated this policy. In certain rare instances, a user also may access otherwise unacceptable materials if necessary to complete an assignment and if done with the prior approval of and with appropriate guidance from the appropriate teacher.

VI. FILTER

- A. District #4005's computers with Internet access and available for student use will be equipped to restrict, by use of available software filtering technology or other effective methods, all student access to materials that are reasonably believed to be obscene, child pornography or harmful to minors under state or federal law.
- B. District #4005's computers with Internet access, not just those accessible and available to students, will be equipped to restrict, by use of available software filtering technology or other effective methods, adult access to materials that are reasonably believed to be obscene or child pornography under state or federal law.
- C. With respect to any of its computers with Internet access, and personal devices accessing the district network, the district will follow the guidelines provided by the Children's Internet Protection Act, and will monitor the online activities of users and employ technology protection measures during any use of such computers by users. The technology protection measures utilized will block or filter Internet access to any visual depictions that are:
 - a. Obscene;
 - b. Child pornography; or
 - c. Harmful to minors.
- D. The term "harmful to minors" means any picture, image, graphic image file, or other visual depiction that:
 - a. Taken as a whole and with respect to minors, appeals to a prurient interest in nudity, sex or excretion; or
 - b. Depicts, describes, or represents, in a patently offensive way with respect to what is suitable for minors, an actual or simulated sexual act or sexual contact, actual or simulated normal or perverted sexual acts or a lewd exhibition of the genitals; and
 - c. Taken as a whole, lacks serious literary, artistic, political or scientific value as to minors.
 - d. Software filtering technology shall be narrowly tailored and shall not discriminate based on viewpoint.
 - e. An Administrator, supervisor, or other person authorized by the Executive Director may disable the technology protection measure, during use by an adult, to enable access for bona fide research or other lawful purposes.
 - f. District #4005 will educate students about appropriate online behavior, including interacting with other individuals on social networking websites and in chat rooms and cyberbullying awareness and response.;

VII. CONSISTENCY WITH OTHER SCHOOL POLICIES

Use of District #4005's electronic technologies and use of the Internet shall be consistent with District #4005 policies and the mission of District #4005.

VIII. LIMITED EXPECTATION OF PRIVACY

- A. By authorizing use of District #4005's system, District #4005 does not relinquish control over materials on the system or contained in files on the system. Users should expect only limited privacy in the contents of personal files on District #4005's system.
- B. Routine maintenance and monitoring of District #4005's system may lead to a discovery that a user has violated this policy, another school district policy, or the law.
- C. An individual investigation or search will be conducted if school authorities have a reasonable suspicion that the search will uncover a violation of law or school district policy.
- D. A parent or legal guardian has the right at any time to investigate or review the contents of his or her child's files and e-mail files. Such persons have the right to request the termination of his or her child's individual account at any time.
- E. District #4005 will cooperate fully with local, state and federal authorities in any investigation concerning or related to any illegal activities or activities not in compliance with school district policies conducted through District #4005's system.

IX. INTERNET USE AGREEMENT

- A. The proper use of the Internet and educational technologies and the educational value to be gained from proper usage is the joint responsibility of students, parents and employees of District #4005.
- B. This policy requires the permission of and supervision by the school's designated professional staff before a student may use a district account or educational technologies to access the Internet.
- C. The Internet use agreement form (see Appendix I) for students must be read and signed by the student and a parent or guardian. The agreement must be signed before the student may be granted access to the Internet via the district network. The forms will be retained electronically or physically by the district.
- D. A physical or electronic signature is required when the student begins in the district, in 3rd grade, in 6th grade and in 10th grade.

X. LIMITATION ON SCHOOL DISTRICT LIABILITY

Use of District #4005's electronic technologies is at the user's own risk. The system is provided on an "as is, as available" basis. District #4005 will not be responsible for any damage users may suffer, including, but not limited to, loss, damage or unavailability of data stored on school district CDs, tapes, hard drives or servers, or for delays or changes in or interruptions of service or misdeliveries or nondeliveries of information or materials, regardless of the cause. District #4005 is not responsible for the accuracy or quality of any advice or information obtained through or stored on District #4005's system. District #4005 will not be responsible for financial obligations arising through unauthorized use of District #4005's system or the Internet.

XI. USER NOTIFICATION

- A. All users shall be notified via a written statement of District #4005 policies relating to Internet use. This notification shall include the following:
 - a. Notification that Internet use is subject to compliance with school district policies.

- b. Disclaimers limiting District #4005's liability relative to:
 - 1. Information stored on school district CDs hard drives or servers.
 - 2. Information retrieved through school district computers, networks or online resources.
 - 3. Personal property used to access school district computers, networks or online resources.
 - 4. Unauthorized financial obligations resulting from use of school district resources/accounts to access the Internet.
- c. A description of the privacy rights and limitations of school sponsored/managed Internet accounts.
- d. Notification that the collection, creation, reception, maintenance and dissemination of data via the Internet, including electronic communications, is governed by Policy 406, Public and Private Personnel Data, and Policy 515, Protection and Privacy of Pupil Records.
- e. Notification that, should the user violate District #4005's acceptable use policy, the user's access privileges may be revoked, school disciplinary action may be taken and/or appropriate legal action may be taken.
- f. Notification that all provisions of the acceptable use policy are subordinate to local, state and federal laws.
- g. Family Notification
 - 1. Notification that, even though District #4005 may use technical means to limit student Internet access, these limits do not provide a foolproof means for enforcing the provisions of this acceptable use policy.
 - 2. Notification that goods and services can be purchased over the Internet that could potentially result in unwanted financial obligations and that any financial obligation incurred by a student through the Internet is the sole responsibility of the student and/or the student's parents/guardian.

XII. PARENTS' RESPONSIBILITY; NOTIFICATION OF STUDENT INTERNET USE

- A. Outside of school, parents bear responsibility for the same guidance of Internet use as they exercise with information sources such as television, telephones, radio, movies and other possibly offensive media. Parents are responsible for monitoring their student's use of District #4005 electronic technologies and of the Internet if the student is accessing District #4005's system from home or a remote location.
- B. Parents will be notified that their student will be using school district resources/accounts to access the Internet and that District #4005 will provide parents the option to request alternative activities not requiring Internet access. This notification should include:
 - a. A copy of the user notification form provided to the student user.

- b. A description of parent/guardian responsibilities.
- c. A notification that the parents have the option to request alternative educational activities not requiring Internet access and the material to exercise this option.
- d. A statement that the Internet Use Agreement must be signed by the user, and the parent or guardian prior to use by the student.
- e. A statement that District #4005's acceptable use policy is available for parental review.

XIII. OTHER DEVICES

Guest Access and Internet Use

- A. The district may decide to allow certain guests access to the district's open wireless network where to do so support's the district's mission and programs. Guest access is subject to all district policies and guidelines, plus any state and federal laws related to Internet use, including copyright laws.
- B. Guest access provides limited bandwidth, filtered for the following services:
 - a. Web access (http and https)
 - b. Email services (pop, imap)
 - c. Virtual private network services (VPN)
- C. Limited technical support is provided for guest access and is identified in the service level agreement found on the district technology website.

District Web Presence

The district website was established to provide a learning experience for employees and students and to provide a venue for communications with parents and the community.

- A. District Website
 - a. The district will establish and maintain a website. The website will include information regarding the district, its schools, district curriculum, extracurricular activities and community education.
 - b. The executive director will appoint staff, who will be responsible for maintaining the district's website.
 - c. All website content will support and promote the district's mission, goals and strategic direction.
 - d. The district's website will provide parents with a web portal to classroom related calendars, grades, attendance, assignments and resources.
- B. Department and Noninstructional Web Content Purporting to Represent the District

- a. Departments and noninstructional programs may also create web content, which represent the district, including web pages to support their departments or programs.
 - b. When the web content, including web pages, purports to represent the district, the establishment of web pages must be approved by the program administrator.
 - c. Once established, the individual departments or programs with a web page representing the district must appoint a district employee(s) who will maintain the web page.
- C. District Activity Web Content Not Purporting to Represent the District
- a. A webpage that refers to the district or district activities but does not purport to represent the school, must include a clear and easily readable disclaimer saying that the views expressed on the webpage are not those of the district.
 - b. The District will not monitor these non-district webpages, but will investigate reports/complaints of illegal behavior or behavior that would violate this Policy.

XIV. IMPLEMENTATION; POLICY REVIEW

- A. District #4005's administration may develop appropriate user notification forms, guidelines and procedures necessary to implement this policy for submission to the Board for approval. Upon approval by the Board, such guidelines, forms and procedures shall be an addendum to this policy.
- B. The administration shall revise the user notifications, including student and parent notifications, if necessary, to reflect the adoption of these guidelines and procedures.
- C. District #4005's Internet policies and procedures are available for review by all parents, guardians, employees and members of the community.
- D. Because of the rapid changes in the development of the Internet, the Board shall conduct an annual review of this policy.

Revised: May 2015

525 VIOLENCE PREVENTION

I. PURPOSE

The purpose of this policy is to recognize that violence has increased and to identify measures that District #4005 will take in an attempt to maintain a learning and working environment that is free from violent and disruptive behavior.

District #4005 is committed to promoting healthy human relationships and learning environments that are physically and psychologically safe for all members of the school community. It further believes that students are the first priority and they should be protected from physical or emotional harm during school activities, and on school grounds, buses or field trips while under school district supervision.

II. GENERAL STATEMENT OF POLICY

- A. District #4005 strictly enforces its Weapons Policy #501.
- B. It is the policy of District #4005 to act promptly in investigating all acts, or formal or informal complaints, of violence and take appropriate disciplinary action against any student or staff member who is found to have violated this policy or any related policy.
- C. The administration will periodically review discipline policies and procedures, prepare revisions if necessary, and submit them to the school board for review and adoption.
- D. District #4005 will implement approved violence prevention strategies to promote safe and secure learning environments, to diminish violence in our schools, and to aid in the protection of children whose health or welfare may be jeopardized through acts of violence.

III. IMPLEMENTATION OF POLICY

- A. The school board will review and approve policies to prevent and address violence in our schools. The Executive Director will develop procedures to effectively implement the school weapons and violence prevention policies. It shall be incumbent on all students and staff to observe all policies and report violations to the school administration.
- B. The school board and administration will inform staff and students annually of policies and procedures related to violence prevention and weapons.
- C. District #4005 will act promptly to investigate all acts and formal and informal complaints of violence and take appropriate disciplinary action against any student or staff member who is found to have violated this policy or any related policy.
- D. The consequences set forth in the School Weapons Policy #501 will be imposed upon any student or nonstudent who possesses, uses or distributes a weapon when in school location.

- E. The consequences set forth in the School Hazing Policy #526 will be imposed upon any student or staff member who commits an act against a student or staff member; or coerces a student or staff member into committing an act, that creates a substantial risk of harm to a person in order for the student or staff member to be initiated into or affiliated with an organization, or for any other purpose.
- F. Students with disabilities may be expelled for behavior unrelated to their disabilities, subject to the procedural safeguards required by the Individuals with Disabilities Education Act (IDEA), Section 504 of the Rehabilitation Act of 1973, and the Pupil Fair Dismissal Act.
- G. Procedures will be developed for the referral of any person in violation of this policy or the weapons policy to the local law enforcement agency in accordance with Minn. Stat. § 121A.05.
- H. Students who wear objectionable emblems, signs, words, objects, or pictures on clothing communicating a message that is racist, sexist, or otherwise derogatory to a protected minority group or which connotes gang membership or that approves, advances, or provokes any form of religious, racial or sexual harassment or violence against other individuals as defined in the harassment and Violence Policy #413 will be subject to the procedures set forth in the Student Dress and Appearance Policy #504. "Gang" as used in this policy means any ongoing organization, association or group of three or more persons, whether formal or informal, having as one of its primary activities, the commission of one or more criminal acts, which has an identifiable name or identifying sign or symbol, and whose members individually or collectively engage in or whose members engaged in a pattern of criminal gang activity. A "pattern of gang activity" means the commission, attempt to commit, conspiring to commit, or solicitation of two or more criminal acts, provided the criminal acts were committed on separate dates or by two or more persons who are members of or belong to the same criminal street gang.
- I. This policy is not intended to abridge the rights of students to express political, religious, philosophical, or similar opinions by wearing apparel on which such messages are stated. Such messages are acceptable as long as they are not lewd, vulgar, obscene, defamatory, profane, denote gang affiliation, advocate harassment or violence against others, are likely to disrupt the education process, or cause others to react in a violent or illegal manner.

IV. PREVENTION STRATEGIES

District #4005 has adopted and will implement the following prevention strategies to promote safe and secure learning environments, to diminish violence in our schools, and to aid in the protection of children whose health or welfare may be jeopardized through acts of violence.

- A. Adopt a crisis management policy to address potential violent crisis situations in the school.
- B. Provide training in recognition, prevention, and safe responses to violence, and development of a positive school climate.
- C. In-service training for personnel in aspects of reporting, visibility and supervision as deterrents to violence.
- D. Promote student safety responsibility by encouraging the reporting of suspicious individuals and unusual activities on school grounds.
- E. Establish a curriculum committee that explores ways of teaching students violence prevention strategies, law-related education and character/ values education (universal values, e.g. honesty, personal responsibility, self-discipline, cooperation and respect for others.)

- F. Establish clear school rules that prevent and deter violence.
- G. Develop curriculum that teaches social skills such as maintaining self-control, building communications skills, forming friendships, resisting peer pressure, being appropriately assertive, forming positive relationships with adults, and resolving conflict in nonviolent ways.
- H. Develop cross-cultural awareness programs to unify students of all cultures and backgrounds, to develop mutual respect and understanding of shared experiences and values among students, and to promote the message of inclusion.
- I. Develop curriculum that teaches critical viewing and thinking skills in analyzing mass media to recognize stereotypes, distinguish fact from fantasy and identify differences in behavior and values that conflict with their own.
- J. Require all visitors to check-in the main office upon their arrival and state their business at the school. A visitor badge may be issued for easy identification that the visitor is authorized to be present in the school building.
- K. Develop curriculum 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.

V. STUDENT SUPPORT

- A. Students will have access to school-based student service professionals, when available, including a social worker and psychologist who are knowledgeable in methods to assist students with violence prevention and intervention.
- B. Students will be apprised of school board policies designed to protect their personal safety.
- C. Students will be provided with information as to District #4005's rules regarding weapons and violence.
- D. Students will be informed of resources for violence prevention and proper reporting.

VI. PERSONNEL

- A. School personnel shall comply with the Weapons Policy #501 and the Hazing Policy #526.
- B. School personnel shall be knowledgeable of violence prevention policies and report any violation to school administration immediately. School personnel will be informed annually as to District #4005's rules regarding weapons and violence prevention.
- C. School personnel or agents of the District #4005 shall not engage in emotionally abusive acts including malicious shouting, ridicule, and/or threats or other forms of corporal punishment.

526 HAZING PROHIBITION

I. PURPOSE

The purpose of this policy is to maintain a safe learning environment for students and employees that is free from hazing at District #4005. Hazing activities of any type are inconsistent with the educational goals of District #4005 and are prohibited at all times.

II. GENERAL STATEMENT OF POLICY

- A. No student, teacher, administrator, volunteer, contractor or other employee of District #4005 shall plan, direct, encourage, aid or engage in hazing.
- B. No teacher, administrator, volunteer, contractor or other employee of District #4005 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. Retaliation against a victim, good faith reporter, or a witness of hazing is prohibited.
- E. False accusations or reports of hazing against a student, teacher, administrator, volunteer, contractor, or other employee are prohibited.
- F. A person who engages in an act of hazing, reprisal, retaliation or false reporting of hazing or permits, condones, or tolerates hazing shall be subject to discipline or other remedial responses for that act in accordance to the school district policies and procedures.

Consequences for students who commit, tolerate, or are a party to prohibited acts of hazing may range from remedial responses or positive behavioral interventions up to and including suspension and/or expulsion.

Consequences for employees who permit, condone, or tolerate hazing or engage in an act of reprisal or intentional false reporting of hazing may result in disciplinary action up to and including termination or discharge.

Consequences for other individuals engaging in prohibited acts of hazing may include, but not be limited to exclusion from school district property and events and/or termination of services and/or contracts.

- G. This policy applies to hazing that occurs during and after school hours, on or off school premises or property, at school functions or activities, or on school transportation.
- H. 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.
- I. District #4005 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 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 purpose. The term hazing includes, but is not limited to:
- a. Any type of physical brutality such as whipping, beating, striking, branding, electronic shocking or placing a harmful substance on the body.
 - b. 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.
 - c. 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.
 - d. 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.
 - e. Any activity that causes or requires the student to perform a task that involves violation of state or federal law or of school policies or regulations.
- B. "Immediately" means as soon as possible but in no event longer than 24 hours.
- C. "On school premises or school district property, or 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 hazing at these locations and events, the school district does not represent that it will provide supervision or assume liability at these locations and events.
- D. "Remedial response" means a measure to stop and correct hazing, prevent hazing from recurring, and protect, support, and intervene on behalf of a student who is the target or victim of hazing.
- E. "Student" means a student enrolled in a public school or a charter school
- F. "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 official designated by this policy. A person may report hazing 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 to use the report form available from the Executive Director, but oral reports shall be considered complaints as well.

The Executive Director is the person responsible for receiving reports of hazing at the building level (hereinafter the 'building report taker'). Any adult school district personnel who receives a report of hazing prohibited by this policy shall inform the building report taker immediately. Any person may report hazing directly to a school human rights officer. If the complaint involves the building report taker, the complaint shall be made or filed directly with the School Board President 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 a primary contact on policy and procedural matters.

- C. A Teacher, administrator, volunteer, contractor and other school employees shall be particularly alert to possible situations, circumstances or events which might include hazing. Any such person who witnesses, observes, receives a report of, observes, or has other knowledge or belief of conduct which may constitute hazing shall make reasonable efforts to address and resolve the hazing and shall inform the Executive Director immediately. School district personnel who fail to inform the Executive Director of conduct that may constitute hazing or who fail to make reasonable efforts to address and resolve the 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, or educational or work environment.
- 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 building report taker, in conjunction with the responsible authority, shall be responsible for keeping and regulating access to any report of hazing and the record of any resulting investigation.
- F. 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 ACTION

- A. Within three (3) days of the receipt of a complaint or report of hazing, District #4005 shall undertake or authorize an investigation by school officials or a third party designated by District #4005.
- B. The building report taker or other appropriate school district officials may take immediate steps, at ~~its~~ their discretion, to protect the target or victim of the hazing, the complainant, the reporter, and students; or others pending completion of an investigation of alleged hazing prohibited by this policy.
- C. The alleged perpetrator of the hazing shall be allowed the opportunity to present a defense during the investigation or prior to the imposition of discipline or other remedial responses
- D. Upon completion of an investigation, that determines hazing has occurred, District #4005 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 behavior. School

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, and applicable school policies; and regulations.

- E. 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 or victims of hazing and the parent(s) or guardian(s) of alleged perpetrators of hazing who have been involved in a reported and confirmed hazing incident of the remedial or disciplinary action taken, to the extent permitted by law.
- F. In order to prevent or to respond to hazing committed by or directed against a child with a disability, the school district shall, where 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 hazing.

VI. RETALIATION OR REPRISAL

District #4005 will discipline or take appropriate action against any student, teacher, administrator, volunteer, contractor or other employee of District #4005 who commits an act of reprisal or who retaliates against any person who asserts, alleges, or makes a good faith report of alleged hazing or who provides information about hazing, who testifies, assists, or participates in an investigation of alleged hazing. or 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. . 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.

VII. DISSEMINATION OF POLICY

This policy shall appear in District #4005's student and employee handbooks.

527 STUDENT USE AND PARKING OF MOTOR VEHICLES; PATROLS, INSPECTIONS, AND SEARCHES

I. PURPOSE

The purpose of this policy is to provide guidelines for use and parking of motor vehicles by students at District #4005, to maintain order and discipline at District #4005 and to protect the health, safety and welfare of students and school personnel.

II. GENERAL STATEMENT OF POLICY

The policy of District #4005 to allow the limited use and parking of motor vehicles by students at District #4005. The position of District #4005 is that a fair and equitable school-wide student motor vehicle policy will contribute to the quality of the student's educational experience, will maintain order and discipline at District #4005, and will protect the health, safety and welfare of students and school personnel. This policy applies to all students at District #4005.

III. DEFINITIONS

- A. "Contraband" means any unauthorized item possession of which is prohibited by District #4005 policy and/or law. It includes but is not limited to weapons and "look-alikes," alcoholic beverages, controlled substances and "look-alikes," overdue books and other materials belonging to the school district, and stolen property.
- B. "Reasonable suspicion" means that a school official has grounds to believe that the search will result in evidence of a violation of District #4005 policy, rules, and/or law. Reasonable suspicion may be based on a school official's personal observation, a report from a student, parent or employees member, a student's suspicious behavior, a student's age and past history or record of conduct both in and out of the school context, or other reliable sources of information.
- C. "Reasonable scope" means that the scope and/or intrusiveness of the search is reasonably related to the objectives of the search. Factors to consider in determining what is reasonable include the seriousness of the suspected infraction, the reliability of the information, the necessity of acting without delay, the existence of exigent circumstances necessitating an immediate search and further investigation (e.g. to prevent violence, serious and immediate risk of harm or destruction of evidence), and the age of the student.
- D. "District #4005" means property that is owned, rented, leased, or borrowed by District #4005 for school purposes, as well as property immediately adjacent to such property that may be used for parking or gaining access to such property. A District #4005 location also shall include off school property at any school-sponsored or school-approved activity, event, or function, such as a field trip or athletic event, where students are under the jurisdiction of District #4005.

IV. STUDENT USE OF MOTOR VEHICLES IN SCHOOL DISTRICT LOCATIONS

Students generally are not permitted to use motor vehicles during the school day at District #4005. Students may use motor vehicles on campus during the school day only if there is an emergency and permission has been granted to the student by the Executive Director to use a motor vehicle. Students are permitted to use motor vehicles at District #4005 outside of the school day only on campus. Further, part-time students are permitted to use motor vehicles to and from District #4005 outside of their scheduled class(es).

V. STUDENT PARKING OF MOTOR VEHICLES IN SCHOOL DISTRICT LOCATIONS

- A. Students are permitted to park at District #4005 as a matter of privilege, not of right. Students driving a motor vehicle may park the motor vehicle in the parking lot designated for student parking only. Students will not park vehicles on private property.
- B. When there are unauthorized vehicles parked on District #4005 property, school officials may:
 - a. move the vehicle or require the driver or other person in charge of the vehicle to move it off District #4005 property; or
 - b. if unattended, provide for the removal of the vehicle, at the expense of the owner or operator, to the nearest convenient garage or other place of safety off of District #4005 property.

VI. PATROLS, INSPECTIONS AND SEARCHES

School officials may conduct routine patrols of District #4005 property and routine inspections of the exteriors of the motor vehicles of students. In addition, the interiors of motor vehicles of students at District #4005 may be searched when school officials have a reasonable suspicion that the search will uncover a violation of law and/or school policy or rule.

A. Patrols and Inspections

School officials may conduct routine patrols of student parking lots and other District #4005 locations and routine inspections of the exteriors of the motor vehicles of students. Such patrols and inspections may be conducted without notice, without student consent, and without a search warrant.

B. Search of Interior of Student Motor Vehicle

The interiors of motor vehicles of students at District #4005, including glove or trunk compartments, may be searched when school officials have a reasonable suspicion that the search will uncover a violation of law and/or school policy or rule. The search will be reasonable in its scope and intrusiveness. Such searches may be conducted without notice, without consent, and without a search warrant. A student will be subject to withdrawal of parking privileges and to discipline if the student refuses to open a locked motor vehicle under the student's control or its compartments upon the request of a school official.

C. Prohibition of Contraband and Interference with Patrols, Inspections, Searches and/or Seizures

A violation of this policy occurs when students store or carry contraband in motor vehicles in a school district location or to interfere with patrols, inspections, searches and/or seizures as provided by this policy.

D. Seizure of Contraband

If a search yields contraband, school officials will seize the item and may turn it over to legal officials for

ultimate disposition when appropriate.

E. Dissemination of Policy

A copy of this policy will be printed in the student handbook or disseminated in any other way which school officials deem appropriate.

VII. DIRECTIVES AND GUIDELINES

The Executive Director is granted authority to develop and present for school board review and approval reasonable directives and guidelines which address specific needs of District #4005 related to student use and parking of motor vehicles at District #4005, such as a permit system and parking regulations. Approved directives and guidelines shall be attached as an addendum to this policy.

VIII. VIOLATIONS

A student found to have violated this policy and/or the directives and guidelines implementing it shall be subject to withdrawal of parking privileges and/or to discipline in accordance with the school's Student Discipline Policy, which may include suspension, exclusion, or expulsion. In addition, the student may be referred to legal officials when appropriate.

530 IMMUNIZATION REQUIREMENTS

I. PURPOSE

The purpose of this policy is to require that all students receive the proper immunizations as mandated by law to ensure the health and safety of all students.

II. GENERAL STATEMENT OF POLICY

All students are required to provide proof of immunization, or appropriate documentation exempting the student from such immunization, and such other data necessary to ensure that the student is free from any communicable diseases, as a condition of enrollment.

III. STUDENT IMMUNIZATION REQUIREMENTS

- A. No student may be enrolled or remain enrolled, on a full-time, part-time, or shared-time basis at District #4005 until the student or the student's parent or guardian has submitted to the designated school district administrator the required proof of immunization. Prior to the student's first date of attendance, the student or the student's parent or guardian shall provide to the designated school district administrator one of the following statements:
 - a. a statement, from a physician or a public clinic which provides immunizations, stating that the student received the immunizations required by law, consistent with medically acceptable standards; or
 - b. a statement, from a physician or a public clinic which provides immunizations, stating that the student received the primary schedule of immunizations required by law and has commenced a schedule of the remaining required immunizations, indicating the month and year each immunization was administered, consistent with medically acceptable standards.
- B. The statement of a parent or guardian of a student or an emancipated student may be substituted for the statement of a physician or public clinic which administers immunizations. If such a statement is substituted, this statement must indicate the month and year each immunization was administered. Upon request, the designated school district administrator will provide information to the parent or guardian of a student or an emancipated student of the dosages required for each vaccine according to the age of the student.
- C. When there is evidence of the presence of a communicable disease, or when required by any state or federal agency and/or state or federal law, students and/or their parents or guardians may be required to submit such other health care data as is necessary to ensure that the student has received any necessary immunizations and/or is free of any communicable diseases. No student may be enrolled at District #4005 until the student or the student's parent or guardian has submitted the required data.

- D. District #4005 may allow a student transferring into a school a maximum of 30 days to submit a statement specified in Section III.A. or III.B., above, or Section IV., below. Students who do not provide the appropriate proof of immunization or the required documentation related to an applicable exemption of the student from the required immunization within the specified time frames shall be excluded from school until such time as the appropriate proof of immunizations or exemption documentation has been provided.

IV. EXEMPTIONS FROM IMMUNIZATION REQUIREMENTS

Students will be exempt from the foregoing immunization requirements under the following circumstances:

- A. The parent or guardian of a minor student or an emancipated student submits a physician's signed statement stating that the immunization of the student is contraindicated for medical reasons or that laboratory confirmation of the presence of adequate immunity exists; or
- B. The parent or guardian of a minor student or an emancipated student submits his or her notarized statement stating the student has not been immunized because of the conscientiously held beliefs of the parent, guardian or student.

V. NOTICE OF IMMUNIZATION REQUIREMENTS

- A. District #4005 will develop and implement a procedure to:
 - a. notify parents and students of the immunization and exemption requirements by use of a form approved by the Department of Health;
 - b. notify parents and students of the consequence for failure to provide required documentation regarding immunizations;
 - c. review student health records to determine whether the required information has been provided; and
 - d. make reasonable arrangements to send a student home when the immunization requirements have not been met and advise the student and/or the student's parent or guardian of the conditions for re-enrollment.
- B. The notice provided shall contain written information describing the exemptions from immunization as permitted by law.

VI. IMMUNIZATION RECORDS

- A. District #4005 will maintain a file containing the immunization records for each student in attendance at District #4005 for at least five years after the student attains the age of majority.
- B. Upon request, District #4005 may exchange immunization data with persons or agencies providing services on behalf of the student. Immunization data is private student data and disclosure of such data shall be governed by Policy 515 Protection and Privacy of Pupil Records.
- C. The designated school district administrator will assist a student and/or the student's parent or guardian in the transfer of the student's immunization file to the student's new school within 30 days of the student's transfer.

- D. Upon request of a public or private post-secondary educational institution, the designated school district administrator will assist in the transfer of the student's immunization file to the post-secondary educational institution.

VII. OTHER

Within 60 days of the commencement of each new school term, District #4005 will forward a report to the Commissioner of the Department of Education stating the number of students attending each school in District #4005 the number of students who have not been immunized, and the number of students who received an exemption. District #4005 also will forward a copy of all exemption statements received by District #4005 to the Commissioner of the Department of Health.

Adopted:

MSBA/MASA Model Policy 531

Revised: August 2015

531 THE PLEDGE OF ALLEGIANCE

I. PURPOSE

The District #4005 board recognizes the need to display an appropriate United States flag and to provide instruction to students in the proper etiquette, display, and respect of the 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.

II. GENERAL STATEMENT OF POLICY

Students attending District #4005 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:

- a. By each individual classroom teacher or the teacher's surrogate; or
- b. During announcements by a person designated by the Executive Director or other person having administrative control over the school.

III. EXCEPTIONS

Anyone who does not wish to participate in reciting the Pledge of Allegiance for any personal reasons may elect not to do so. Students and school personnel must respect another person's right to make that choice.

IV. INSTRUCTION

Students will be instructed in the proper etiquette toward, correct display of, and respect for the flag, and in patriotic exercises.

Revised: August 2015

532 USE OF CRISIS TEAMS TO REMOVE STUDENTS WITH IEPs FROM SCHOOL GROUNDS

I. PURPOSE

The purpose of this policy is to describe the appropriate use of peace officers and crisis teams to remove, if necessary, a student with an individualized education program (IEP) from school grounds.

II. GENERAL STATEMENT OF POLICY

District #4005 is committed to promoting learning environments that are safe for all members of the school community. It further believes that students are the first priority and that they should be reasonably protected from physical or emotional harm at all school locations and during all school activities.

All students are subject to the terms of District #4005's discipline policy. Building level administrators have the leadership responsibility to maintain a safe, secure, and orderly educational environment within which learning can occur. Corrective action to discipline a student and/or modify a student's behavior will be taken by staff when a student's behavior violates District #4005's discipline policy.

If a student with an IEP engages in conduct which, in the judgment of school personnel, endangers or may endanger the health, safety, or property of the student, other students, staff members, or school property, that student may be removed from school grounds in accordance with this policy.

III. DEFINITIONS

V

For purposes of this policy, the following terms have the meaning given them in this section:

- A. "The student" means a student who is eligible to receive special education and related services pursuant to the terms of an IEP or an individual interagency intervention plan (IIIP).
- B. "Peace officer" means an employee or an elected or appointed official of a political subdivision or law enforcement agency who is licensed by the Board of Peace Officer Standards and Training, charged with the prevention and detection of crime and the enforcement of general criminal laws of the state and who has the full power of arrest. The term "peace officer" includes a person who serves as a sheriff, a deputy sheriff, a police officer, or a state patrol trooper.
- C. "Police liaison officer" is a peace officer who, pursuant to an agreement between District #4005 and a political subdivision or law enforcement agency, is assigned to a school building for all or a portion of the school day to provide law enforcement assistance and support to the building administration and to promote school safety, security, and positive relationships with students.
- D. "Crisis team" means a group of persons, which may include teachers and non-teaching school personnel, selected by the building administrator who have received crisis intervention training and are responsible for becoming actively involved with resolving crises. The building administrator or designee shall serve as the leader of the crisis team.
- E. The phrase "remove the student from school grounds" is the act of securing the person of a student with an IEP and escorting that student from the school building or school activity at which the student

with an IEP is located.

- F. "Emergency" means a situation in which immediate intervention is necessary to protect a student or other individual from physical injury, or to prevent severe property damage.
- G. All other terms and phrases used in this policy shall be defined in accordance with applicable state and federal law or ordinary and customary usage.

IV. REMOVAL OF STUDENTS WITH IEPs FROM SCHOOL GROUNDS

A. Removal By Crisis Team

If the behavior of a student escalates to the point where the student's behavior endangers or may endanger the health, safety, or property of the student, other students, staff members, or school property, the school's crisis team may be summoned. The crisis team may attempt to de-escalate the student's behavior by means including, but not limited to, those described in the student's IEP and/or behavior intervention plan. When such measures fail, or when the crisis team determines that the student's behavior continues to endanger or may endanger the health, safety, or property of the student, other students, staff members, or school property, the crisis team may remove the student from school grounds.

If the student's behavior cannot be safely managed, school personnel may immediately request assistance from the police liaison officer or a peace officer.

B. Removal By Police Liaison Officer or Peace Officer

If a student with an IEP engages in conduct which endangers or may endanger the health, safety, or property of the student, other students, staff members, or school property, the school building's crisis team, building administrator, or the building administrator's designee, may request that the police liaison officer or a peace officer remove the student from school grounds.

If a student with an IEP is restrained or removed from a classroom, school building, or school grounds by a peace officer at the request of a school administrator or school staff person during the school day twice in a 30-day period, the student's IEP team must meet to determine if the student's IEP is adequate or if additional evaluation is needed.

Whether or not a student engages in conduct which endangers or may endanger the health, safety, or property of the student, other students, staff members, or school property, school district personnel may report a crime committed by a student with an IEP to appropriate authorities. If the school district reports a crime committed by a student with an IEP, school personnel shall transmit copies of the special education and disciplinary records of the student for consideration by appropriate authorities to whom it reports the crime, to the extent that the transmission is permitted by the Family Education Rights and Privacy Act (FERPA), the Minnesota Government Data Practices Act, and school district's policy, Protection and Privacy of Pupil Records.

The fact that a student with an IEP is covered by special education law does not prevent state law enforcement and judicial authorities from exercising their responsibilities with regard to the application of federal and state law to crimes committed by a student with an IEP.

C. Reasonable Force Permitted

In removing a student from school grounds, an administrator, other crisis team members, or the police liaison officer or other agents of District #4005, whether or not members of a crisis team, 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.

In removing a student from school grounds and school district personnel are further prohibited from engaging in the following conduct:

- a. Corporal Punishment prohibited by Minn. Statute 121A.58;
- b. Requiring the student to assume and maintain a specified physical position, activity, or posture that induces physical pain;
- c. Totally or partially restricting a child's senses as part of punishment;
- d. Denying or restricting the student's access to equipment and devices such as hearing aids/C.I. and communication boards that facilitate the student's functioning except temporarily removing the equipment or device is needed to prevent injury to the child or others or serious damage to the equipment or device, in which case the equipment or device shall be returned to the student as soon as possible;
- e. Interacting with a student in a manner that constitutes sexual abuse, neglect, or physical abuse under Minn. Statute 626.556;
- f. Physical holding (as defined in Minn. Stat. 125A.0941) that restricts or impairs a student's ability to breathe, restricts or impairs a student's ability to communicate distress, places pressure or weight on a student's head, throat, neck, chest, lungs, sternum, diaphragm, back, or abdomen, or results in straddling a student's torso;
- g. Withholding regularly scheduled meals or water; and/or
- h. Denying the student access to toilet facilities.

D. Parental Notification

The Executive Director or designee shall make reasonable efforts to notify the student's parent or guardian of the student's removal from school grounds as soon as possible following the removal.

E. Continued Removals: Review of IEP

Continued and repeated use of the removal process described herein must be reviewed in the development of the individual student's IEP and or IIIP.

F. Effect of Policy in an Emergency: Use of Conditional Procedures

A student with an IEP may be removed in accordance with this policy regardless of whether the student's conduct would create an emergency. If District #4005 seeks to remove a student from school grounds under this policy due to behaviors that constitute an emergency and the student's IEP, IIIP, or behavior intervention plan authorizes the use of one or more restrictive procedures, the crisis team may employ those restrictive procedures, in addition to any reasonable force that may be necessary, to facilitate the student's removal from school grounds, as long as the crisis team members who are implementing the restrictive procedures have received the training required by Minn. Stat 125A.0942, Subd. 5, and otherwise comply with the requirements of 125A.0942.

533 WELLNESS

I. PURPOSE

The purpose of this policy is to assure a school environment that promotes and protects students' health, well-being, and ability to learn by supporting healthy eating and physical activity.

II. GENERAL STATEMENT OF POLICY

- A. The Board recognizes that nutrition education and physical education are essential components of the educational process and that good health fosters student attendance and education.
- B. The school environment should promote and protect students' health, well-being, and ability to learn by encouraging healthy eating and physical activity.
- C. District #4005 encourages the involvement of students, parents, teachers, other employees, and other interested persons in implementing, monitoring, and reviewing school district nutrition and physical activity policies.
- D. Children need access to healthy foods and opportunities to be physically active in order to grow, learn, and thrive.
- E. All students will have opportunities, support, and encouragement to be physically active on a regular basis.
- F. District #4005 will provide students with access to a variety of affordable, nutritious, and appealing foods that meet the health and nutrition needs of students; try to accommodate the religious, ethnic, and cultural diversity of the student body in meal planning; and will provide clean, safe, and pleasant settings and adequate time for students to eat.

III. GUIDELINES

- A. Foods and Beverages
 - a. All foods and beverages available at District #4005 will be consistent with the current USDA Dietary Guidelines.
 - b. District #4005 will take every measure to ensure that student access to foods and beverages meet or exceed all federal, state, and local laws and guidelines.
 - c. District #4005 shall adhere to all federal, state, and local food safety and security guidelines.
 - d. District #4005 will make every effort to eliminate any social stigma attached to, and prevent the overt identification of, students who are eligible for free and reduced-price school meals.

- e. District #4005 will provide students access to hand washing or hand sanitizing before they eat meals or snacks.
- f. District #4005 will make every effort to provide students with sufficient time to eat after sitting down for school meals and will schedule meal periods at appropriate times during the school day.
- g. District #4005 will discourage tutoring, club, or organizational meetings or activities during mealtimes, unless students may eat during such activities.

B. School Food Service Program/Personnel

- a. District #4005 will provide healthy and safe school meal programs that strictly comply with all federal, state, and local statutes and regulations.
- b. District #4005 shall designate an appropriate person to be responsible for District #4005's food service program, whose duties shall include the working with an appropriate catering company to ensure the foods and beverages made available at District #4005 are consistent with current USDA Dietary Guidelines.

C. Nutrition Education and Promotion

- a. District #4005 will encourage and support healthy eating by students and engage in nutrition promotion that is:
 - 1. offered as part of a comprehensive program designed to provide students with the knowledge and skills necessary to promote and protect their health;
 - 2. part of health education classes as well as classroom instruction in subjects such as math, science, language arts, social sciences, and elective subjects, where appropriate; and
 - 3. enjoyable, developmentally appropriate, culturally relevant, and includes participatory activities, such as contests, promotions, taste testing, and field trips.
- b. District #4005 will encourage all students to make age appropriate, healthy selections of foods and beverages, including those sold individually outside the reimbursable school meal programs, such as a la carte (snack) lines, vending machines, fundraising events, concession stands, and student stores.
- c. District #4005 will not use foods or beverages as rewards for academic performance or good behavior (unless this practice is allowed by a student's IEP) and will not withhold food or beverages as punishment.

D. Physical Activity

- a. Students need opportunities for physical activity and to fully embrace regular physical activity as a personal behavior. Toward that end, health education will reinforce the knowledge and self-management skills needed to maintain a healthy lifestyle and reduce sedentary activities such as watching television;
- b. Opportunities for physical activity will be incorporated into other subject lessons, where appropriate; and

- c. Classroom teachers will provide short physical activity breaks between lessons or classes, as appropriate.

E. Communications with Parents

- a. District #4005 recognizes that parents and guardians have a primary and fundamental role in promoting and protecting their children's health and well-being.
- b. District #4005 will support parents' efforts to provide a healthy diet and daily physical activity for their children.
- c. District #4005 encourages parents to pack healthy lunches and snacks and refrain from including beverages and foods without nutritional value.
- d. District #4005 will provide information about physical education and other school-based physical activity opportunities and will support parents' efforts to provide their children with opportunities to be physically active outside of school.

F. Implementation and Monitoring

- a. After approval by the school board, the wellness policy will be implemented throughout the school district
- b. School food service staff will ensure compliance with the school's food service areas and will report to the food service program administrator, or the Executive Director's designee as appropriate.
- c. The Executive Director or designee will ensure compliance with the wellness policy and will provide an annual report of the school district's compliance with the policy to the school board
- d. District #4005 will post this wellness policy on its website.

Adopted: October 2017

Revised:

534 UNPAID MEAL CHARGE AND DEBT COLLECTION

I. PURPOSE

The purpose of this policy is to establish consistent district practices for the provision of meals to students who have insufficient funds in their school meal accounts and the collection of unpaid meal debt.

II. GENERAL STATEMENT OF POLICY

- A. District #4005's goal is to provide nutritious meals to students to promote healthy eating habits and enhance learning as well as maintain the financial integrity of the National School Breakfast and Lunch program and eliminate stigmatization of children who are unable to pay meal charges.
- B. It is the policy of District #4005 to offer breakfast and lunch meals that meet state and federal guidelines.
- C. The purchase of school meals is set up through the front office and added to the student's prepaid meal account. Families are required to have funds in their child's school meal accounts in order for students to purchase meals.
 - 1. Students who qualify for "paid" meals (not free or reduced-eligible) may purchase meals when funds have been deposited in their meal accounts.
 - 2. District #4005 strives to ensure that nutritious meals are available to all students, but must insist that a student's pre-paid meal account be kept up to date to avoid suspension of the student's meal account.
- D. Families may apply for free/reduced-price meal benefits anytime during the school year. Meal applications are distributed to all families in the district prior to the student's first day of classes. In addition, applications are available in the front office during business hours or by calling 651-224-3995. If household income or size change, families can apply for meal benefits anytime during the school year.

III. CHARGE MEAL POLICY

- A. It is District #4005's procedure that if the student account has insufficient funds to pay for breakfast and/or lunch meals:
 - 1. All students will be provided a meal regardless of meal account status. While the district is under no legal obligation to do so, we believe that this is in the best interest of the student. Students will be allowed up to three "free" meals a year before being charged and the balance becoming negative.
 - 2. A student will still be allowed to purchase a meal, which will cause the account balance to become negative.
- B. Students eligible for free or reduced-price meals will always be served a meal regardless of unpaid food service accounts. When a student eligible for "paid" meals has "cash in hand" to pay for a meal, the student will be served a meal regardless of unpaid foodservice accounts.

IV. NOTIFICATION OF ACCOUNT STATUS

A. District #4005 utilizes several methods to notify households of meal balances.

1. Families can contact the front office for account balance.
2. The front office will notify families when their account has a balance of \$5.00 or less.
3. An email or phone call reminder is sent to parents requesting payment when student accounts do not have adequate funds and a second request for payment is sent if there is no response to the first request.

V. COLLECTION OF UNPAID MEAL DEBT

A. Families that have received negative balance letters twice in 60 days and have failed to set up a payment plan for an account owing more than \$50.00 will be sent to the district's business office for collection of the delinquent meal account balance.

Adopted: November 2001

Revised: September 2015

536 COMMENDATIONS, CONCERNS AND COMPLAINTS REGARDING SCHOOL POLICIES (OR LACK THEREOF)

Parents and community members who have commendations, concerns or complaints about District #4005' school policies may address this information with the Director.

The Executive Director will convey this information to the Board of Directors in a timely manner.

To address the Board on policy matters, any commendation, concern or complaint should be submitted in writing to the Board Secretary at least one week in advance of the Board's monthly meeting. If a person has any difficulty submitting something in writing, one can request assistance from a designated person on employees to draft an appropriate document for the Board. The Board of Directors will set aside 20 minutes to hear commendations, concerns or complaints at the next meeting of the Board.

Adopted: November 2005

Revised: September 2015

537 MDS ADMISSIONS/ ENROLLMENT POLICY

I. PURPOSE

The purpose of this policy is to clarify the readiness of a child for entrance into school.

II. GENERAL STATEMENT OF POLICY

Metro Deaf School (MDS) provides Special Education services to students whose primary disability is deaf, hard-of-hearing or deafblind. Each student attending MDS has an Individualized Educational Plan (IEP) and the school complies with all rules and regulations set forth by both Federal and State mandates (IDEA) that governs Special Education.

MDS educates in a bilingual setting where the primary language is American Sign Language (ASL) and written English is taught through print. Related services are provided based on each student's Individualized Educational Plan (IEP). The school serves students as young as 2.6 years of age in their Early Childhood Special Education program (ECSE) through age 21 (Transition+).

Admission to the school is generally done through the school's Special Education Director, MDS School Administration and the Special Education Director from the district where the student resides. The child's IEP Team is typically part of the decision-making process as it relates to placement at MDS. The school serves both district-placed students and parent-placed students.

Entrance into the school's Preschool program is allowed at 2.6 years of age. Students entering Kindergarten need to turn 5 years of age on or before September 1st of the school year. Should the parent and/or IEP Team request/recommend early entrance into kindergarten, an assessment of the child's potential to benefit from early admission and to successfully participate in the grade level, including consideration of emotional stability, social and mental maturity, and physical health must be conducted prior to admission. Based on the findings, the IEP Team and School Administration will recommend or deny early entrance into Kindergarten.

The school may not limit admission to students on the basis of intellectual ability, measures of achievement or aptitude, or athletic ability except as provided in the preceding clause and consistent with the provision of Special Education. The school may not condition admission on criteria or take any action that would violate the Minnesota Human Rights Act, Minnesota Statutes § 363A, read together with applicable state and federal statutes governing Special Education.

As a public charter school, federal and state laws govern District 4005's admission policy. Under Minnesota statute §124D.10 subd, 9(3), if the number of applications exceeds the capacity of District 4005/ Metro Deaf School program, grade level, or building, students must be accepted by lottery. For any grade level where the school has more applicants than spaces available, District #4005/ Metro Deaf School will conduct such a lottery to determine admission for that grade. Applicants who do not receive classroom placements in the lottery will be put on a waiting list in the order they were selected in the lottery. They will be notified promptly if a space becomes available. Per state statute, each school year is a separate enrollment period. Those students on a waiting list for one school year will have to submit a separate application the following year. At District #4005, enrollment preference will be given to a sibling of an enrolled student. Siblings are defined as children that share a parent, guardian, and/or caregiver. Children of District #4005 employees are given preference in this same manner.

Students currently enrolled in the school are automatically enrolled for the following school year.

602 ORGANIZATION OF SCHOOL CALENDAR AND SCHOOL DAY

I. PURPOSE

The purpose of this policy is to provide for a timely determination of the school calendar and school day.

II. GENERAL STATEMENT OF POLICY

It is important to parents, students, employees, and the general public to have advance knowledge of the school calendar and school day to effectively plan for the school year.

III. CALENDAR RESPONSIBILITY

- A. The school calendar shall be adopted annually by the Board prior to April 1st of each year. It shall meet all provisions of Minnesota statutes pertaining to minimum number of school days and other provisions of law. The school calendar shall establish student days, workshop days for employees, provide for emergency closings and other information related to students, employees and parents. Extended school year hours and dates for the following school year will be included in this school calendar annually.
- B. Employee and advisory groups shall be provided an opportunity to participate in school calendar considerations through a meet and confer process.

IV. SCHOOL DAY RESPONSIBILITY

- A. The Executive Director shall be responsible for developing a schedule for the student day, subject to review by the Board. All requirements and provisions of Minnesota Statutes and Minnesota Department of Education rules shall be met.
- B. In developing the student day schedule, the Executive Director shall consider such factors as school bus schedules, cooperative programs, differences in time requirements at various grade levels, effective utilization of facilities, cost effectiveness, and other concerns deserving of attention.
- C. Proposed changes in the school day shall be subject to review and approval by the Board.

606 TEXTBOOKS AND INSTRUCTIONAL MATERIALS

I. PURPOSE

The purpose of this policy is to provide direction for selection of textbooks and instructional materials.

II. GENERAL STATEMENT OF POLICY

The Board recognizes that selection of textbooks and instructional materials is a vital component of District #4005's curriculum. The Board also recognizes that it has the authority to make final decisions on selection of all textbooks and instructional materials.

III. RESPONSIBILITY OF SELECTION

- A. While the Board retains its authority to make final decisions on the selection of textbooks and instructional materials, the Board recognizes the expertise of the professional employees and the vital need of such employees to be primarily involved in the recommendation of textbooks and instructional materials. Accordingly, the Board delegates to the Executive Director the responsibility to direct the professional employees in formulating recommendations to the Board on textbooks and other instructional materials.
- B. In reviewing textbooks and instructional materials during the selection process, the professional employees shall select materials which:
 - a. support the goals and objectives of the education programs;
 - b. consider the needs, age and maturity of students;
 - c. foster respect and appreciation for cultural diversity and varied opinion;
 - d. fit within the constraints of District #4005 budget;
 - e. are in the English language. Another language may be used, pursuant to Minn. Stat. § 124D.61 if appropriate.
 - f. permit grade-level instruction for students to read and study America's founding documents, including documents that contributed to the foundation or maintenance of America's representative form of limited government, the Bill of Rights, our free-market economic system, and patriotism; and
 - g. do not censor or restrain instruction in American or Minnesota State history or heritage based on religious references in original source documents, writings, speeches, proclamations, or records.
- C. The Executive Director shall be responsible for developing procedures and guidelines to establish an orderly process for the review and recommendation of textbooks and other instructional materials by the professional employees. Such procedures and guidelines shall provide opportunity for input and consideration of the views of students, parents and other interested members of District #4005

community. This procedure shall be coordinated with the curriculum development effort and may create advisory committees.

IV. SELECTION OF TEXTBOOKS AND OTHER INSTRUCTIONAL MATERIALS

- A. The Executive Director shall be responsible for keeping the Board informed of progress on the part of employees and others involved in the textbook and other instructional materials review and selection process.
- B. The Executive Director shall present a recommendation to the Board on the selection of textbooks and other instructional materials after completion of the review process as outlined in this policy.

V. RECONSIDERATION OF TEXTBOOKS OR OTHER INSTRUCTIONAL MATERIALS

- A. The Board recognizes differences of opinion on the part of some members of District #4005 community relating to certain areas of the instruction program. Interested persons may request an opportunity to review materials and submit a request for reconsideration of the use of certain textbooks or instructional materials.
- B. The Executive Director shall be responsible for the development of guidelines and procedures to identify the steps to be followed to seek reconsideration of textbooks or other instructional materials.
- C. The Executive Director shall present a procedure to the Board for review and approval regarding reconsideration of textbooks or other instructional materials. When approved by the Board, such procedure shall be an addendum to this policy.

Revised: October 2015

609 RELIGION

I. PURPOSE

The purpose of this policy is to identify the status of religion as it pertains to the programs of District #4005.

II. GENERAL STATEMENT OF POLICY

- A. District #4005 shall neither promote nor disparage any religious belief or nonbelief. Instead, District #4005 encourages all students and employees to have appreciation for and tolerance of each other's views.
- B. District #4005 also recognizes that religion has had and is having a significant role in the social, cultural, political, and historical development of civilization.
- C. District #4005 recognizes that one of its educational objectives is to increase its students' knowledge and appreciation of music, art, drama, and literature which may have had a religious basis or origin as well as a secular importance.
- D. District #4005 supports the inclusion of religious music, art, drama, and literature in the curriculum and in school activities provided it is intrinsic to the learning experience and is presented in an objective manner without sectarian indoctrination.
- E. The historical and contemporary values and the origin of various religions, holidays, customs and beliefs must be explained in an unbiased and nonsectarian manner.

III. RESPONSIBILITY

- A. It shall be the responsibility of the Executive Director to ensure that the study of religious materials, customs, beliefs and holidays is in keeping with the following guidelines:
 - a. The proposed activity must have a secular purpose.
 - b. The primary objective of the activity must be one that neither advances nor inhibits religion.
 - c. The activity must not foster excessive governmental relationships with religion.
 - d. Notwithstanding the foregoing guidelines, reasonable efforts will be made to accommodate any student who wishes to be excused from attendance at school or class for the purpose of religious instruction or observance of religious holidays.
- B. The Executive Director is granted authority to develop and present for Board review and approval directives and guidelines for the purpose of providing further guidance relative to the teaching of materials related to religion. Approved directives and guidelines, if any, shall be attached as an addendum to this policy.

Revised: December 2015

610 FIELD TRIPS

I. PURPOSE

The purpose of this policy is to provide guidelines for student trips and to identify the general process to be followed for review and approval of trip requests.

II. GENERAL STATEMENT OF POLICY

It is the general expectation of the Board that all student trips will be well planned, conducted in an orderly manner and safe environment. The field trip will relate directly to the objectives of the class or activity for which the trip is requested. Student trips will be categorized within three general areas:

A. Instructional Trips

Trips that take place during the school day, relate directly to a course of study, and require student participation shall fall in this category. These trips shall be subject to review and approval of the Executive Director and/or Dean of Students, and shall be financed by school district funds within the constraints of the school budget. Fees may not be assessed against students to defray direct costs of instructional trips. (Minn. Stat. § 123B.37, Prohibited Fees)

B. Supplementary Trips

This category pertains to those trips in which students voluntarily participate and which usually take place outside the regular school day. Examples of trips in this category involve student activities, clubs, and other special interest groups. These trips are subject to review and approval of the appropriate staff member and/or the Executive Director. Financial contributions by students may be requested. (Minn. Stat. § 123B.36, Authorized Fees)

C. Extended Trips

- a. Trips that involve one or more overnight stops fall into this category. Extended trips may be instructional or supplementary, and must be requested well in advance of the planned activity. An extended trip request form must be completed and approved at each level: student, Executive Director, and Board. Exceptions to the approval policy may be granted or expedited to accommodate emergencies or contingencies (e.g. tournament competition).
- b. The Board acknowledges and supports the efforts of booster clubs and similar organizations in providing extended trip opportunities for students.

III. REGULATIONS

- A. Rules of conduct and discipline for students and employees shall apply to all student trip activity.
- B. The school administration shall be responsible for providing more detailed procedures, including parental involvement/permission, supervision, and such other factors deemed important and in the best interest of students.

- C. Transportation shall be furnished through a commercial carrier or school-owned vehicle.
- D. Any employee may use a personal vehicle to transport staff or personal property for purposes of a field trip upon prior, written approval from administration.
- E. An employee must not use a personal vehicle to transport one or more students for purposes of a field trip.
 - a. If immediate transportation of a student is required due to an emergency or unforeseen circumstance, such as the illness or injury of a child, and the transportation does not constitute regular or scheduled transportation, a personal vehicle may be used. To the extent a personal vehicle is used, the vehicle must be properly registered and insured.
 - b. An employee must obtain pre approval by administration to transport a student by personal vehicle pursuant to Section III.E.a, if practicable. If pre approval by administration of use of a personal vehicle cannot be obtained in a reasonable time given the circumstances, an employee shall report the relevant facts and circumstances justifying the need for use of a personal vehicle to administration as soon as practicable. The relevant facts and circumstances for use of a personal vehicle shall be documented by administration.

IV. BOARD REVIEW

The Executive Director shall at least annually report to the Board upon the utilization of trips under this policy.

Adopted: December 2016

Revised:

621 GENDER INCLUSION

I. PURPOSE

All students need a safe, supportive school environment to progress academically and developmentally. The purpose of this policy is to facilitate compliance with applicable laws and organizational guidelines as well as to foster an educational environment at Metro Deaf School that is safe, supportive, and fully inclusive for all students, regardless of gender identity or gender expression.

II. GENERAL STATEMENT OF POLICY

Metro Deaf School shall act to improve the social and educational integration of transgender and gender nonconforming students, maintain the privacy of these students, and foster cultural competence and education for school employees and the broader community on transgender and gender nonconforming issues. Furthermore, the school will support healthy communication among school employees, students, and parents/guardians to encourage the successful development and wellbeing of students.

III. SCOPE

This policy covers conduct that takes place in the school, on school property, at school-sponsored functions and activities, on school buses or vehicles, and at bus stops. This policy also pertains to the use of electronic technology and electronic communication that occurs in the school, on school property, at school-sponsored functions and activities, on school buses or vehicles and at bus stops, and on school computers, networks, forums, and mailing lists. This policy applies to the entire school community, including but not limited to school employees, students, parents/guardians, volunteers, and agents of the school.

IV. DEFINITIONS

The following definitions are provided to assist in understanding this policy:

- A. Assigned Sex: The biological, genetic, and anatomical makeup of a body. In the United States, individuals are typically categorized as male, female, or intersex (i.e., atypical combinations of features that usually distinguish biological male from female) at birth based on physical attributes, and an individual's assigned sex is then used to assign a gender.
- B. Gender Identity: An individual's deeply held sense of being male, female, both or neither; an internal construct not necessarily visible to others. All people have a gender identity, but the age at which individuals come to understand and express their gender identity will vary based on social development. Although many people have a gender identity that matches their assigned sex and gender, one's gender identity can be different from the sex and gender assigned by others at birth. There can be a tendency to confuse gender identity and sexual orientation, yet the two are very different. Gender identity refers to how individuals perceive themselves. In contrast, sexual orientation refers to the sex of those to whom one is romantically and/or sexually attracted.

- C. Gender Expression: The manner in which an individual chooses to express one's gender identity to others through behavior, clothing, hairstyle, body language, and mannerisms. An individual's gender expression may change over time and may or may not conform to one's gender identity.
- D. Gender Nonconforming: Describes individuals whose gender expression is different than what is generally considered typical for their sex and gender assigned by others at birth.
- E. Gender Transition: A process through which individuals begin to outwardly manifest their authentic experience of gender rather than the one generally considered typical for their sex and gender assigned by others at birth. The ultimate goal in transitioning is to be seen, known, and related to in accord with one's deeply held sense of self. Individuals who transition each do so in their own way and in their own time.
- F. Transgender: Describes individuals whose gender identity is different from what is generally considered typical for their sex assigned by others at birth.

V. BULLYING, HARASSMENT, AND DISCRIMINATION PROHIBITION

Bullying, harassment, and discrimination on the basis of gender identity or expression are prohibited. Any such incident is to be taken seriously, given immediate attention, and handled in the same manner as other bullying, harassment, and discrimination. The school and all employees are responsible for ensuring that every student, including transgender and gender nonconforming students, has a safe and supportive school environment at Metro Deaf School. Education and training regarding the issues addressed in this gender inclusion policy will be provided for employees, students, and the broader school community.

VI. GENDER TRANSITIONS AT SCHOOL

Students who transition at school have a right to a safe and supportive environment. School administration and staff shall work with any such students and their parents/guardians to identify which steps will create the necessary conditions to make the transition experience as positive as possible. Based on this work, the school, student, and parents/guardians will create a tailored gender transition plan that ensures the school environment remains both safe and supportive of the student.

VII. NAMES AND PRONOUNS USAGE

Students have the right to be addressed by a preferred name and by a pronoun corresponding to their gender identity. A court-ordered name or gender change is not required, and a student need not change official records in order to have this right honored by all members of the school community.

VIII. DRESS CODE

Students have the right to dress in accordance with their gender identity, within the constraints of the dress codes specified in the Student-Parent Handbook. School staff will not enforce the school's dress code more strictly toward transgender and gender nonconforming students than other students.

IX. GENDER-SEGREGATED ACTIVITIES, RULES, POLICIES AND PRACTICES

Metro Deaf School shall evaluate all gender-based activities, curricula, rules, policies, and practices – including but not limited to classroom activities, school ceremonies, and school photos – and maintain only

those that have a clear and sound pedagogical purpose. In situations where students are segregated by gender, students have the right to participate in any such activities or conform to any such rule, policy, or practice in a manner that aligns with their gender identity consistently asserted at school.

All students, regardless of their gender identity, have the right to participate fully in overnight trips and other activities. Sleeping, changing, restroom, and showering arrangements will be determined on a case-by-case basis using the guiding principles of safety and honoring the student's gender identity. In all cases, the school has an obligation to maintain the privacy of all students and cannot disclose or require the disclosure of the student's transgender status to the other students or the parents/guardians of other students.

X. PHYSICAL EDUCATION CLASSES AND INTRAMURAL AND INTERSCHOLASTIC ATHLETICS

All students have the right to participate in physical education classes, intramural sports, and interscholastic athletics in a manner that aligns with their gender identity consistently asserted at school.

XI. ACCESS TO RESTROOMS, LOCKER ROOMS, AND CHANGING AREAS

Each student shall be granted access to restrooms, locker rooms, and changing areas that align with the student's gender identity consistently asserted at school. Any student who has a need or desire for increased privacy, regardless of the underlying reason, shall be provided access to a reasonable alternative, but no student shall be required to use such a facility.

XII. PRIVACY

All students have a right to privacy. A student's transgender or gender nonconforming status is private information. Related information, such as the student's legal name, may also constitute private information. Information regarding a student's transgender or gender nonconforming status may also be confidential medical information. Disclosing this information to other students, other students' parents, or other third parties may violate privacy provisions in certain laws, such as the federal Family Educational Rights and Privacy Act (FERPA) and the Minnesota Government Data Practices Act. Disclosure of this information to school employees is also limited to those employees who have a legitimate educational reason for obtaining the information.

Metro Deaf School shall keep private all personal information relating to transgender and gender nonconforming students in accordance with its policy No. 515 and applicable laws. School staff shall not disclose information that may reveal a student's transgender status to others, including other students' parents and other school staff, unless legally required to do so or when written permission has been given by the parent(s)/guardian(s) or the student who is over 18 years of age.

Transgender and gender nonconforming students have the right to discuss and express their gender identity and gender expression openly and to decide when, with whom, and how much private information to share. The fact that a student chooses to disclose his or her transgender status to staff or other students does not authorize school staff to disclose other private information about the student.

XIII. OFFICIAL RECORDS

Metro Deaf School shall maintain a mandatory permanent student record that includes a student's legal name and legal gender. The school shall use the name and gender preferred by the student, except where the student's legal name and gender are required. For example, school identification cards are not legal documents and should use the student's preferred name. In situations where school employees are required

by law to use or to report a transgender student's legal name or gender, such as for purposes of standardized testing, school employees shall adopt practices to avoid the inadvertent disclosure of such private information. Moreover, the school shall change a student's official record to reflect a change in legal name or gender upon receipt of official documentation that such a change has been made pursuant to a court order, or through proper amendment of state or federally issued identification.

XIV. MEDIA AND COMMUNITY COMMUNICATION

Only the Executive Director or his or her designee may communicate on behalf of the school to the media or community about issues related to gender identity. Rather than directly commenting on the issue, school employees will direct parents and the media to the designated spokesperson. Disclosing private information is a violation of this policy and may be a further violation of applicable privacy laws.

XV. IMPLEMENTATION

Administration shall develop procedures for determining accommodations for any student who requires support related to gender expression and/or gender identity as well as all other practices and processes needed to implement this policy.

XVI. PUBLICATION

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.

Legal References: Minn. Stat. § 121A.04 (Athletic Programs; Sex Discrimination)
Minn. Stat. Ch. 363A (Minnesota Human Rights Act)
20 U.S.C. §§ 1681-1688 (Title IX of the Education Amendments of 1972)
34 C.F.R. Part 106 (Implementing Regulations of Title IX)
Cross References: MSBA/MASA Model Policy 102 (Equal Educational Opportunity)
MSBA/MASA Model Policy 413 (Harassment and Violence)
MSBA/MASA Model Policy 514 (Bullying Prohibition Policy)
MSBA/MASA Model Policy 515 (Protection and Privacy of Pupil Records)
MSBA/MASA Model Policy 522 (Student Sex Nondiscrimination)
MSBA/MASA Model Policy 525 (Violence Prevention)
MSBA/MASA Model Policy 526 (Hazing Prohibition)
MSBA/MASA Model Policy 528 (Student Parental, Family, and Marital Status Nondiscrimination)

Adopted: February 2005

Revised: December 2015

630 INSTRUCTIONAL AND LIBRARY MATERIALS SELECTION POLICY: CHALLENGE OF MEDIA MATERIALS

I. PURPOSE

Members of the District #4005 community who object to certain classroom or library materials should first contact the teacher who has control over the questioned material or the Director if the material is in the library. If the challenge cannot be resolved at this point, the Director or teacher, making no commitments, will furnish the citizen with a Request for Reconsideration of Materials form. This form will be completed by the citizen and returned to the Director who will forward it to the Committee for Challenged Materials. The committee, selected by the Director, will be composed of two community members, two classroom teachers, one administrator and one student. The student shall be the president of the Middle School Student Council. The committee shall be ad hoc; established only when necessary. The committee will read and reevaluate the material based on the principles set forth in this policy. They will communicate their judgment to the challenging party and to the Board in writing.

Appeals of the committee's decision may be made through the Director to the District #4005 Board of Directors.

Adopted: February 2005

Revised: December 2015

631 CONTROVERSIAL INSTRUCTIONAL AND LIBRARY MATERIALS SELECTION POLICY

PURPOSE

The study of controversial issues should be objective and scholarly. All sides should be considered. Free discussion of controversial issues is the heart of the democratic process. Freedom of speech and free access to information is among our most cherished traditions. Only through study of such issues – political, economic and social – will youth develop abilities needed for citizenship in our democracy. It shall be the policy of the District #4005 Board to foster unprejudiced, scientific studies of controversial issues.

Adopted: June 1996

MSBA/MASA Model Policy 704

Revised: February 2016

704 DEVELOPMENT AND MAINTENANCE OF AN INVENTORY OF FIXED ASSETS AND A FIXED ASSET ACCOUNTING SYSTEM

I. PURPOSE

The purpose of this policy is to provide for the development and maintenance of an inventory of the fixed assets of District #4005 and the establishment and maintenance of a fixed asset accounting system.

II. GENERAL STATEMENT OF POLICY

The policy of this school district is that a fixed asset accounting system and an inventory of fixed assets be developed and maintained.

III. DEVELOPMENT OF INVENTORY AND ACCOUNTING SYSTEM

The Business Manager shall be responsible for the development and maintenance of an inventory of the fixed assets of District #4005, and for the establishment and maintenance of a formal fixed asset accounting system. The accounting system shall be operated in compliance with the applicable provisions of the Uniform Financial Accounting and Reporting Standards for Minnesota School Districts (UFARS). In addition, the inventory shall specify the location of all continued abstracts showing the conveyance of the property to District #4005; certificates of title showing title to the property in District #4005; title insurance policies; surveys; and other property records relating to the real property of District #4005. The Board has agreed to set District #4005's capitalization threshold at one thousand dollars (\$1000.00). Any purchase of equipment in excess of \$1000.00 will be inventoried and depreciated.

IV. REPORT

The administration shall annually update the property records of District #4005 and provide an inventory of the fixed assets of District #4005 to the Board

709 STUDENT TRANSPORTATION SAFETY POLICY

I. PURPOSE

The purpose of this policy is to provide safe transportation for students and to educate students on safety issues and the responsibilities of school bus ridership.

II. PLAN FOR STUDENT TRANSPORTATION SAFETY TRAINING

A. School Bus Safety Week

The National School Bus Safety Week is the third week in October.

B. Student Training

- a. District #4005 shall provide students enrolled in grades Pre-K through 12 with age appropriate school bus safety training of the following concepts:
 1. transportation by school bus is a privilege, not a right;
 2. school district policies for student conduct and school bus safety;
 3. appropriate conduct while on the bus;
 4. the danger zones surrounding a school bus;
 5. procedures for safely boarding and leaving a school bus;
 6. procedures for safe vehicle lane crossing; and
 7. school bus evacuation and other emergency procedures.
- b. District #4005 will make reasonable accommodations in training for students with disabilities.
- c. District #4005 may provide student safety education for bicycling and pedestrian safety for students.

III. CONDUCT ON SCHOOL BUSES AND CONSEQUENCES FOR MISBEHAVIOR

- A. Riding the school bus is a privilege, not a right.
- B. Consequences for school bus/bus stop misconduct will be imposed by each individual school district providing transportation to students enrolled at District #4005. At the driver's and district's discretion, all school bus/bus stop misconduct will be reported to District #4005's Director(s). Serious misconduct may be reported to local law enforcement.

Adopted: June 2011

Revised: December 2015

714 FUND BALANCES

[Note: The provisions of this policy include the provisions of Statement No. 54 of the Governmental Accounting Standards Board (GASB).]

I. PURPOSE

The purpose of this policy is to create new fund balance classifications to allow for more useful fund balance reporting and for compliance with the reporting guidelines specified in Statement No. 54 of the Governmental Accounting Standards Board (GASB). Schools such as Metro Deaf School that are classified over 90% Special Education are subject to a unique funding model, which restricts the school to reimbursements only for expenses incurred during the school year. No excess funds beyond actual expenses incurred are received from federal and state sources. Consequently, only revenue generated outside of state and federal funds are able to increase the school's financial position.

II. GENERAL STATEMENT OF POLICY

The policy of this school district is to comply with GASB Statement No. 54. To the extent a specific conflict occurs between this policy and the provisions of GASB Statement No. 54, the GASB Statement shall prevail.

III. DEFINITIONS

- A. "Assigned" fund balance amounts are comprised of unrestricted funds constrained by the school district's intent that they be used for specific purposes, but that do not meet the criteria to be classified as restricted or committed. In funds other than the general fund, the assigned fund balance represents the remaining amount that is not restricted or committed. The assigned fund balance category will cover the portion of a fund balance that reflects the school district's intended use of those resources. The action to assign a fund balance may be taken after the end of the fiscal year. An assigned fund balance cannot be a negative number.
- B. "Committed" fund balance amounts are comprised of unrestricted funds used for specific purposes pursuant to constraints imposed by formal action of the school board and that remain binding unless removed by the school board by subsequent formal action. The formal action to commit a fund balance must occur prior to fiscal year end; however, the specific amounts actually committed can be determined in the subsequent fiscal year. A committed fund balance cannot be a negative number.
- C. "Enabling legislation" means legislation that authorizes a school district to assess, levy, charge, or otherwise mandate payment of resources from external providers and includes a legally enforceable requirement that those resources be used only for the specific purposes listed in the legislation.
- D. "Fund balance" means the arithmetic difference between the assets and liabilities reported in a school district fund.
- E. "Nonspendable" fund balance amounts are comprised of funds that cannot be spent because they are either not in spendable form or are legally or contractually required to be maintained intact. They include items that are inherently unspendable, such as, but not limited to, inventories, prepaid items, long-term receivables, non-financial assets held for resale, or the permanent principal of endowment

funds.

- F. "Restricted" fund balance amounts are comprised of funds that have legally enforceable constraints placed on their use that either are externally imposed by resource providers or creditors (such as through debt covenants), grantors, contributors, voters, or laws or regulations of other governments, or are imposed by law through constitutional provisions or enabling legislation.
- G. "Unassigned" fund balance amounts are the residual amounts in the general fund not reported in any other classification. Unassigned amounts in the general fund are technically available for expenditure for any purpose. The general fund is the only fund that can report a positive unassigned fund balance. Other funds would report a negative unassigned fund balance should the total of nonspendable, restricted, and committed fund balances exceed the total net resources of that fund.
- H. "Unrestricted" fund balance is the amount of fund balance left after determining both nonspendable and restricted net resources. This amount can be determined by adding the committed, assigned, and unassigned fund balances.

IV. CLASSIFICATION OF FUND BALANCES

The school district shall classify its fund balances in its various funds in one or more of the following five classifications: nonspendable, restricted, committed, assigned, and unassigned. The school's fund balance is comprised only of unrestricted funds.

V. MINIMUM FUND BALANCE

The school district will strive to maintain a minimum unassigned general fund balance of the equivalent amount of the most recent financial audit.

VI. ORDER OF RESOURCE USE

If resources from more than one fund balance classification could be spent, the school district will strive to spend resources from fund balance classifications in the following order (first to last): restricted, committed, assigned, and unassigned.

VII. COMMITTING FUND BALANCE

A majority vote of the school board is required to commit a fund balance to a specific purpose and subsequently to remove or change any constraint so adopted by the board.

VIII. ASSIGNING FUND BALANCE

The school board, by majority vote, may assign fund balances to be used for specific purposes when appropriate. The school board may not delegate the assignment of fund balances to any other individual.

IX. STABILIZATION ARRANGEMENTS

The school's current funding model, based on the school's designation as over 90% special education allows the school to receive additional funding through general education and lease aid appeals. Under these appeals, MDE will reimburse any general education and lease aid expenses above and beyond the normal funding mechanisms in place for charter schools. Under these appeals, the school is only able to increase fund balance with revenue generated outside of revenue from state and federal sources. The school's goal is to maintain the minimum fund balance stated in Section V although increases in fund balance may occur.

X. REVIEW

The school board will conduct a semi-annual review of the sufficiency of the minimum unassigned general fund balance level.

735 SAFE DRIVING

I. PURPOSE

To maintain all District 4005 vehicles in a safe, clean and roadworthy condition to ensure the maximum safety of the driver, occupants, and other road users at all times. To ensure that persons driving District #4005 vehicles demonstrate safe driving and other good road safety habits at all times when driving.

II. GENERAL STATEMENT OF POLICY

- A. While driving District #4005 vehicles, persons must comply with all traffic laws, be conscious of road safety and demonstrate safe driving and other good road safety habits. The following actions in District #4005 vehicles will be viewed as serious breaches of conduct and driving privileges will be revoked:
- a. Drinking or under the influence of drugs while driving;
 - b. Reckless or dangerous driving;
 - c. Failing to stop if involved in an accident;
 - d. Any actions which warrant suspension of a license.

B. Responsibilities as a driver:

Drivers of District #4005 vehicles will:

- a. be an employee of Metro Deaf School;
- b. be trained and certified for driving Title III vehicles;
- c. have no more than 3 violations in 3 years AND 1 violation in the past school year;
- d. have no at-fault accidents in the past 5 years;
- e. have no alcohol/drug related violations in the past 10 years;
- f. hold a current Minnesota driver's license or Wisconsin driver's license if they are a Wisconsin resident;
- g. immediately notify the Business Manager, in writing, of any DWI, disqualifying offenses, moving violations or if their driver's license has been suspended or cancelled, or has had limitations placed upon it within 10 days;

- h. perform pre-trip inspections and checklist and record on official form before driving the vehicle;
- i. not smoke in District #4005 vehicles at any time;
- j. be responsible and accountable for their actions when operating District #4005 vehicles;
- k. display the highest level of professional conduct when driving District #4005 vehicles;
- l. not allow students under the age of 12 and or those who are not adult size to sit in the front passenger seat due to air bag restraint system;
- m. assess hazards while driving and anticipate 'what if' scenarios;
- n. not allow passengers to eat or drink in the vehicle;
- o. not use the vehicles for personal use;
- p. practice driving the vehicle prior to transporting students;
- q. drive within the legal speed limits, including driving for the conditions;
- r. comply with all traffic laws when driving a District #4005 vehicle;
- s. have low beam headlights on during the daylight hours if the windshield wipers are in operation;
- t. not place unsecured items on the dash of the vehicle;
- u. when possible, position the vehicle to eliminate the need for backing. If backing is the only alternative, the driver shall survey the area on both sides, above and at the rear of the vehicle prior to backing;
- v. not use cellular/mobile phones or pagers (texting) while operating a vehicle;
- w. wear a safety belt at all times, passengers who are under the age of 8 and shorter than 4 feet 9 inches tall will use a child passenger restraint system meeting federal motor vehicle safety standards;
- x. report vehicle defects to the Business Manager as soon as possible;
- y. report any near hits, crashes and scrapes to the Business Manager or Executive Director immediately but no later than 24 hours after an incident.;
- z. follow the accident procedures outlined in the Safe Driving and Van Use Procedures.
- aa. follow the safe unloading/loading procedures outlined in the Safe Driving and Van Use Procedures.

C. RESPONSIBILITIES OF DISTRICT 4005

District #4005 will:

- a. Ensure and provide annual training and certification for drivers of Type III MDS vehicles in:
 - i. safe operation of a type III vehicle;
 - ii. understanding student behavior, including issues related to students with disabilities;
 - iii. encouraging orderly conduct of students on Title III vehicles;
 - iv. knowing and understanding relevant laws, rules of the road, and local school bus safety policies;
 - v. handling emergency situations;
 - vi. proper use of seatbelts and child safety restraints;
 - vii. performance of pretrip vehicle inspections;
 - viii. safe loading and unloading of students;
- b. fit all vehicles with a first aid kit, body fluids kit, fire extinguisher, jumper cables, snow brush, reflector triangles, washer fluid, and a seatbelt cutter;
- c. ensure all vehicles are well maintained and that the equipment promotes driver, operator and passenger safety;
- d. follow the maintenance schedule in the vehicle's manual;
- e. encourage safe driving behavior;
- f. ensure all persons driving District #4005 vehicles are MN/WI licensed and pass a license and criminal driving background check. Driving records will be checked annually in September;
- g. maintain proof of insurance in the glove compartment of each vehicle;
- h. ensure that Type III vehicles bear current certificate of inspection;
- i. ensure that students riding the Type III District 4005 vehicles will receive training regarding rules and evacuation procedures;
- j. contact insurance in the event of a serious accident immediately to ensure a proper claim has been filed and accident investigation occurs.

Adopted: January, 2009

Revised: April 2016

736 USE OF SCHOOL CREDIT CARD

I. PURPOSE

The purpose of this policy is to ensure that the school credit card is used in an appropriate and approved manner.

II. GENERAL STATEMENT OF POLICY

- A. The school credit card shall only be used for approved purchases for the school including but not limited to: out of town expenses for administrative authorized travel (airline tickets, hotel, ground travel, car rental), and purchases that do not allow purchase orders.
- B. Request must be approved by Administration or the Business Office prior to the expense on the credit card approval form.
 - a. Expenditure must be in the approved budget.
 - b. Proper documentation (credit card detailed receipt) must be submitted. If a receipt is not provided, the employee is responsible to reimburse the credit card expense. Reimbursement of the expense to the school is due within 24 hours of purchase.
 - c. Under no circumstances shall the credit card be used for personal purchases or to purchase alcohol.
 - d. It is the responsibility of every employee to comply with this policy conscientiously.
 - e. Credit card user is responsible for all sales tax, should it be charged. Reimbursement of tax to the school is due within 24 hours of purchase.

801 EQUAL ACCESS TO SCHOOL FACILITIES

I. PURPOSE

The purpose of this policy is to implement the Equal Access Act by granting equal access to secondary school facilities for students who wish to conduct a meeting for religious, political, or philosophical purposes during non instructional time.

II. GENERAL STATEMENT OF POLICY

- A. The policy of District 4005 is not to deny equal access or a fair opportunity to, or to discriminate against, any students who wish to conduct a meeting, on the basis of the religious, political, philosophical, or other content of the speech at such meetings.
- B. The school board has created a limited open forum for students enrolled in secondary schools during which non curriculum-related student groups shall have equal access and a fair opportunity to conduct meetings during non instructional time.
- C. Student use of facilities under this policy does not imply school district sponsorship, approval, or advocacy of the content of the expression at such meetings.
- D. District 4005 retains its authority to maintain order and discipline on school premises, to protect the wellbeing of students and faculty, and to assure that attendance of students at meetings is voluntary.
- E. In adopting and implementing this equal access policy, District 4005 will NOT:
 - 1. influence the form or content of any prayer or other religious activity;
 - 2. require any person to participate in prayer or other religious activity;
 - 3. expend public funds beyond the incidental cost of providing the space for student-initiated meetings;
 - 4. compel any school agent or employee to attend a school meeting if the content of the speech at the meeting is contrary to the beliefs of the agent or employee;
 - 5. sanction meetings that are otherwise unlawful;
 - 6. limit the rights of groups of students based on the size of the group;
 - 7. abridge the constitutional rights of any person.

III. DEFINITIONS

- A. "Limited open forum" means that the school grants an offering to or opportunity for one or more non curriculum related student groups to meet on school premises during non instructional time.
- B. "Secondary school" means any school with enrollment of pupils ordinarily in grades 7 through 12 or any portion thereof.

- C. "Sponsorship" includes the act of promoting, leading, or participating in a meeting. The assignment of a school employee for custodial, observation, or maintenance of order and discipline purposes does not constitute sponsorship of the meeting.
- D. "Meeting" includes activities of student groups which are permitted under a limited open forum and are not directly related to the school curriculum. Distribution of literature does not constitute a meeting protected by the Equal Access Act.
- E. "Non Instructional time" means time set aside by the school before actual classroom instruction begins or after actual classroom instruction ends, including such other periods that occur during the school day when no classroom instruction takes place.

IV. FAIR OPPORTUNITY CRITERIA

Schools in this school district shall uniformly provide that:

- A. A meeting held pursuant to this policy is voluntary and student-initiated;
- B. There is no sponsorship of the meeting by the school or its agents or employees;
- C. Employees or agents of the school are present at religious meetings only in a non participatory capacity;
- D. The meeting does not materially and substantially interfere with the orderly conduct of educational activities within the school; and
- E. Nonschool persons may not direct, control, or regularly attend activities of student groups.

V. PROCEDURES

- A. Any student who wishes to initiate a meeting under this policy shall apply to the principal of the building at least 48 hours in advance of the time of the activity or meeting. The student must agree to the following:
 - 1. All activities or meetings must comply with existing policies, regulations, and procedures that govern operation of school-sponsored activities.
 - 2. The activities or meetings are voluntary and student-initiated. School Administration may require assurances of this fact.
- B. Student groups meeting under this policy must comply with the following rules:
 - 1. Those attending must not engage in any activity that is illegal, dangerous, or which materially and substantially interferes with the orderly conduct of the educational activities of the school. Such activities shall be grounds for discipline of an individual student and grounds for a particular group to be denied access.
 - 2. The groups may not use the school name, school mascot name, school emblems, District 4005 name, or any name that might imply school or district sponsorship or affiliation in any activity, including fundraising and community involvement.
 - 3. The groups must comply with school policies, regulations and procedures governing school-sponsored activities.

- C. Students applying for use of school facilities under this policy must provide the following information to School Administration: time and date of meeting, estimated number of students in attendance, and special equipment needs.
- D. The Executive Director working with the Business & Facilities Manager has responsibility to:
 - 1. Keep a log of application information.
 - 2. Find and assign a suitable room for the meeting or activity. The number of students in attendance will be limited to the safe capacity of the meeting space.
 - 3. Note the condition of the facilities and equipment before and after use.
 - 4. Assure proper supervision. Assignment of staff to be present in a supervisory capacity does not constitute school district sponsorship of the meeting or activity.
 - 5. Assure that the meeting or activity does not interfere with the school's regular instructional activities.
- E. District 4005 shall not expend public funds for the benefit of students meeting pursuant to this policy beyond the incidental cost of providing space. District 4005 will provide no additional or special transportation.
- F. Non school persons may not direct, conduct, control, or regularly attend meetings and activities held pursuant to this policy.
- G. School district employees or agents may not promote, lead, participate in, or otherwise sponsor meetings or activities held pursuant to this policy.
- H. A copy of this policy and procedures shall be made available to each student who initiates a request to use school facilities.



**Application for Use of Facilities Form
Equal Access Act Meeting**

Statement of Policy

It is the policy of this school district to grant equal access to school facilities for students who wish to conduct a meeting for religious, political, or philosophical discussion during non instructional time, pursuant to the Equal Access Act.

Provision of school facilities does not constitute school district sponsorship of such meeting, and the views expressed therein may or may not reflect those of the school administration, staff, or board of education and are neither approved nor disapproved by them.

Name of student initiating request	
Grade	
Date of Meeting	
Time	
Estimated number to attend	
Special Equipment Needs	

(School District Use Only)

Room Assigned	
Condition of Facilities	
Staff (if any) assigned to supervise	
Notes	

801-A

806 CRISIS MANAGEMENT POLICY

I. PURPOSE

The purpose of this Model Crisis Management Policy is to act as a guide for District 4005 administrators, school employees, students, school board members, and community members to address a wide range of potential crisis situations in the school district. The step-by-step procedures suggested by this Policy will provide guidance to the Executive Director in drafting crisis management plans to coordinate protective actions prior to, during, and after any type of emergency or potential crisis situation.

District #4005 will, to the extent possible, engage in ongoing emergency planning within the school district and with emergency responders and other relevant community organizations. District #4005 will ensure that relevant emergency responders in the community have access to the building-specific crisis management plans and will provide training to school district staff to enable them to act appropriately in the event of a crisis.

II. GENERAL INFORMATION

A. The Policy and Plans

District #4005 Crisis Management Policy has been created in consultation with local community response agencies and other appropriate individuals and groups that would likely be involved in the event of a school emergency. It is designed so that the Executive Director can tailor a building-specific crisis management plan to meet that building's specific situation and needs.

District #4005 administration shall present tailored building-specific crisis management plans to the school board for review and approval. The building-specific crisis management plans will include general crisis procedures and crisis-specific procedures. Upon approval by the school board, such crisis management plans shall be an addendum to this Crisis Management Policy. This Policy and the plans will be maintained and updated on an annual basis.

B. Elements of the District Crisis Management Policy

1. General Crisis Procedures. The Crisis Management Policy includes general crisis procedures for securing buildings, classroom evacuation, building evacuation, campus evacuation, and sheltering. The Policy designates the individual(s) who will determine when these actions will be taken. These district-wide procedures may be modified by building administrators when creating their building-specific crisis management plans. A communication system will be in place to enable the designated individual to be contacted at all times in the event of a potential crisis, setting forth the method to contact the designated individual, the provision of at least two designees when the contact person is unavailable, and the method to convey contact information to the appropriate staff persons. The alternative designees may include members of the emergency first responder response team. A secondary method of communication should be included in the plan for use when the primary method of communication is inoperable. School Administration will have access to a copy of the Comprehensive School Safety Guide (2011 Edition) to assist in the development of building-specific crisis management plans.

All general crisis procedures will address specific procedures for the safe evacuation of children and employees with special needs such as physical, sensory, motor, developmental, and mental health challenges.

- a. Lock-Down Procedures. Lock-down procedures will be used in situations where harm may result to persons inside the school building, such as a shooting, hostage incident, intruder, trespass, disturbance, or when determined to be necessary by the building administrator or his or her designee. The building administrator or designee will announce the lock-down through a designated system. Code words will not be used. Provisions for emergency evacuation will be maintained even in the event of a lock-down. Each building administrator will submit lock-down procedures for their building as part of the building-specific crisis management plan.
- b. Evacuation Procedures. Evacuations of classrooms and offices shall be implemented at the discretion of the building administrator or his or her designee. Each building's crisis management plan will include procedures for transporting students and staff a safe distance from harm to a designated safe area until released by the building administrator or designee. Safe areas may change based upon the specific emergency situation. The evacuation procedures should include specific procedures for children with special needs, including children with limited mobility (wheelchairs, braces, crutches, etc.), vision needs, hearing loss, and other sensory, developmental, or mental health needs. The evacuation procedures should also address transporting necessary medications for students that take medications during the school day.
- c. Sheltering Procedures. Sheltering provides refuge for students, staff, and visitors within the school building during an emergency. Shelters are safe areas that maximize the safety of inhabitants. Safe areas may change based upon the specific emergency. The building administrator or his or her designee will announce the need for sheltering over through a designated system. The Executive Director will submit sheltering procedures the building as part of the building-specific crisis management plan.

2. Crisis-Specific Procedures. The Crisis Management Policy includes crisis-specific procedures for crisis situations that may occur during the school day or at school-sponsored events and functions. These district-wide procedures are designed to enable building administrators to tailor response procedures when creating building-specific crisis management plans.

3. School Emergency Response Teams

- a. Composition. The Executive Director will select a school emergency response team that will be trained to respond to emergency situations. All school emergency response team members will receive on-going training to carry out the building's crisis management plans and will have knowledge of procedures, evacuation routes, and safe areas. For purposes of student safety and accountability, to the extent possible, school emergency response team members will not have direct responsibility for the supervision of students. Team members must be willing to be actively involved in the resolution of crises and be available to assist in any crisis situation as deemed necessary by the building administrator. A current list of school emergency response team members which will be maintained and updated annually. The Executive Director, and his or her alternative designees, will know the location of

that list in the event of a school emergency. A copy of the list will be kept on file in the front office, or in a secondary location.

- b. **Leaders.** The Executive Director or his or her designee will serve as the leader of the school emergency response team and will be the primary contact for emergency response officials. In the event the primary designee is unavailable, the designee list should include more than one alternative designee and may include members of the emergency response team. When emergency response officials are present, they may elect to take command and control of the crisis. It is critical in this situation that school officials assume a resource role and be available as necessary to emergency response officials.

III. **PREPARATION BEFORE AN EMERGENCY**

A. **Communication**

1. **District Employees.** Teachers generally have the most direct contact with students on a day-to-day basis. As a result, they must be aware of their role in responding to crisis situations. This also applies to non-teaching school personnel who have direct contact with students. All staff shall be aware of District #4005 Crisis Management Policy and crisis management plan. The building-specific crisis management plan shall include the method and dates of dissemination of the plan to its staff. Employees will receive a copy of the relevant building-specific crisis management plans and shall receive periodic training on plan implementation.
2. **Students and Parents.** Students and parents shall be made aware of District #4005's Crisis Management Policy and building crisis management plans. The building-specific crisis management plan shall set forth how students and parents are made aware of the district and school-specific plans. Students shall receive specific instruction on plan implementation and shall participate in a required number of drills and practice sessions throughout the school year.

B. **Planning and Preparing for Fire**

1. Designate a safe area at least 50 feet away from the building to enable students and staff to evacuate. The safe area should not interfere with emergency responders or responding vehicles and should not be in an area where evacuated persons are exposed to any products of combustion. (Depending on the wind direction, where the building on fire is located, the direction from which the fire is arriving, and the location of fire equipment, the distance may need to be extended.)
2. The facility diagram and site plan shall be available in appropriate areas of the building and shall identify the most direct evacuation routes to the designated safe areas both inside and outside of the building. The facility diagram and site plan must identify the location of the fire alarm control panel, fire alarms, fire extinguishers, hoses, water spigots, and utility shut offs.
3. Teachers and staff will receive training on the location of the primary emergency evacuation routes and alternate routes from various points in the building. During fire drills, students and staff will practice evacuations using primary evacuation routes and alternate routes.
4. Certain employees, such as those who work in hazardous areas in the building, will receive training on the locations and proper use of fire extinguishers and protective clothing and equipment.

5. Fire drills will be conducted periodically without warning at various times of the day and under different circumstances, e.g., lunchtime, recess, and during assemblies. State law requires a minimum of five fire drills each school year, consistent with Minn. Stat. § 299F.30. See Minn. Stat. § 121A.035. Two more fire drills may be scheduled during ESY (Summer Session).
6. A record of fire drills conducted at the building will be maintained in the front office.
7. District #4005 will have prearranged sites for emergency sheltering and transportation as needed.
8. The Executive Director will determine which staff will remain in the building to perform essential functions if safe to do so (e.g., switchboard, building engineer, etc.). The Executive Director also will designate an administrator or his or her designee to meet local fire or law enforcement agents upon their arrival.

C. Facility Diagrams and Site Plans

The building will have a facility diagram and site plan that includes the location of primary and secondary evacuation routes, exits, designated safe areas inside and outside of the building, and the location of fire alarm control panel, fire alarms, fire extinguishers, hoses, water spigots, and utility shut offs. All facility diagrams and site plans will be updated regularly and whenever a major change is made to a building. Facility diagrams and site plans will be maintained by the Executive Director and will be easily accessible and on file in the front office. Facility diagrams and site plans will be provided to first responders, such as fire and law enforcement personnel.

D. Emergency Telephone Numbers and Contacts

A current list of emergency telephone numbers and the names and addresses of local, county, and state personnel who may be involved in a crisis situation. The list will include telephone numbers for local police, fire, ambulance, hospital, the Poison Control Center, county and state emergency management agencies, local public works departments, local utility companies, the public health nurse, mental health/suicide hotlines, and the county welfare agency. A copy of this list will be kept on file in the front office, or at a secondary location, and updated annually.

District #4005 employees will receive training on how to make emergency contacts, including 911 calls.

District #4005 building plans will set forth a process to internally communicate an emergency, as well as the procedure to enable the staff to rapidly convey emergency information to a building designee. Each plan will identify a primary and secondary method of communication for both internal and secondary use. It is recommended that the plan include several methods of communication because computers, intercoms, telephones, and cell phones may not be operational or may be dangerous to use during an emergency.

E. Warning and Notification Systems

District #4005 shall maintain a warning system designed to inform students, staff, and visitors of a crisis or emergency. This system shall be maintained on a regular basis under the maintenance plan the school

building. An alternate notification system should be considered to address the needs of staff and students with additional needs, such as vision/ hearing.

The Executive Director shall be responsible for informing students and employees of the warning system and the means by which the system is used to identify a specific crisis or emergency situation. The building-specific crisis management plan will include the method and frequency of dissemination of the warning system information to students and employees.

F. Early School Closure Procedures

The Executive Director will make decisions about closing school or buildings as early in the day as possible. The early school closure procedures will set forth the criteria for early school closure (e.g., weather-related, utility failure, or a crisis situation), will specify how closure decisions will be communicated to staff, students, families, and the school community (designated broadcast media, local authorities, e-mail, or district or school building web sites), and will discuss the factors to be considered in closing and reopening a school or building.

Early school closure procedures also will include a reminder to parents and guardians to listen to designated local radio and TV stations for school closing announcements, where possible.

G. Media Procedures

The Executive Director has the authority and discretion to notify parents or guardians and the school community in the event of a crisis or early school closure. The Executive Director will designate a spokesperson who will notify the media in the event of a crisis or early school closure. The spokesperson shall receive training to ensure that the district is in strict compliance with federal and state law relative to the release of private data when conveying information to the media.

H. Behavioral Health Crisis Intervention Procedures

Short-term behavioral health crisis intervention procedures will set forth the procedure for initiating behavioral health crisis intervention plans. The procedures will utilize available resources including the school psychologist, counselor, community behavioral health crisis intervention, or others in the community. Counseling procedures will be used whenever the Executive Director or the building administrator determines it to be necessary, such as after an assault, a hostage situation, shooting, or suicide. The behavioral health crisis intervention procedures shall include the following steps:

1. Administrator will meet with relevant persons, including school psychologists and counselors, to determine the level of intervention needed for students and staff.
2. Designate specific rooms as private counseling areas.
3. Escort siblings and close friends of any victims as well as others in need of emotional support to the counseling areas.
4. Prohibit media from interviewing or questioning students or staff.
5. Provide follow-up services to students and staff who receive counseling.
6. Resume normal school routines as soon as possible.

I. Long-Term Recovery Intervention Procedures

Long-term recovery intervention procedures may involve both short-term and long-term recovery planning:

1. Physical/structural recovery.
2. Fiscal recovery.
3. Academic recovery.
4. Social/emotional recovery.

IV. SAMPLE PROCEDURES INCLUDED IN THIS POLICY

Sample procedures for the various hazards/emergencies listed below are attached to this Policy for use when drafting specific crisis management plans. Additional sample procedures may be found in the Response section of the Comprehensive School Safety Guide (2011 Edition). After approval by the school board, an adopted procedure will become an addendum to the Crisis Management Policy (Addendum A).

- A. Fire
- B. Hazardous Materials
- C. Severe Weather: Tornado/Severe Thunderstorm/Flooding
- D. Medical Emergency
- E. Fight/Disturbance
- F. Assault
- G. Intruder
- H. Weapons
- I. Shooting
- J. Hostage
- K. Bomb Threat
- L. Chemical or Biological Threat
- M. Checklist for Telephone Threats
- N. Demonstration
- O. Suicide

- P. Lock-down Procedures
- Q. Shelter-In-Place Procedures
- R. Evacuation/Relocation
- S. Media Procedures
- T. Post-Crisis Procedures
- U. School Emergency Response Team
- V. Emergency Phone Numbers
- W. Highly Contagious Serious Illness or Pandemic Flu

V. MISCELLANEOUS PROCEDURES

A. Chemical Accidents

Procedures for reporting chemical accidents shall be posted at key locations such as chemistry labs, art rooms, swimming pool areas, and janitorial closets.

B. Visitors

District #4005 shall implement procedures mandating visitor sign in and visitors in school buildings.

District #4005 shall implement procedures to minimize outside entry into the school building except at designated check-in points and assure that all doors are locked prior to and after regular building hours.

Addendum A



Crisis Management Procedures/ Plans

A. Fire

- a. School preparation before the emergency:
 1. District #4005' safe areas are: the grassy area to the south of the main entrance and the parking lot on the west side of the building.
 2. District #4005's evacuation plan is posted in each room of the building.
 3. Teachers and employees are trained regarding the main emergency evacuation routes and alternate routes from various points in the building.
 4. Five fire drills will be conducted periodically and at irregular times with warning.
 5. A record of fire drills conducted at the building will be maintained in the front office.
 6. District #4005 has a prearranged sites for emergency sheltering and transportation as needed.
 7. The Executive Director or Dean of Students (in the absence of the Director) will determine which employees will remain in the building to perform essential functions as long as it is safe to do so at the time of the emergency. District #4005 also designates the Business Manager/Administrative Assistant as the responsible adult to meet with local fire or law enforcement agents upon their arrival.
- b. Procedures at the time of the emergency:
 1. Pull the fire alarm and evacuate the building.
 2. The Business Manager will meet the local fire or law enforcement agents upon arrival and give them an update and facility diagram.
 3. The Business manager will report the incident (even if it is a false alarm) to the local fire service as required by law.
- c. Procedures for teachers:
 1. During an evacuation, make sure all student and adult have left the room. Turn off the lights, close the classroom door but leave it unlocked.

2. Lead all students in an orderly and efficient manner to the safe area. Do not allow students to stop at lockers to get books, sweaters, jackets, or other personal belongings.
 3. The first person to reach any door should feel the door to see if it is hot. If it is not hot, open it and proceed slowly and low to the floor. If it is hot, the teacher will quickly find an alternate route and lead the students in an orderly manner along the alternate route.
 4. Follow specialized evacuation procedures for disabled persons as outlined in the student's IEP.
- d. At the safe area:
1. When the group arrives at the safe area, count your students and report any missing students to the Secretary.
 2. Do not block any door or gate that may be used by emergency response personnel.
 3. While at the safe area, teachers supervise the group closely. There may be a great deal of confusion and emergency vehicles will need access to the site.
 4. Do not re-enter any school buildings until fire department officials declare them safe and authorize re-entry. This will be communicated by the Executive Director or Dean of Student (designee).

B. Severe Weather

- a. Tornado/Severe Thunderstorm/Indoor Shelter. These procedures are for any weather situation in which students and employees should remain in the building and seek shelter.
 1. Procedures before the emergency:
 - i. District #4005 will identify both potential problem areas on the campus and areas with the highest degree of safety for students and employees. *Unsafe* areas include rooms with large unsupported roof spans, large windows, or rooms located where they will receive the full force of the wind such as upper floor gymnasiums and auditoriums. *Safe* areas include small rooms with few windows, on the lowest floor of the building, and at the interior of the building, such as restrooms, locker/shower areas, basement gymnasiums, and closets.
 - ii. Facility diagrams are posted in each classroom/office/work area.
 - iii. Provide training to appropriate employees, including the crisis response team, on how to deal with inoperative communication systems, absence of natural light in a power outage, inoperative devices in a building with students who have special needs, and inoperative refrigeration systems, alarms, heating and cooling systems.
 - iv. Review "drop and tuck" procedures with students.
 - v. Keep a record of all tornado drills performed at the building in the front office.

- vi. There will be at least one tornado drill each school year.
2. Procedures when a tornado/severe thunderstorm **watch** has been issued:

A tornado/severe thunderstorm watch is issued when weather conditions are prime for the formation of a tornado or severe thunderstorm, but none have been spotted so far.

- i. Monitor Emergency Alert Stations.
 - ii. Bring all persons inside the building. Keep students, employees, and visitors inside the building.
 - iii. Close windows and blinds.
 - iv. Review tornado drill procedures and the location of the closest safe areas.
 - v. Review “drop and tuck” procedures with students.
 - vi. Communicate with staff regarding the tornado watch.
3. Procedures when a tornado/severe thunderstorm **warning** has been issued:

A tornado/severe thunderstorm warning is issued when a tornado or severe thunderstorm has developed and has been spotted in the area. This is a more imminent threat.

- i. Activate the tornado alarm.
 - ii. Evacuate unsafe classrooms and offices. Close the classroom door but do not lock it.
 - iii. Move along inside walls to the safest areas of the building.
 - iv. Ensure that students are in the “tuck” position.
 - v. Account for all students and employees. Report any missing students or employees to the Executive Director or Dean of Student (designee) when it is safe to do so.
 - vi. School Administration will monitor any changes in the weather.
 - vii. Remain in the safe area in the tuck position until the warning expires or emergency response personnel have turned off the blue tornado alarm.
4. Procedures after the emergency:
 - i. Notify the utility company if a break is suspected in the building gas, water, or electrical lines.
 - ii. Check utilities and electrical devices for damage due to any outage.
 - b. Flooding/Evacuation. These procedures are for any weather situation which requires students and employees to evacuate the building.

Procedures for the administration if District #4005 is in an area where a flood watch has been issued:

1. Monitor weather conditions by using weather alert radios, an AM/FM radio, or contact local emergency management officials regarding the emergency condition.
2. Keep employees posted of changes or emergencies.
3. Review evacuation procedures with employees and prepare students.
4. Check relocation centers and secure transportation to them.

Procedures for buildings in an area where a flood warning has been issued:

1. If advised by local emergency management officials to evacuate, do so immediately.
2. Follow evacuation procedures; teachers take class rosters.
3. Turn off utilities in the building and lock the doors.
4. Take attendance after evacuation to the shelter. Report any missing students to the building administrator.
5. Notify parents or guardians per school district policies.
6. Stay with the students until released to a parent or guardian.

C. Assault/Fight

These procedures apply to close contact physical confrontations including fist-fights, knife assaults, and the use of other weapons which require close proximity to result in a significant physical threat.

Procedures:

- a. Ensure the safety of all students and employees.
- b. Contact the director or **911**, if necessary.
- c. Approach in a calm and controlled manner. If possible, address the combatants by name and use a distraction to defuse the situation.
- d. Control the scene and demand that the combatants stop; clear onlookers.
- e. Contact CPR/first aid certified persons in the school building to handle medical emergencies until local law enforcement agents arrive, if necessary.
- f. Escort the combatants to the office keeping them away from each other and other students.
- g. Seal off the area where the assault took place.
- h. Notify Administration. Administration will:

1. Notify the combatants' parent(s) or guardian(s), as appropriate.
2. Investigate by means such as obtaining statements from the combatants and witnesses; deal with the situation in accordance with school district discipline and harassment and violence policies, as appropriate.
3. Notify law enforcement, as appropriate, if a weapon was used, the victim has a physical injury causing substantial pain or impairment, or the assault involved sexual contact (intentional touching of anus, breast, buttocks, or genitalia of another person in a sexual manner without consent, including touching of those areas covered by clothing).
 - i. Assess counseling needs of victim(s) or witness(es). Initiate the grief-counseling plan, if necessary.
 - j. Document all activities.

D. Bomb Threat

A bomb threat should always be considered a real and immediate danger to students and employees and requires an immediate response by the person receiving the bomb threat message. Consequently, all employees should be familiar with the bomb threat procedures established by District #4005. **No bomb threat will be disregarded as being a prank call.**

It is important that all employees be knowledgeable in the procedures to initiate evacuation, in the notification of local law enforcement agencies and appropriate personnel, and in the steps to take before the site is cleared for reentry. All employees should be aware of the location of bomb threat procedures.

If the Executive Director determines it is necessary to evacuate the campus, local law enforcement agents should be consulted to determine how parents and guardians can be notified, school facilities can be protected, and crowd control can be provided, if needed.

At least one bomb threat drill should be conducted each school year. Because evacuation of the students and employees is the response used for a number of other crises in addition to bomb threats, employees members will probably not be aware they are evacuating because of a bomb threat. Therefore, it is good practice that whenever exiting the classrooms or work areas for any kind of drill, all personnel should quickly inspect their work area for anything unusual or out of place and be aware of any unusual or suspicious persons on the site.

Never attempt to touch, move, dismantle, or carry any object that is suspicious.

- a. Procedures for bomb threat recipient:
 1. ***If you receive a bomb threat by written message***, preserve the note for the police by touching it as little as possible and placing it in a document protector or plastic bag, if available. Go to Step 2.

If you receive a bomb threat by telephone:

 - i. Record exactly what the caller says. Activate caller ID where available. Complete the "*Bomb Threat Phone Report*" and the "*Caller Identification Checklist*."

- ii. Remain calm, be firm, keep the caller talking. Listen carefully to the caller's voice, speech patterns, and to noises in the background.
 - iii. After hanging up the phone, immediately dial the callback service in your area to trace the call, if possible.
2. Notify Administration.
3. Call **911** and report the bomb threat.
4. Notify Administration to report the incident and any action taken so far.
5. DO NOT activate the fire alarm since the noise may detonate some bombs. A announcement should be made to initiate building evacuation; do not mention "bomb threat."
6. Students and employees may be evacuated from the building and proceed to the designated safe area away from the building. Close the classroom door but leave it unlocked. Teachers take class rosters. Once evacuated, roll call should be taken. Notify the Executive Director of any missing students or employees.
7. If the bomb threat message contained a specific time of detonation, the building will not be cleared for reentry until a significant period of time has lapsed after that time, no matter how thorough a check was conducted.
8. When reentry is permitted, employees should once again visually inspect their classrooms and work areas for unusual items before allowing students to enter.
9. Notify parents and guardians per school district policies.

E. Demonstration or Disturbance

These procedures are for dealing with anyone causing or participating in a demonstration or disturbance at the building: individual students, student groups, or outside individuals or groups not associated with the building.

Procedures:

- a. Notify Administration of the disturbance.
- b. During the disturbance, the Executive Director will take corrective action, such as:
 1. Ask the demonstrators to disperse.
 2. Notify the local law enforcement agency, if necessary.
 3. Contain the disturbance by sealing off the area, to the extent possible.
 4. Secure the building, if necessary.
 5. Relocate people involved in the disturbance to an isolated area, to the greatest extent possible.

- c. During the disturbance, teachers should:
 1. Keep students in classroom, close the door and close the shades. Do not allow students out of the classroom until the Director gives an all-clear signal.
 2. Make a list of students absent from the class.

F. Hazardous Materials

If a major chemical accident necessitates student and employees evacuation, the fire department or other appropriate agency will be consulted and may take command and control of the situation.

Procedures for reporting chemical accidents should be posted at key locations (i.e., chemistry labs, art rooms, pool area, janitorial closets). District #4005 will maintain Material Safety Data Sheets (M.S.D.S.) for all chemicals on campus. State law, federal law, and OSHA require that pertinent employees are aware of where to access these sheets in the case of a chemical accident.

Procedures for on-site chemical accidents:

- a. Determine the name of the chemical, where it is located, and whether or not it is spreading rapidly. Attempt to contain the spill or area around it. Close doors. School personnel should not attempt to clean up or remove the spill – leave that for trained personnel. Refer to the M.S.D.S. for guidance.
- b. Notify Administration about the accident.
- c. Relocate students and employees to safe areas, upwind of the accident. Take roll call and immediately report any missing students to the Executive Director.
- d. Call **911** (the fire department will contact the local hazardous materials team).
- e. Seek treatment for any students or employees exposed to the chemical through inhalation, skin exposure, swallowing, or eye exposure.
- f. Designate an administrator to meet with fire or law enforcement agents upon arrival. Give them an update, a facility diagram and a site plan when they arrive.

Procedures for off-site chemical accidents:

- a. When evacuation of the area is necessary, students and employees will be directed to a specific relocation area by local emergency management officials involved.
- b. If students are evacuated, notify parents and guardians per school district policies.
- c. Evacuation may be made to a relocation center designated in advance by a building administrator if a specific alternative assignment is not made by response agency officials.

G. Intruder/Hostage

Individuals who pose a possible threat could include a sniper on campus, someone who may attempt to abduct or injure a student, or any unauthorized visitor without a legitimate purpose. It may be a law

enforcement agency who notifies the school or school district of the dangerous situation, or it may be school personnel who first recognize the danger.

a. Procedures before the emergency:

1. Implement lock-down procedures to secure the school building, to keep students inside and keep the danger outside of the building away from students and employees. The lock down alert/alarm should be set to alert employees when the school building will be secured and lock-down procedures initiated.

b. Procedures for the employees member who sees an unauthorized intruder:

1. If possible, have another employee accompany you when approaching an intruder that does not indicate a potential for violence.
2. Politely greet the intruder and identify yourself.
3. Ask the intruder to identify himself or herself and to state what is the purpose of his or her visit.
4. Inform the intruder that all visitors must register at the main office.
5. If the intruder's purpose is not legitimate, ask him/her to leave and accompany intruder to exit if possible, or arrange for someone else to accompany the intruder.
6. If the intruder refuses to leave or is a repeat offender, warn him or her of the consequences of staying on school property. Inform him or her that the police will be contacted.
7. If the intruder still refuses to comply, notify the Executive Director and give as complete a description of the person as possible.
8. Walk away from the intruder if the intruder indicates a potential for violence. Do not attempt to disarm anyone with a weapon or physically restrain anyone who may be capable of inflicting bodily harm. Monitor the intruder leaving campus, if possible.
9. Call **911** and provide law enforcement agents with as much identifying information as possible (physical description, location in the school building, where the person is going, if the intruder is armed).

c. Witness to a hostage situation:

1. If the hostage taker is unaware of your presence, do not intervene.
2. Call **911** immediately, if possible. Give the dispatcher details of the situation, ask for assistance from the hostage negotiation team.
3. Seal off the area near hostage situation, to the extent possible.
4. Notify the Executive Director who may elect to evacuate the rest of the building.
5. The police or hostage negotiation team will assume command and control of the situation when they arrive

- d. If taken hostage:
 - 1. Follow instructions of the hostage taker.
 - 2. Try not to panic. Calm students if they are present.
 - 3. Treat the hostage taker as normally as possible. Be respectful. Ask permission to speak. Do not argue or make suggestions.
- e. Procedures after the emergency:
 - 1. The Executive Director will handle media calls, questions, and contacts.
 - 2. Prepare a news/information release, as appropriate.
 - 3. Prepare a parent and guardian letter, as appropriate.
 - 4. Hold an information meeting with all employees.
 - 5. Initiate the grief-counseling plan, if appropriate.

H. Shooting

These procedures apply to snipers inside or outside of the school building or any other firearm threat that poses an immediate danger. The threat may also result from an intruder or from participants in a demonstration.

- a. Procedures for employees and students if a person threatens with a firearm or begins shooting:
 - 1. **If outside**, employees and students should go inside the building as soon as possible. If employees or students cannot get inside, they should make themselves as compact as possible, put something between themselves and the shooter, and not gather in groups.
 - 2. **If inside**, employees, students and visitors should turn off the lights, lock all doors and windows, and close the curtains, if it is safe to do so.
 - 3. Employees, students and visitors should crouch under desks without talking and remain there until an all-clear signal is given by the building administrator.
 - 4. If safe to do so, employees should check the halls for wandering students who are not the threat and bring them immediately into a classroom, even if they are from another classroom. When it is safe to do so, employees should notify the office if students from another class are in their room.
 - 5. Take roll call and notify the Director of any missing students or employees, when it is safe to do so.
- b. Procedures for the Executive Director if a person threatens with a firearm or begins shooting:

1. Assess the situation as to:
 - i. Shooter's location,
 - ii. Injuries, and
 - iii. Potential for additional shooting.
2. Call **911** and give them as much detail as possible about the situation.
3. Secure the school building, if appropriate.
4. Assist students and employees in evacuating from immediate danger to a safe area.
5. Care for the injured to the extent practicable until emergency personnel arrive.
6. Refer media calls, contacts, and questions to District #4005 spokesperson.
7. Meet with the Executive Director to prepare a news or information release.
8. Notify parents and guardians per school district policies, if appropriate.
9. Hold an information meeting with all employees, if appropriate.
10. Initiate the grief-counseling plan, if appropriate.

I. Suicide

- a. Procedures for a suicide attempt:
 1. Intervene prior to an attempted suicide, as appropriate. Try to calm the suicidal person.
 2. Prevent others from witnessing a traumatic event, if possible. Isolate the suicidal person or victim from other persons. Remain calm and reassure students.
 3. Call **911** if the person dies, needs medical attention, has a weapon, or needs to be restrained.
 4. Notify Administration..
 5. The Executive Director or Dean of Students will activate the crisis response team.
 6. Stay with the person until mental health team personnel/suicide intervention arrives. **DO NOT LEAVE A SUICIDAL PERSON ALONE.**
 7. Designate a responsible adult to meet with emergency personnel upon arrival.
 8. The Executive Director will notify the parent(s) or guardian(s) if the suicidal person or victim is a student, or a family member if the person is an employee.

9. The Executive Director may arrange a meeting with parents and the school psychologist or social worker to determine a course of action.
10. Determine method of notifying students, employees and parents, as appropriate.
11. Initiate the grief-counseling plan, if appropriate.

J. Terrorism (Chemical or biological threat)

- a. Upon receiving a chemical or biological threat phone call:
 1. Complete the “*Chemical/Biological Threat Phone Report*” and “*Caller Identification Checklist*.”
 2. Listen closely to the caller’s voice, speech patterns, and to noises in the background.
 3. After hanging up the phone, immediately dial the callback service in your area to trace the call, if possible.
 4. Notify the building administrator who is responsible for notifying the local law enforcement agency.
 5. The building administrator may order an evacuation of all persons inside the school building(s), or other actions, per school district policies.
- b. Upon receiving a chemical or biological threat letter:
 1. Minimize the number of people who come into contact with the letter by immediately limiting access to the area in which the letter was discovered.
 2. Seal the letter in a zip-lock bag or another envelope.
 3. Call **911** first, then the Minnesota Duty Officer at 1-800-422-0798. The backup number is 651-649-5451.
 4. Separate “involved” people from the rest of the students and employees for investigation. Involved people are those who had direct contact with the letter or were in the immediate area when the letter was opened.
 5. Remove “uninvolved” people from the immediate area. Uninvolved people had no contact with the letter and were not in the immediate area when the letter was opened.
 6. Ask “involved” people to remain calm until emergency response officials arrive.
 7. Ask “involved” people to minimize their contact with the letter and the surrounding area; the area should now be considered a crime scene.
 8. Get advice of emergency response officials regarding decontamination and change of clothing for persons who opened or handled the letter without gloves.

c. Evacuation procedures:

1. School Administration should notify employees and students of evacuation.
2. Lead students calmly to the nearest designated safe area away from the school building.
3. Teachers take roll call after the evacuation. Immediately report any missing students to the building administrator.
4. Students and employees who were “involved” in receiving the threat (by telephone or letter) will be evacuated as a group, separate from “uninvolved” students and employees.
5. School Administration will announce the termination of the emergency after consulting with emergency response officials.
6. Notify parents and guardians per school district policies.
7. Notify the media per school district policies, if appropriate.

K. Utility Emergency

A utility emergency will impact energy distribution. Ice, wind, and snow storms can pull down electrical power and telephone lines. Natural disasters can disrupt electrical transmission and communication lines.

1. Administration will identify what utility services are disrupted, how this disruption will affect school, and determine if the safety and security of staff and students is threatened.
2. The Executive Director or Designee will determine if school needs to be cancelled and handle dismissal and notification of parents accordingly.

L. Weapons

- a. If a student or employee is aware of a weapon brought to school:
 1. Immediately notify the Executive Director.
 2. Tell them the name of the person suspected of bringing the weapon, where the weapon is located, if the suspect has threatened anyone, or any other details that may prevent the suspect from hurting someone or himself or herself.
 3. If a teacher suspects that a weapon is in the classroom, he or she should confidentially notify a neighboring teacher or the building administrator. Do not leave the classroom.
- b. Procedures for the Executive Director if a weapon is suspected:
 1. Call the local law enforcement agency if a weapon is reasonably suspected to be in the building or on school grounds.

2. Isolate the suspect from the weapon, if possible. If the suspect threatens with the weapon, do not try to disarm the suspect. Back away with arms up. Stay calm.
3. Ask another administrator or police liaison to join in questioning the suspected student or employee.
4. Accompany the suspect to a private office and wait for local law enforcement agents.
5. Inform the suspect of his or her rights before you conduct a search of their property, if appropriate.
6. Document the incident and report it, if appropriate. (Minn. Stat. § 121A.06 – Reports of dangerous weapon incidents in school zones.)
7. Notify parents or guardians if the suspect is a student and explain to them why a search was conducted and the results of the search.

AFTER THE TRAUMATIC INCIDENT

Grief/trauma Counseling Plan

- A. Executive Director will call Regions Wellness Health Program for the Deaf and Hard of hearing immediately at 651-254-4786 v or 651-254-1888 tty for a counselor specializing in grief/trauma counseling.
- B. Executive Director will give basic instruction to teachers on dealing with the students.
- C. An emergency meeting will be called. The participants of the meeting shall be: Executive Director, Dean of Students, Business Manager, Administrative Assistant, Mental Health Team, and Team Leaders. The emergency meeting will coordinate and plan the services needed for the students and employees.
- D. All employees members will need to calm down the students and the mental health team will provide support to teachers and students as needed.
- E. Employees member can request for counseling for themselves if needed.
- F. The mental health team will work with the counselor from Regions on providing services to the students.
- G. The mental health team will maintain services with the student and refer some students to Regions depending on the severity of the traumatic experience.

Revised: May 2016

902 USE OF SCHOOL DISTRICT FACILITIES AND EQUIPMENT

I. PURPOSE

The purpose of this policy is to provide guidelines for community use of school facilities and equipment.

II. GENERAL STATEMENT OF POLICY

The School Board encourages maximum use of school facilities and equipment for community purposes if, in School Administration's judgment, that use will not interfere with use for school purposes.

III. GENERAL COMMUNITY USE OF SCHOOL FACILITIES

- A. The School Board may authorize the use of school facilities by community groups or individuals. It may impose reasonable regulations and conditions upon the use of school facilities as it deems appropriate.
- B. Requests for use of school facilities by community groups or individuals shall be made through the District #4005 Business Office. The administration will present recommended procedures for the processing and review of requests to the school board. Upon approval by the school board, such procedures shall be an addendum to this policy.
- C. The School Board may require a rental fee for the use of school facilities. Such fee may include the cost of custodial and supervisory service if deemed necessary. It also may require a deposit or surety bond for the proper use and repair of damage to school facilities. A rental fee schedule, deposit or surety bond schedule, and payment procedure shall be presented for review and approval by the school board.
- D. When emergencies or unusual circumstances arise that necessitate rescheduling the use of school facilities, every effort will be made to find acceptable alternative meeting space.

IV. USE OF SCHOOL EQUIPMENT

The Executive Director in conjunction with the business office will present a procedure to the school board for review and approval regarding the type of equipment that is available for community use, the extent to which it may be utilized, and the manner by which it may be scheduled for use and any charges to be made relating thereto. Upon approval of the school board, such procedure shall be an addendum to this policy.

V. RULES FOR USE OF FACILITIES AND EQUIPMENT

The school board expects members of the community who use facilities and equipment to do so with respect for school district property and an understanding of proper use. Individuals and groups shall be responsible for damage to facilities and equipment. A certificate of insurance may be required by the school district to ensure payment for these damages and liabilities for injuries.

VI. PROCEDURES for USE OF FACILITIES AND EQUIPMENT

The following procedures must be followed in order to secure permission to use District #4005' building for

personal or organizational use in the evenings or on weekends. The person/group making this request is hereinafter referred to as the Renter.

A Building Use Request Form must be filled out and submitted to District #4005's business office 10 days in advance of the date needed. Once approved, a permit will be issued to the renter for use of the building.

The building is available to rent between 6:00 a.m. and 10:00 p.m. daily.

Fee Schedule: (The Parent Teacher Group for District #4005 is exempt from these fees)

Gymnasium - \$20/hr max \$150/day

Gymnasium/Cafeteria - \$25/hr max \$175/day

Cafeteria/Kitchen - \$15/hr max \$100/day

Classroom/Media Center/Conference Room - \$10/hr max \$75/day

A building monitor will be assigned the entire time the building is being used. 75% of the fees collected will be paid to the monitor and 25% will be used to cover building expenses.

The Renter is responsible for setting up and taking down as needed.

If the cafeteria is used for refreshments, the Renter is responsible for clean up. This includes any dishes and utensils used as well as disposing of garbage in outside garbage bin.

No one is permitted to use the computer lab.

Due to liability issues, use of some District #4005 equipment is not permitted. This includes but is not limited to computers, SMART boards, LCD projectors and digital cameras.

The Renter must supply all materials to be used including but not limited to dry erase markers, copy paper etc.

If the Renter brings children:

No children are permitted in the any of the classrooms.

All children must be supervised. District #4005 is NOT responsible for accidents. This includes the outdoor playground area.

Games, toys and other materials for children must be supplied by the Renter. District #4005 materials are for instructional purposes only and are not to be used.